
Appeal Decision

Site visit made on 24 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/C1570/W/16/3155482

Midden, Top Road, Wimbish, Essex CB10 2XJ

- 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 Mrs J Mawson against the decision of Uttlesford District Council.
 - The application Ref UTT/15/3512/FUL, dated 29 October 2015, was refused by notice dated 1 February 2016.
 - The development proposed is a new dwelling, garage, drive and crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would constitute a suitable site for housing having regard to local and national policy and its effect on the character and appearance of the area.

Reasons

3. It is common ground between the main parties that the appeal site is located in the countryside being outside the development limits of a settlement defined in the development plan. Saved Policy S7 of the Uttlesford Local Plan 2005 (LP) has a broadly restrictive approach to development in the countryside. The policy aims to protect the countryside for its own sake by only permitting development in the countryside if it needs to take place there or is appropriate in a rural area.
4. There is nothing before me to suggest this approach is not broadly consistent with the National Planning Policy Framework (the Framework), which seeks to encourage development that supports the vitality of rural areas whilst also recognising the intrinsic character and beauty of the countryside and the need to promote travel choice. The Framework also aims to restrict isolated housing in the countryside as an important aspect of achieving these aims.
5. As the appeal scheme would be a new house in the countryside outside of a defined 'development limit', the proposal would undermine the broad strategy for housing supply and the protection of the countryside contained in the LP. I have not been presented with evidence that the Council is currently unable to demonstrate a 5 year housing land supply, as required by the Framework, which would otherwise render Saved Policy S7 of the LP as out of date.

6. Saved Policy S7 of the LP permits, as an exception to the broad strategy for development in the countryside, some housing outside of development limits if it amounts to infilling. 'Infilling' is defined in Paragraph 6.14 of the LP as the development of small gaps in small groups of houses outside development limits but close to settlements. Infill development must also be in character with the surroundings and have a limited impact on the countryside to be policy compliant.
7. The appeal site is located to the east of Warner's Farm and north of Midden. To the east and north of the site are arable fields. This gives the site and its environs a rural character. The existing development in the vicinity of the appeal site is sporadic in nature and is not arranged in a discernable grouping. Moreover, the proposal would not fill a discernable gap between existing buildings as there is an open agricultural field to the east of the appeal site. The proposal would also result in a new hardened access across a wide grass verge and through a hedgerow. This, along with the presence of the bungalow and the associated domestic paraphernalia, would urbanise the appeal site.
8. In coming to this view I note that views of the proposed development from the road and the adjoining public footpath would be filtered by boundary planting. This would soften the urbanising impact of the appeal scheme but not wholly remove it. Furthermore, landscaping cannot be relied upon as long term mitigation to screen an otherwise unacceptable development as it may fail or be removed in the future.
9. As such, the appeal scheme would not be a sensitive infill of an existing gap in a small group of houses. Instead, the appeal scheme would be viewed as a intensification in the existing isolated and sporadic built development in the vicinity of the appeal site and thus harmful to the rural character and appearance of the area. Consequently, Paragraph 6.13 of the LP is not engaged as a means of justifying the proposal.
10. As an important material consideration my attention has been drawn to Paragraph 55 of the Framework, which specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically and spatially isolated relative to a settlement and whether it is functionally isolated from services and facilities.
11. The appeal site is located to the south of Radwinter, which is the nearest settlement with a defined development limit. The distance and intervening countryside separating the site from the settlement means the appeal site is 'read' as being physically isolated from the built form of Radwinter. This would undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside.
12. Given the distance involved, the appeal site is not a comfortable walk from the everyday services and facilities available in Radwinter, or other settlements nearby, listed by the appellant. The distance is likely to deter future residents of the proposed bungalow from walking to local facilities. As such, I consider it highly likely that future residents of the appeal scheme would be predisposed to rely on a private car to access everyday services and facilities, especially in

the winter months. Reliance on home deliveries from supermarkets would not wholly mitigate this.

13. I have not been presented with details of exact bus routes, the position of bus stops¹ or the relevant timetables so am unable to consider this further as an alternative to private car use. In any event, this alone is unlikely to be determinative given the sites inaccessibility to services if walking. Cycling to services and facilities could be an option for some future residents of the bungalow, but not all, depending on mobility and proficiency. Consequently, I find that the proposed development would be a functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities.
14. This functional isolation would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
15. In considering any special circumstances that would justify the isolated location of the appeal scheme, the appellant has suggested that the proposed bungalow is necessary to enable her to live on site and manage the holiday let at the Midden and the land around it. However, I have not been provided with any substantive evidence to suggest that it is essential for the proper functioning of the holiday let for there to be an on-site presence, that the business has suffered losses from there not being an on-site presence and that it is financially sound and likely to endure into the future. As such, I do not consider this would amount to a special circumstance that justifies the appeal scheme.
16. I do not have substantive evidence before me to suggest that the other examples of special circumstances listed in Paragraph 55 of the Framework are met. However, the list is not exhaustive and the appellant has advanced a case that the proposal would allow her, as a long term resident of the area, to remain nearby. I have not however, been provided with evidence to demonstrate that there is a shortage of accommodation in the area, which would otherwise enable this aim to be realised. As such, I afford this very limited weight as a matter in support of the appeal scheme.
17. The appellant suggest that the appeal site is part of a residential garden and thus the proposal would amount to development within a residential curtilage rather than the development of undeveloped countryside. Be this as it may, I have found that the proposed development would be physically and functionally remote from a discernable settlement. Consequently, this is not a special circumstance that would justify the isolated location of the development.
18. I therefore conclude that as an isolated dwelling outside of the development limits of a defined settlement, the appeal proposal would present a conflict with Saved Policy S7 of the Local Plan. I also conclude that the proposal would conflict with the aims of Policy S7 by harmfully urbanising the existing open and rural character of the appeal site.

¹ Other than one in Radwinter, which is a considerable distance from the appeal site if walking

19. The proposed development would also be contrary to the Framework (Paragraphs 17 and 55 in particular), which seeks to deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way whilst recognising the intrinsic character and beauty of the countryside.

Other Matters

20. The policies referred to by the Council in its decision notice were all 'saved' and cannot be considered to be absent or silent. They continue to form part of the extant development plan. I have found the saved Policies the Council based its decision on to be broadly consistent with the Framework and there is nothing to suggest the Council does not have a five year housing land supply. As such, I find no reason why the development plan policies relied upon by the Council should be regarded as being absent, silent or out-of-date. The application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise
21. The proposal would provide a single family dwelling that would increase the rural housing stock, provide flexible occupation and modern construction standards. However, this would be in a location isolated from services with the inherent harm this would bring. A single dwelling could provide some very limited assistance towards the vitality of rural communities and services. But most of the facilities future occupants would likely use on a regular basis are in Radwinter, Saffron Walden and surrounding villages and therefore a dwelling would be better sited closer to these settlements. Consequently, I do not find these social benefits as persuasive in justifying the dwelling. Nor do I find the very modest economic benefits that would be derived from the construction of the dwelling, the future 'spend' of occupants and possibly business synergy with Warner's Farm bed and breakfast, as overriding benefits either.
22. The appellant has drawn my attention to a group of substantial houses built nearby, which have a significant presence in the landscape due to the removal of the original roadside hedge, as well as a house approved to the west of Warner's Farm. The precise details behind the approval of these schemes are not before me, including what the special circumstances were that justified the seemingly isolated position of these houses. As such, I am unable to afford these examples anything more than limited weight. In any event, I have considered the appeal scheme on its own merits.
23. Consequently, I do not find that the social, environmental or economic matters, advanced as material considerations, are sufficient to outweigh the conflict with the development plan. I therefore find that when taken as a whole, the proposal is not sustainable development within the meaning of the Framework.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR