
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: 3 August 2017

Appeal Ref: APP/C1570/W/17/3173243

Land adjacent to Cut Elms, Keeres Green, Aythorpe Roding CM6 1PQ

- 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 Martin Whitwood against the decision of Uttlesford District Council.
 - The application Ref. UTT/16/3343/FUL, dated 31 October 2016, was refused by notice dated 17 January 2017.
 - The development proposed is: "Demolition of existing stables and greenhouse. Proposed new dwelling and double garage. Re-submission of refused application: UTT/16/1514/FUL."
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Martin Whitwood against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council has submitted an appeal statement in which it restates the reasons for refusal and says, in response to the appellant's grounds of appeal, that after carefully reviewing the Officer's assessment of the case, the appellant's appeal statement and the reasons for refusal, it is advised that the local planning authority will not defend this appeal. Nevertheless, I have determined this appeal on the basis of the issues before me and have come to my own views.

Main Issues

4. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the countryside; and,
 - b) whether or not the proposal would represent a sustainable development.

Reasons

Character and Appearance

5. The appeal site is located on the northern side of Keeres Green, to the east of the dwelling known as Cut Elms. Cut Elms is the eastern most dwelling to the

north of Keeres Green in a linear row of housing within a small hamlet. Large open agricultural fields are located to the north, east and south of the appeal site. A grade II listed building known as Cut Elms Cottage is located further along Keeres Green to the south east. The appeal site currently has an outbuilding and a greenhouse upon it. However, the proposed development would include the demolition of these existing structures and the construction of a detached 2 storey dwelling and a single storey detached double garage. The dwelling and the garage would be sited towards the rear of the appeal site, adjacent to the boundary with Cut Elms, within the north western corner, with a private garden area located to the east.

6. The Council states that the appeal site is located in the countryside, outside the development limits 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.
7. 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.
8. I acknowledge the significant developments in depth which have been undertaken in the village to the west, close to the B184 Dunmow Road. However, as Keeres Green extends to the east, the development becomes linear in form and less dense in nature. Indeed, it has the appearance and character of a rural lane, which includes Cut Elms Farm and its associated agricultural buildings, as well as residential properties. Given the location of the appeal site, at the end of this row of buildings, the proposed development would not represent infilling, but would extend the built up nature of Keeres Green further to the east. By introducing built development of a domestic appearance on to the appeal site, the proposal would intensify the urban character of this rural lane, to the detriment of the open character and appearance of the countryside.
9. The proposed development would retain much of the mature indigenous hedging along the western, southern and eastern boundaries of the appeal site. Nevertheless, although this would provide some screening of the proposed

dwelling and garage, the proposal would appear as a visually obtrusive extension of the built form into the open countryside.

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

Sustainable Development

11. 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.
12. In terms of the economic role, the appellant says that the proposal would make efficient use of previously developed land and it would be used in the most cost effective manner, for the most viable use. Furthermore, the proposed development would provide much needed rural housing to support the local economy.
13. The Council concurs with the appellant that the proposal would bring economic benefits to the settlement of Leaden Roding, by supporting local services and facilities such as the local public house and shops. Furthermore, the Council considers that the proposal would also help contribute towards providing economic support to the wider surrounding area.
14. In terms of the social role, the appellant says that additional housing, however limited, can help to sustain the viability of rural settlements and existing social facilities, such as providing additional support for local pubs and businesses, as well as the settlement's public transport links.
15. The Council concurs with the appellant that the provision of an additional dwelling would support the local services and facilities within Leaden Roding village centre, which is around 2km from the appeal site. Nevertheless, the Council acknowledges that future occupiers of the proposed dwelling would be likely to begin most trips using a motor vehicle, given the distance to the village centre and the lack of a footpath along Keeres Green. However, the Council is satisfied that the proposal would form an inclusive development that would provide convenient access to local services and facilities within Leaden Roding and the surrounding area.
16. In terms of the environmental role, the appellant refers to the design of the proposed dwelling, which reflects the local architectural style, the retention of the existing hedges around the appeal site and the positive relationship between the proposal and the surrounding landscape.
17. The Council considers that the proposed development would result in a significant degree of built form that would erode the open countryside and would create a large expansive development which would not relate to the existing settlement.

18. In my opinion, in respect of the economic role of sustainable development, the construction of a single dwelling in this location would provide some additional spending from future occupiers, which would help support the local economy and maintain facilities and services in the local area. I have therefore afforded this matter some weight.
19. 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 local services and facilities within Leaden Roding are some distance away. Given this, and the lack of a footway along Keeres Green, I consider that the future occupiers of the proposed dwellings would be likely to undertake most trips by private car. I have therefore afforded this matter little weight.
20. In terms of the environmental role, I acknowledge that the existing boundary hedge would mostly be retained and that the design of the proposed dwelling would reflect that of other dwellings nearby. I have, therefore, afforded these matters some weight. However, I have found that the proposed development would harm the character and appearance of the countryside. I consider that this harm should be afforded significant weight.
21. 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

22. The appeal site lies to the north west of Cut Elms Cottage, a Grade II listed building. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 says that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
23. 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.
24. Cut Elms Cottage is a 2 storey timber framed cottage, plastered with a tiled roof. The dwelling is set back from the road, close to the eastern boundary of the plot, with its front elevation facing the north west. A separate driveway and detached garage are located to the west. From my site visit it was apparent that the setting of this listed building is reasonably contained, extending slightly beyond the curtilage to within the agricultural fields, but in my opinion, given the intervening highway, it would not include the appeal site. As such, I am satisfied that the proposed development would not interfere with

the setting of this listed building and so would preserve the character and appearance of Cut Elms Cottage.

25. The appellant has referred to a previous planning application (Ref. UTT/16/1514/FUL) on the appeal site, for a similar development, which was refused by the Council on 4 August 2016. The appellant considers that the Council's previous reasons for refusal have been addressed in this revised proposal. Nevertheless, the Council has refused the application the subject of this appeal for 2 different reasons. I acknowledge the appellant's statement that these reasons cannot in all fairness be put forward now or justified. However, although discussions were undertaken by the appellant with the former planning case officer from the Council in order to overcome the previous reasons for refusal, the Council is ultimately entitled to consider any new application afresh and is not bound by any previous Decision on the appeal site.

Planning Balance

26. I have found that the proposal would harm the character and appearance of the area and would not represent a sustainable form of development. I have considered all the other matters raised by the appellant, including the sustainability of other residential schemes that have been permitted nearby; but none changes my overall conclusion that the appeal should be dismissed.

Karen L Baker

INSPECTOR