
Appeal Decision

Site visit made on 23 November 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 4th January 2017

Appeal Ref: APP/C1570/W/16/3159667

Land north of Broad Halfpenny, Upper Green Road, Langley, Saffron Walden, Essex CB11 4RY.

- 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 K Whitfield against the decision of Uttlesford District Council.
 - The application Ref: UTT/15/3742/OP, dated 1 December 2015, was refused by notice dated 13 June 2016.
 - The development proposed is the erection of a single storey dwelling.
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Preliminary Matters

1. The application form submitted describes the proposal as a revised outline application. This follows from a previous unsuccessful application. All detailed matters except the means of access to the site have been reserved for future consideration.
2. The appeal site has a relatively long planning history, the most recent of which (prior to the current proposal) resulted in a dismissed appeal for a single dwelling in February 2015. The Appellant has sought to address the reasons for the dismissal of that appeal, which are reflected in the main issues below, as well as arguing that circumstances have now changed.
3. The Council initially indicated that it would submit an appeal statement but this was not received within the appropriate time. I have therefore dealt with the Council's case as set out in the planning officer's report.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and appearance of the surroundings;
 - (b) Whether the development would be sustainably located relative to key local services.

Reasons

Character and Appearance

6. The site is a small paddock towards the northern end of the village of Langley Upper Green. The village is relatively loose in form, at this location being characterised by dwellings forming a ring around the green. There are 4

significant gaps in the ring of houses, these being formed in 3 cases by roads, and finally by an open area in front of the appeal site which is crossed by a public footpath. I do not seek to question the Appellant's right of access across this part of the green, and even if it were to be disputed this would be a matter between the parties.

7. There are no firm building lines around the green, but it is clear to me that the proposed dwelling would lie beyond the confines of development which surrounds that area. The site is to the north of Broad Halfpenny, and to the west of The Boundary House. Access to it would be taken across an area of green which currently has no access defined by hard surfacing. In perceptual terms it is clearly beyond the extent of built development in this part of the village. This is emphasised by the fact that the public footpath running into the countryside from this position passes across the front of the site and follows an unmade track which visually separates the paddock from The Boundary House. I have noted the assertion that the domestic garden of Chestnuts surrounds the site to the north-west and south-west, but my observations of this land suggest to me that it is not what would be regarded as domestic garden. It may be in the ownership of Chestnuts, but most of it seems to be informal 'parkland'. I do not accept, therefore, that the site is drawn into the village envelope by that ownership or the nature of that land.
8. Consequently I see the proposed development as a proposal which would have the effect of extending built development into the open countryside. I agree that the site is relatively self-contained and enclosed by vegetation, but there are views into it through the vegetation from the north. When approaching from this direction the viewer would have no difficulty in perceiving a dwelling extending the buildings around the green into the countryside in complete contrast to the established form of buildings which face the green. This would dilute and be harmful to one of the essential characteristics of this part of Langley. The same perception would be made in reverse if leaving Langley in that the dwelling would noticeably and conspicuously extend the village into an undeveloped area. Albeit that the proposal is for a single storey dwelling the concomitant need for access, driveway, parking, turning, domestic paraphernalia and the like would detract from a currently unspoilt and attractive corner of countryside.
9. The development plan includes the Uttlesford Local Plan (LP) adopted in 2005. Policy S7 deals with locations in the countryside, defined as not within the settlement or other site boundaries. For the reasons above I consider this site to be outside the settlement. Whether or not the Council can demonstrate a 5 year deliverable housing supply is not agreed, but I note that the previous Inspector (Appeal ref: APP/C1570/A/14/2227119) considered Policy S7 to be out of date in part because it was not entirely consistent with the objectives of the National Planning Policy Framework (NPPF). I have no reason to depart from that position. However, even if that policy is out of date, and as a result paragraph 14 of the NPPF is engaged (which includes an enhanced presumption in favour of granting permission for sustainable development) it does not necessarily follow that planning permission will be forthcoming. The balance in paragraph 14 must still be followed, and I deal with that later.

Location

10. The village has few services and a very limited bus service. I do not doubt that the residents of the proposed dwelling would make the majority of journeys by private motor vehicle. Although the appeal decision relating to a new dwelling

in Duddenhoe End has been brought to my attention I do not know the full details of the evidence produced in that case. Whilst I accept that Duddenhoe End has even fewer services than Langley, and is further from the more extensive services of Clavering, the appeal site there was deemed to be within the confines of the village. That is different to the case before me. In any event, although there may be a regular bus service in Langley (as cited in the Duddenhoe End case) the information before me is that it is by no means frequent.

11. I accept that there have been other developments permitted in and around Langley, including the development of affordable housing, and this gives some credence to the suggestion that the Council does accept some development in rural settlements. Indeed that would accord with the Duddenhoe End finding that development can assist in supporting local services.
12. Taken in the round I can accept that the appeal proposal has some sustainable credentials in terms of its location. The local services and relative proximity of others within reasonable travelling distance would not necessarily rule out development in principle if other considerations are satisfactorily addressed.

Planning Balance

13. I turn then to the planning balance. As noted above I accept that paragraph 14 of the NPPF is engaged. If the proposal is sustainable it can be permitted so long as any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
14. The development would bring some social benefit in addressing in a minor way the need to provide housing. There would also be some economic benefit in supporting local services, including during the construction phase.
15. On the other hand the impact on the character and appearance of the area I have set out above would introduce environmental harm. The previous appeal decision relating to this site came to broadly similar conclusions, albeit that the scheme was different. One of the aspects of the environmental role of sustainable development identified in the NPPF is the protection and enhancement of the natural environment. This is further set out in the core planning principles, which seeks to ensure that the intrinsic character and beauty of the countryside is recognised whilst supporting thriving rural communities.
16. It is my judgement in this case that the balance to be struck here is heavily weighted because of the environmental harm which would result from development in open countryside. The limited benefits promoted would be clearly outweighed by the significant and demonstrable adverse impacts. In considering the case against the advice set out in paragraph 14 of the NPPF I have no doubt that this is a case where adverse consequences would result when assessed against the NPPF as a whole. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR