
Appeal Decision

Site visit made on 3 July 2017

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/C1570/W/17/3172363

Land adjacent to Cobblestones, Church Road, Great Hallingbury CM22 7TY

- 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 Mr John Shanks against the decision of Uttlesford District Council.
 - The application Ref. UTT/16/2170/FUL, dated 30 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the "construction of one dwelling, landscaping, parking and access to Church Road utilising existing access".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether or not the proposed development would preserve or enhance the character or appearance of the Great Hallingbury Conservation Area;
 - c) whether or not the proposed dwelling would provide appropriate living conditions for future occupiers with particular reference to noise; and,
 - d) whether or not the proposal would represent a sustainable development.

Reasons

Character and Appearance

3. The appeal site is located on the northern side of Church Road, on the edge of the settlement of Great Hallingbury. Immediately to the west of the appeal site is a detached dwelling known as Cobblestones. To the south, on the other side of Church Road is a car park, associated with the Village Hall to the west. To the north and east of the appeal site are large open fields used for agriculture.
4. The Council states that the appeal site is outside the development limits for Great Hallingbury, within the countryside, as defined by the Proposals Map of the Uttlesford Local Plan, adopted in January 2005. One of the Core Planning Principles in the National Planning Policy Framework (The Framework) is

recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. Local Plan Policy S7 says that, in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. It goes on to say that this will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. Furthermore, it says that there will be strict control on new building and 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.

5. The Uttlesford Local Plan 2005 – National Planning Policy Framework Compatibility Assessment, July 2012, considers that Policy S7 is only partly consistent with The Framework. It says that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but that The Framework takes a positive approach, rather than a protective one, to appropriate development in rural areas. It goes on to say that the policy strictly controls new building whereas The Framework supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. I concur with this view and, as such, have afforded this policy some weight in my consideration of this appeal.
6. The proposed development would include the construction of a single storey bungalow, around 1m from the boundary with Cobblestones. The main structure would be rectangular in shape, with both front and rear gable projecting features. It would be externally finished using red stock brick and render for the walls and clay pantiles for the roof. The proposed building would be set back from the road and the front elevation of the neighbouring dwelling. Access would be provided from Church Road.
7. The settlement of Great Hallingbury is predominantly linear in form, with most dwellings fronting onto Church Road. It is a relatively small settlement, with a centrally located Church in the historic core. I acknowledge the appellant's statement that the appeal site has had a building on it until recently and that it relates more to the village than the surrounding countryside. I also note the appellant's Landscape and Visual Impact Statement, submitted as part of this appeal, which concludes that the proposed development would not have any harmful or significant impact on countryside character.
8. It was apparent from my site visit that the appeal site is visually separated from the open countryside by a high wall, mature trees and hedgerow planting and is more akin to a domestic garden in appearance, relating more to the neighbouring dwelling at Cobblestones than the agricultural fields to the north and east. Nevertheless, given its undeveloped nature and location, it contributes to the rural character and setting of the village.
9. The appellant considers that the proposed development would be a sensitive infill proposal. However, in my opinion, the proposed development would extend the built form of the village along the northern side of Church Road, in an area where the land is currently open. Indeed, despite the appellant's proposed landscaping scheme, given the siting of the proposed dwelling, it would appear cramped and result in a significant intensification of the built form in this edge of settlement area, which would have an urbanising effect

that would be out of character with the existing pattern of development in the village. As such, it would be detrimental to the character and appearance of the surrounding area.

10. I conclude, therefore, that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Local Plan Policies S7 and GEN2 and would not accord with the policies in The Framework.

Great Hallingbury Conservation Area

11. The appeal site is partly located within the Great Hallingbury Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 says that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
12. One of the Core Planning Principles of The Framework is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17). Government policy on conserving and enhancing the historic environment is set out in Section 12 of The Framework. Paragraph 132 advises that great weight should be given to the designated heritage asset's conservation and that the more important the asset, the greater the weight should be.
13. Great Hallingbury Conservation Area includes many buildings of high architectural quality and diversity. In addition, a Scheduled Ancient Monument (SAM) is located to the north west of the appeal site. Within the historic core of the conservation area, the buildings are mostly of timber frame construction, with a lime render finish. It was apparent from my site visit that these buildings are roofed in traditional straw thatch or red clay plain tiles, all laid steeply. Windows are largely traditional, in painted or stained timber. The boundary treatments used within the conservation area include walls and fences, which help to define the streetscene. There are also many trees and hedgerows which add to the village's environmental quality. It is clear that the significance of this heritage asset is mostly derived from its architectural and historic interest.
14. The Great Hallingbury Conservation Area Appraisal – Character Analysis plan indicates the extent of the conservation area and important views. One important view is along Church Road, towards the appeal site. Although the proposed dwelling would be set back from the road and the front elevation of Cobblestones and would be of a similar scale to that of the neighbouring property, given its form, mass, design and layout, it would not respect, or respond well to, the historic design and built character of other dwellings within the conservation area. Furthermore, views into and out of the conservation area would be altered by the proposed dwelling, given that it would lead to an extension of the built form to the east, along Church Road. In addition, due to its design, scale and mass it would appear as a visually obtrusive and alien feature in the streetscene. As such, it would cause significant harm to the character and appearance of the heritage asset. Nevertheless, I consider that this would be less than substantial harm.

15. As I have identified less than substantial harm to the designated heritage asset, it is necessary to weigh the harm against the public benefits of the appeal proposal as required by paragraph 134 of The Framework. The appellant refers to the provision of an additional dwelling in a District where there is an acute need for housing. Furthermore, he refers to the economic, social and environmental benefits of the scheme. However, I find that balancing the harm to the conservation area, and giving it considerable importance and weight, with the public benefits of providing the dwelling proposed, along with the other economic, social and environmental benefits, is such that the harm is so significant that the development would not outweigh the less than substantial harm identified.
16. I conclude, therefore, that the proposed development would fail to preserve or enhance the character or appearance of the Great Hallingbury Conservation Area.

Living Conditions of Future Occupiers

17. The appeal site is located in close proximity to the flight path for Stansted Airport. Indeed, Stansted Airport has objected to the proposal on noise grounds. The Council is also concerned that due to the noise levels associated with planes taking off and landing at the airport, the proposed dwelling would not provide appropriate living conditions for future occupiers.
18. Paragraph 109 of The Framework says that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing new development from being put at unacceptable risk from noise pollution. Local Plan Policy ENV10 says that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. It goes on to say that this will be assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.
19. The Government's overall policy on aviation noise, set out in paragraph 3.12 of the Aviation Policy Framework, published in 2013, is to limit and, where possible, reduce the number of people in the United Kingdom significantly affected by aircraft noise. This document¹ treats the 57dB L_{Aeq} 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance.
20. The Council states that the Noise Exposure Contours for Stansted Airport 2015, published by the Civil Aviation Authority, indicate that the appeal site lies within the 57dB L_{eq} contour for night noise (2300hrs – 0700hrs) and the 63dB L_{eq} contour for day noise (0700hrs – 2300hrs).
21. BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings suggests that an appropriate indoor ambient noise level for dwellings would be 35dB L_{Aeq, 16 hour} in living rooms during the daytime (0700hrs to 2300hrs) and 30dB L_{Aeq, 8 hour} in bedrooms during the night (2300hrs to 0700hrs). This document also states that for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50dB L_{Aeq, T}, with an upper guideline value of 55dB L_{Aeq, T} which would be acceptable in noisier environments. However, it

¹ Paragraph 3.17

is also recognised that these guideline values are not achievable in all circumstances where development might be desirable.

22. The World Health Organisation (WHO) Guidelines for Community Noise state that, in dwellings, the critical effects of noise are on sleep, annoyance and speech interference. To generally avoid sleep disturbance, indoor guideline values for bedrooms are 30dB L_{Aeq} for continuous noise and 45 dB L_{Amax} for single sound events.
23. As part of the appeal, the appellant has submitted a Noise Survey and Sound Insulation Assessment Report. The noise survey was carried out between Friday 20 and Monday 23 January 2017. This survey found that the highest (log average) daytime noise level of 66dB $L_{Aeq, T}$ was on Monday 23 January and the highest (log average) night time noise level of 58dB $L_{Aeq, T}$ was on Saturday night. Passing aircraft led to a commonly seen value of around 83dB $L_{Amax, T}$.
24. I acknowledge the proposed acoustic mitigation scheme recommended in the Noise Survey and Sound Insulation Assessment Report for inclusion in the construction of the building and the appellant's assumption that, as there have been no further objections or comments from Stansted Airport, the mitigation suggested would be acceptable to it. However, although Stansted Airport has made no further representations, it cannot be assumed that its original objections have been satisfied. Indeed, Stansted Airport has not withdrawn its objections to the scheme, despite being consulted upon the appellant's noise assessment, and the Council has confirmed that, following its consideration of the submitted Report, it has concluded that it would not overcome its concerns in respect of the proposed development. I also note that the appellant was responsible for the construction of the dwelling at Cobblestones, which also included sound insulation as part of its construction. I am concerned however that, even if the noise levels can be successfully mitigated within the proposed dwelling through the imposition of appropriate planning conditions on any approval, the external noise levels would significantly exceed the desirable levels included within BS8233:2014 and the average level of daytime aircraft noise marking the approximate onset of significant community annoyance in the Government's Aviation Policy Framework. As such, the proposed development would not provide future occupiers with appropriate living conditions within their garden.
25. I conclude, therefore, that the proposed dwelling would not provide appropriate living conditions for future occupiers with particular reference to noise. As such, the proposal would be contrary to Local Plan Policies ENV10 and GEN2 and would not accord with the Aviation Policy Framework.

Sustainable Development

26. Paragraph 7 of The Framework sets out the 3 dimensions to sustainable development: economic, social and environmental and paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.

27. In terms of the economic role, the appellant says that the development would create jobs and investment during the construction phase and investment by the occupiers in the village and surrounding area over the lifetime of the development, with the New Homes Bonus and Council Tax receipts also providing an economic benefit.
28. Although the Council agrees that some positive economic contribution would come about during the construction phase of the proposed development, it considers that the proposal would bring very little economic benefit to the settlement of Great Hallingbury following the completion of the dwelling, given that there is little opportunity for employment within the settlement and only the local public house which could benefit from increased trade. Nevertheless, the Council does concur that the proposal would help to contribute to providing economic support to the wider area.
29. In terms of the social role, the appellant states that the proposed development would deliver an additional dwelling at a time of acute housing need. Furthermore, the type of dwelling proposed, set over a single storey, would provide suitable accommodation for the older generation and/or the less mobile. The future occupiers would also contribute to the local community and would have access to a wide range of activities, the church and village hall, thereby supporting village life.
30. The Council agrees that the proposed development would provide an additional dwelling in the District. However, due to the limited local amenities and services within the village to serve day to day needs, the Council considers that future occupiers would be heavily dependent on the use of the private car.
31. In terms of the environmental role, the appellant considers that the retention of the boundary screening and mature trees as part of a wider landscaping scheme would create biodiversity enhancements. In addition, he says that the built form would have no discernible impact on landscape character and would reflect the existing development pattern.
32. The Council, on the other hand, says that the development would result in a significant degree of built form that would erode into the open countryside creating a large expanse of development which would not relate to the existing settlement. Furthermore, the Council considers that the proposed development would fail to preserve or enhance the historic environment.
33. In my opinion, in respect of the economic role of sustainable development, the provision of employment within the construction industry, through the construction of the proposed dwelling, along with the additional spending from future occupiers, would help support the local economy and maintain facilities and services in the local area. I have, therefore, afforded this matter some weight.
34. In terms of the social role, the provision of an additional dwelling in the village would be beneficial to meeting local needs and should therefore be afforded some weight. The settlement benefits from a limited public transport service and few local facilities. I consider, therefore, that future occupiers of the proposed dwelling would be likely to use the private motor car for most journeys. I have therefore afforded this matter little weight.

35. In terms of the environmental role, I acknowledge that some biodiversity benefits would arise from the comprehensive landscaping scheme proposed. However, I have found that the proposal would harm the character and appearance of the local area and would fail to preserve or enhance the character or appearance of the Great Hallingbury Conservation Area. I consider that these matters should each be afforded significant weight.
36. Having regard to the guidance in The Framework and the weight attached to each of the matters raised, I consider that, on balance, the economic, social and environmental gains of the proposal would not jointly and simultaneously achieve sustainable development in this case. I conclude, therefore, that the proposal would not represent a sustainable form of development, having regard to local and national policies.

Other Matters

37. The appellant refers to a declining housing land supply position in the District and says that the proposal would contribute towards the housing supply. Indeed, I note the appellant's reference to the Council's confirmation that it can no longer demonstrate a 5 year supply of deliverable housing land in a recent Committee Report on a planning application at Weston Yard, Chelmsford Road, White Roding, Dunmow (Ref. UTT/17/0952/OP). Nevertheless, even if the Council cannot demonstrate a 5 year supply of deliverable housing land and paragraph 49 of The Framework is engaged, paragraph 14 says that the presumption in favour of sustainable development for decision taking means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless specific policies in The Framework indicate development should be restricted. Footnote 9 provides examples of such policies, which include designated heritage assets. As such, in this case, given that I have identified less than substantial harm to the character and appearance of the conservation area, which would not be outweighed by the public benefits of the appeal proposal, the presumption in favour of sustainable development would not apply.

Planning Balance

38. I have found that the proposal would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the conservation area. In addition, I have concluded that the proposed dwelling would not provide appropriate living conditions for future occupiers in respect of noise and would not represent a sustainable form of development. I have considered all the other matters raised by the appellant including that the proposed dwelling would accommodate him and his wife into their retirement; but none changes my overall conclusion that the appeal should be dismissed.

Karen L Baker

INSPECTOR