
Appeal Decision

Site visit made on 8 November 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/C1570/W/16/3152014

The Yard, Barnfield End Green, Thaxted, Essex CM6 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs R Barnard against the decision of Uttlesford District Council.
 - The application Ref UTT/15/3363/OP, dated 3 November 2015, was refused by notice dated 30 December 2015.
 - The development proposed is outline application for dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline form only, with only the matters of access, layout and scale to be considered at this time. I have proceeded to determine the appeal on this basis.
3. My attention has been drawn to a previous appeal decision on the site¹. This appeal related to the provision of a 4 bedroomed chalet bungalow. I have had regard to this decision in reaching my conclusions below.

Main Issues

4. This appeal has two main issues. Firstly, the effect of the proposal on the character and appearance of the area. Secondly, whether the proposal has satisfactorily addressed the issues of biodiversity and ecology on the site.

Reasons

Character and Appearance

5. The appeal site comprises a prominent piece of land of limited depth on a corner plot. It is located closest to dwellings known as Lavengro and The Yew Tree. It is used as a storage yard. The appeal site and surrounding area have a distinctly rural feel and the open nature of the existing site contributes to the existing rural character and appearance of the area. The surrounding area comprises clusters of residential dwellings. A majority of these dwellings are set well back from the road in generous plots.

¹ APP/C1570/A/13/2201318

6. My attention has been drawn to policy S7 of the Uttlesford District Council Local Plan (LP) 2005. This policy advises, amongst other things, planning permission will only be given for development that needs to take place, or is appropriate to a rural area. This will include infilling. The policy goes on to note that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
7. The proposed new dwelling would be located in a central position within the plot. However, as a result of the limited depth of the appeal site, it would fail to respect the existing pattern of development in the area where dwellings are set well within the plot behind spacious front gardens and driveways. The proposed location of the dwelling would therefore be entirely at odds with the established pattern and form of development in the area. Although the appellant states that the proposal would deliver visual benefits in terms of removing the existing use, the application before me is in outline form only with the appearance to be determined at reserved matters stage. From what I saw on the site visit, I would concur with the previous Inspector in that the open nature of the site makes a significant contribution to the existing rural character of the area.
8. The appellant has referred to a recent planning approval at Hunts Farm. From the information presented, it would appear this proposal was for demolition of an existing barn and its replacement with a single dwelling and the conversion of a remaining barn. This is not the case here. Based on the evidence presented, the similarities I can draw between the two proposals are limited. Moreover, each appeal must be considered on its own merits as is the case here.
9. The appellant has also referred to a number of other appeal decisions where Inspectors have attached limited weight to policy S7. I do not have the details of these previous appeals, in terms of the development proposed or indeed the evidence which was before those particular Inspectors. As I have stated above, each proposal must be considered on its own merits. Nevertheless, the Council acknowledge that policy S7 remains relevant and consistent in part with the Framework in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development. Taking into account paragraph 196 of the Framework, I concur with this approach.
10. In my view, policy S7 is broadly consistent with the Framework and in particular the intrinsic character and beauty of the countryside recognised by paragraph 17. For the reasons set out above, the proposal fails to protect or enhance this part of the countryside and would cause material harm to the character and appearance of the area as a result. In common with the earlier Inspectors decision on this site, there would therefore be a very clear conflict with policy S7 of the LP in this regard.
11. The appellant has also referred to a number of policies from the Emerging Review Local Plan (ERLP) April 2014 in support of the appeal proposal. The appellant states that the Examination in Public was cancelled in 2015 and the Council withdrew the ERLP in January 2015. The Council have made no

reference to this now withdrawn plan. Taking into account paragraph 216 of the framework, I give this now withdrawn plan no weight.

12. I therefore conclude on the first main issue, the proposal would result in material harm to the character and appearance of the area. It would as a result conflict with both policy S7 of the LP and also the Framework. My attention has also been drawn to the Planning Practice Guidance (PPG) which I acknowledge has been published since the last appeal decision on this site. However, I do not consider that the introduction of the PPG would lead me to a different conclusion on this main issue.

Biodiversity and Ecology

13. Policy GEN7 of the LP advises that development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. As part of the appeal documents, the appellant has commissioned a Preliminary Ecological Appraisal, December 2015. This report sets out the methodology used as well as the survey results and concludes that the appeal proposal would not have any significant impact on wildlife or biodiversity.
14. Taking the above report into account, I therefore conclude on the second main issue, the proposal would have an acceptable effect on biodiversity and ecology. There would therefore be no conflict with policy GEN7 outlined above. My attention has also been drawn to policy ENV7 of the LP which relates to developments effecting local areas of nature conservation significance and also sites of national importance in terms of nature conservation. The Council have confirmed that the appeal site is not subject to any statutory nature conservation designation. As such, I do not consider that this policy is directly applicable to the issue before me.

Conclusion

15. The appellant has made reference to the Council not achieving a 5 year housing land supply. The Council disagrees with this statement. I acknowledge that the provision of 1 dwelling is a positive factor in support of the proposal. However, taking into account my conclusions on the main issues above, I conclude that the proposal does not comply with the development plan taken as a whole and does not represent sustainable development in the terms of the NPPF. Accordingly, even if it were the case that the Council cannot demonstrate a 5 year supply of land for housing, there are no material considerations which would warrant a decision other than in accordance with the development plan.
16. Therefore, for the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christa Masters

INSPECTOR