

## Appeal Decision

Site visit made on 30 May 2017

**by Kenneth Stone BSc Hons DipTP MRTPI**

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

**Decision date: 14 June 2017**

---

**Appeal Ref: APP/C1570/W/17/3168638**

**Pathwoods, Bardfield End Green, Thaxted, Dunmow CM6 3PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Bradley Osborn against Uttlesford District Council.
  - The application Ref UTT/16/2681/OP, is dated 5 September 2016.
  - The development proposed is the erection of 2 no. detached dwellings with associated landscaping, garaging and access.
- 

### Decision

1. The appeal is dismissed and planning permission for the erection of 2 no. detached dwellings with associated landscaping, garaging and access is refused.

### Procedural matter

2. The application is submitted in outline with matters of access and layout to be considered at this time and matters of appearance, landscaping and scale to be reserved for future consideration.
3. The Council in its appeal statement have noted that it considered the application and issued a decision notice refusing planning permission for the proposed development. It accepts that its decision was issued after the appeal had been lodged and that the appeal is therefore proceeding against its failure to determine the application within the prescribed period. The Council's Officer Report and decision identify the Council's concern as related to the effect on the character of the rural area and the sustainability of the development. I have taken this as a putative reason for refusal.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

#### *Character and appearance*

5. The appeal site is identified as an area of land adjacent to Pathwoods, a detached bungalow in the open countryside. Whilst it appears part of the area adjacent to Pathwoods has been granted consent as residential garden land I have been provided with no plan detailing the extent. It would appear however
-

that a significant proportion of the site is not part of that previous permission and therefore remains as open countryside. I have been informed there is an outstanding application with the Council for the larger area of the site to be changed to residential garden land but have not been updated on the outcome of that application at this stage.

6. In any event Pathwoods is located in a small hamlet known as Bardfield End Green, and in terms of the Uttlesford Local Plan, January 2005 (Local Plan) is located outside any settlement boundary and therefore within the open countryside. Bardfield Road, onto which Pathwoods fronts, beyond Bardfield End Green, is characterised by open countryside, including some dispersed sporadic housing. There are thick mature hedges to the road frontage. The appeal site forms an extensive area of open space between Pathwoods and the next property, North View, and is screened by the mature hedge, to the rear there is a tree lined boundary separating the site from the open countryside beyond.
7. Policy S7 of the Local Plan indicates that the countryside will be protected for its own sake, there will be strict control of new buildings and 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. Reference is made to infilling and in effect sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements would be acceptable.
8. The proposed site is not to my mind a small gap but provides a significant separation between Pathwoods and the small hamlet of Bardfield End Green and the dispersed housing along Bardfield Road. The development of the site would result in the consolidation of built form in the area and result in an urbanising effect in the Countryside. Whilst the proposal is in outline, the layout is a matter for consideration and the two detached properties and garage block would add significantly to the consolidation of built form along this stretch of the road. Whilst there is a relatively mature hedge screen the properties would still be visible above the hedge line and in longer views. Whilst I acknowledge appearance and scale are reserved matters any built form of the footprint identified in the layout would be visible in these views and add to the urbanising effect. The consolidation of built form along the road frontage would conflict with the open character and appearance of the countryside at this location, including the dispersed and sporadic housing that it includes. This would not recognise the intrinsic character and beauty of the countryside as required by the National Planning Policy Framework.
9. Whilst policy S7 is a protective policy and is more onerous than the approach adopted in the Framework and therefore the weight to it should be reduced, it still seeks to afford protection to the character and appearance of the countryside and thereby seeks to recognise its intrinsic beauty which is consistent with the Framework. I therefore still afford it significant weight.
10. The appellant has identified a number of other proposals which it is contended are comparable to the scheme before me. From the information before me there appears to be significant differences in terms of the scale of the gaps into which development is to be placed, the previous planning history of some of the sites and the specifics of the locations where the developments are

proposed. I do not see these as directly comparable and in any event I have determined this appeal on the basis of the scheme and information before me.

11. For the reasons given above I conclude that the proposal would materially harm the character and appearance of the surrounding open countryside. Consequently it conflicts with the development plan and in particular policy S7 of the Local Plan, which seeks to protect the open countryside.

### **Other matters**

12. The proposal would result in a small economic benefit from the construction of the development. However, given the small number of units, this is limited. There would also be a social benefit from the provision of additional housing. However, again this benefit is limited given the Council's ability to demonstrate a five year housing land supply and the limited number of units involved.
13. The proposal is located some distance from the nearest village and the services and facilities it provides. Although the appellant suggests that this is walkable, there are no footpaths, the road is unlit and this is not a journey which would be conducive to walking. The facilities and services available at the closest village are also limited. On this basis I am of the view that the proposal is in a relatively isolated location which the Framework seeks to avoid and is not such that it would enhance or maintain the vitality of the rural community.

### **Overall conclusions**

14. Overall I conclude that the proposed development would result in material harm to the character and appearance of the surrounding countryside and that the dwellings would be poorly located in relation to services and facilities, leading to a reliance on the private car. These environmental harms would outweigh any limited economic or social benefits that would arise from the provision of the development, which includes new housing. As such the proposal would conflict with the development plan and would not amount to sustainable development as promoted in the Framework and the proposals should therefore be resisted.
15. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR