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## Appeal Decision

Site visit made on 9 May 2017

**by Graham Wyatt BA (Hons) MRTPI**

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

**Decision date: 19<sup>th</sup> May 2017**

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**Appeal Ref: APP/C1570/W/17/3170034**

**The Vineyard, Cole End Lane, Sewards End, Saffron Walden  
CB10 2LQ**

- 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 R Mone against the decision of Uttlesford District Council.
  - The application Ref UTT/16/1589/OP, dated 25 May 2016, was refused by notice dated 24 October 2016.
  - The development proposed is the erection of a dwelling in lieu of building extension under Ref. UTT/0603/01/FUL (extant permission).
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal proposal seeks outline planning permission, with appearance and layout reserved for future consideration. Planning permission was granted in 2001 for a two storey extension to the main dwelling which remains extant.
3. There is some confusion regarding the correct postcode for the site which is recorded as CB10 1SO on both the application and appeal forms. However, the appellant states in his email of 17 November 2016 to his agent that the correct postcode is CB10 2LJ, although this is over a mile from the site. The appellant confirms that the closest postcode to the site is CB10 2LQ and this is the postcode I have used for the appeal site address.

### Main Issues

4. The main issues in this appeal are:
  - The effect of the development on the character and appearance of the area.
  - Whether the proposal represents sustainable development.

### Reasons

#### *Character and Appearance*

5. The appeal site forms part of the garden area of The Vineyard which lies at the end of Cole End Lane. The proposed dwelling would be sited between The Vineyard and a detached garage/office building. Although layout is a reserved

matter, drawing P-1 indicates a dwelling of 4 bedrooms. The proposed development would be a 2 storey building.

6. Cole End Lane serves several properties, some of which have recently been constructed or are under construction. I noted plots A, B and C as marked out by the appellant that have recently been granted planning permission but development has yet to start. I also noted the footings of the 2 storey extension to the main dwelling being constructed under extant planning permission UTT/0603/01/FUL.
7. Policy S7 of the Uttlesford Local Plan adopted in 2005 (ULP) seeks to protect the countryside for its own sake. Notwithstanding that the site represents part of the garden area to The Vineyard, it is deemed to be part of the countryside that policy S7 seeks to protect.
8. As one travels along Cole End Lane it has a rural characteristic that is interspersed with existing and newly constructed dwellings. The lane is lined by trees and hedges and although the dwellings are apparent it retains its rural quality. As one enters the appeal site the character of the area changes in that it becomes more open with the garden area expanding to the north, south and west and provides a transition to the countryside and farmland beyond.
9. The proposed dwelling would largely fill the gap between The Vineyard and a garage/office building and would act as a visual block to the countryside beyond. The proposed dwelling would erode the spacious qualities of the appeal site and give it a more built up appearance. I therefore consider that the proposed dwelling would fail to protect or enhance the countryside and would result in material harm to the character and appearance of the area.
10. The appellant makes reference to an extant permission from 2001 for a two storey extension to the main dwelling which could be erected in lieu of the proposed dwelling. I have carefully considered the impact of this permission in comparison to the proposed dwelling. However, the permitted extension does not fill the gap between The Vineyard and the garage/office block to the extent that the dwelling would and a degree of spaciousness would remain.
11. On the first main issue I conclude that the development would have an unacceptably harmful effect on the character and appearance of the area. The development would be in conflict with Policy S7 of the ULP which seeks to ensure, among other things, that development proposals protect or enhance the particular character of the countryside in which they are set.

### *Sustainable Development*

12. The National Planning Policy Framework (the Framework) identifies three dimensions to sustainable development: economic, social and environmental. The construction of a new dwelling on the site would lead to short term economic benefits and there would be some social benefits arising from the small increase in housing. Turning to the environmental dimension, I have already concluded that the development would materially harm the character and appearance of the area.
13. However, part of the environmental dimension is the aim of moving to a low carbon economy. The site is not served well by local services and facilities with the nearest large centre at Saffron Walden. Limited facilities are available within the village of Swards End. It is likely that occupiers of the dwelling

would rely heavily on the private car to access such amenities and accordingly the proposal does not amount to sustainable development.

14. On the second main issue I conclude that the proposal does not represent sustainable development as outlined in paragraph 17 of the Framework which seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

#### *Other Matters*

15. I have taken into account the permissions for dwellings along Cole End Lane that have recently been granted. However, the Council confirm in their delegated report that the majority of these permissions were granted during a period when the Council could not demonstrate a 5 year housing land supply and as a result, the policies for the supply of housing were not considered up-to-date. Consequently, the decision maker had to consider approving an application for housing or whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. That is not the case in the appeal before me.
16. The appellant has also drawn my attention to a recent appeal decision at 6 Cole End Lane (APP/C1570/W/16/3145333) which allowed a single dwelling. At the time of my site visit the building was under construction. Whether the inspector considered the development as sustainable is not revealed within the decision and is silent on this particular matter. Notwithstanding this, the inspector did not find harm to the character and appearance of the area which is quite different to the case before me.
17. I appreciate that Cole End Lane has recently seen a number of planning approvals for residential development and in particular I note the appeal decision at 6 Cole End Lane. However, the appeal proposal is not comparable in that the appeal site has quite a different character to that at No. 6, as detailed above.
18. I also acknowledge that the development would contribute to the overall provision of housing in rural areas. However, these reasons, and any other material consideration that have been advanced, do not outweigh the harm and conflict with policy that I have identified.

#### **Conclusion**

19. I have found that the proposed dwelling would cause unacceptable harm to the character and appearance of the area and does not represent sustainable development. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**