
Appeal Decision

Site visit made on 4 October 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th October 2016

Appeal Ref: APP/C1570/W/16/3152562

The Old Chalk pit, Walden Road, Great Chesterford, Saffron Walden, Essex CB10 1PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs N Malone against the decision of Uttlesford District Council.
 - The application Ref UTT/15/3481/FUL, dated 17 November 2015, was refused by notice dated 18 January 2016.
 - The development proposed is the erection of a dwelling and garage and change of use to C3 use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the proposal would amount to sustainable development having regard to the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located on the north-east side of Walden Road (B184), to the south-east of the village of Great Chesterford. The site was formally a chalk pit which has been subsequently restored. The land rises away from Walden Road, with bush and tree screening. There is a public footpath to the north of the site with agricultural land to the north, south and east. The village of Great Chesterford can be reached via a metalled footway along the B184 to the High Street junction and also via a footpath to Rose Lane (which links into High Street).
 4. It is common ground between the main parties that the site is outside the village confines of Great Chesterford. Therefore, in planning policy terms, it is located in the countryside.
 5. Policy S7 of the Uttlesford Local Plan 2005 (LP) seeks to restrict development in the countryside to protect it for its own sake. However, this level of restraint is not entirely consistent with the sustainable development objectives of the National Planning Policy Framework (the Framework). Therefore, whilst the starting point for the determination of the application is the development plan, I give more weight to the Framework on this issue.
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6. Given that the appeal site is beyond any of the existing development in the village, and on the opposite side of the B184, the new dwelling would be somewhat divorced from Great Chesterford and would give the dwelling a sense of isolation from the rest of the village.
7. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However isolated homes in the countryside should be avoided unless there are special circumstances.
8. The Council consider that the site is relatively well served by existing facilities in the village which includes two public houses, a doctor's surgery, a school, two churches and a community centre. It is also noted that there are bus services in the village together with a railway station with services to Cambridge and London. Given the above, I have no reason to disagree with the Council in terms of the social aspects of sustainability.
9. Notwithstanding this relative accessibility to services, the locational element of the proposal development leads me to conclude that the dwelling would be isolated in the context of paragraph 55 of the Framework.
10. The appellant considers that the design of the development is innovative as it deals with the difficulties of developing the site following its historical use. The design of the property seeks to minimise its impact on the surrounding area by its shape, mixture of single and two storey elements, together with its floor level set into the existing raised land level. In this sense, the proposal does react to the constraints of the site.
11. However, whilst I accept that the design and appearance of the dwelling could be considered to be of a high quality, it would not be of an exceptional quality which would be truly outstanding or innovative as to amount to such special circumstances.
12. Turning to the visibility of the dwelling, the existing hedgerows and trees would provide a degree of screening to the development. However the upper parts of the dwelling would nevertheless be visible above the existing landscape screening owing to the significant rise in land levels, even when taking into account the sunken nature of the proposal. In addition to this, the development would also be visible from the public footpath from Rose Lane. The net effect of this would be that the new dwelling would erode the rural character of the area.
13. For the above reasons, I conclude that the dwelling would lead to unacceptable harm to the rural character and appearance of the area. The development would therefore be in conflict with the Framework, and Policy S7 of the LP which amongst other matters seek to protect the rural character and appearance of the area.

Other matters

14. The representations received comment that the development would be built on a nature reserve (and abuts a county nature reserve), and would create a road traffic hazard as a result of an access on the east side of the B184. Concern is also raised over possible contamination of the site.

15. I have not been provided with any evidence regarding the nature reserve and this has not been raised as an issue by the Council. I also note that the development would retain a tree/hedgerow screen around the site which would assist in maintaining its ecological value. In respect of highway safety matters, the County Council, as Highway Authority, raised no objections, and from what I saw on my site visit I agree.
16. The application is supported by various reports in respect of contaminated land issues, with further recommendations being noted. However, should I be minded to allow the appeal, the Council's Environmental Health team consider that any outstanding matters could be addressed via a suitably worded planning condition and I have no reason to disagree with that view.
17. My attention has also been drawn to other sites in and around Great Chesterton, and two appeal decisions and the consistency of decision making. From the limited evidence before me, the examples of other 'pit' developments to the north appear to relate to development several years ago (with one site gaining permission in 1998). The sites to the south of High Street are located much closer to the village centre and are not isolated in the context of paragraph 55 of the Framework. Additionally the site at Thorpe Lea, which has been recently granted permission, was also identified in the Council's Strategic Housing Land Availability Assessment as suitable and available for development.
18. Whilst I am not aware of the full details of the site at Smock Mill House, the development appears to be located between two existing dwellings, albeit it in a relatively isolated location away from the main part of the village.
19. In respect of the two appeal decisions, both of these cases appear to have materially different circumstances with the Ashdon case (APP/C1570/W/16/3152533) is located in a garden to an existing house. In respect of the other case (APP/C1570/W/16/314701), the Inspector concluded that the development would be well related to adjoining built development. That cannot be said of the current appeal. Moreover, each case must be decided upon its own merits.

Planning balance

20. The Appellant has stated that the Council have a shortfall in housing delivery and that they have not got an up-to-date Local Plan in place. However, I have not been provided with any convincing evidence to substantiate that claim.
21. Notwithstanding that, even if this was the case, the Framework indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
22. I have found that the proposed development would harm the rural character and appearance of the area and would conflict with the Framework and the LP. This factor weighs heavily against allowing the proposed development.
23. In considering the economic and social aspects of sustainable development I acknowledge that the development would bring some minor benefits to this rural area. These matters are in favour of the proposed development.

24. In addition to the above, the provision of one dwelling would be unlikely to have any significant effect in reducing any deficit should there be one. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR