
Appeal Decision

Site visit made on 30 October 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 14th November 2017.

Appeal Ref: APP/C1570/W/17/3179819

Site adjoining Brooklands, Stebbing Road, Felsted, Essex CM6 3LG

- 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 Tony Heath against the decision of Uttlesford District Council.
 - The application Ref UTT/17/0630/FUL, dated 1 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is two detached dwellinghouses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the site would be acceptable for housing with particular regard to accessibility
 - The effect of the proposal on the character and appearance of the area.

Reasons

Accessibility

3. It is agreed between the parties that the appeal site lies beyond any defined settlement limits. Under Policy S7 of the Uttlesford Local Plan 2005 it is therefore considered to be in the open countryside. Policy S7 seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This includes infilling in accordance with paragraph 6.13 of the Housing Chapter of the Local Plan.
4. I have seen no evidence to suggest that the proposed two open market dwellings would need to take place in the rural area. From the evidence provided by the appellant, Paragraph 6.13 of the Local Plan refers to infilling permitted within settlements, which does not apply to the appeal site.
5. Nonetheless, the Council's Uttlesford Local Plan 2005 – National Planning Policy Framework Compatibility Assessment 2012 identifies that Policy S7 is only partly consistent with the National Planning Policy Framework (the Framework) and therefore attracts limited weight. Policy S7 has a protective approach to the countryside whereas Paragraph 55 of the Framework seeks to promote

sustainable development in rural areas by the location of housing where it will enhance or maintain the vitality of rural communities, and avoid isolated dwellings in the open countryside.

6. The appeal site is located adjacent to a pair of semi-detached houses on Stebbing Road. There are a small number of dwellings located along this road. However, this is a loose and relatively sporadic grouping that does not form part of a recognised settlement and is surrounded by open countryside. In the context of this small and dispersed grouping, the proposal would have the sense of being in a physically isolated location.
7. The site is located about a mile from Felsted, where there are some local services. Nevertheless, the most likely route to Felsted would be along narrow unlit roads with no footway or cycle paths. As a result, the route is likely to be unattractive to pedestrians and cyclists, particularly in the winter months or inclement weather. My attention has not been drawn to any bus service that would provide convenient access to Felsted.
8. Consequently, the houses would be functionally isolated within the open countryside due to their remoteness from everyday services and facilities. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the aims of paragraphs 7 and 17 of the Framework of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change
9. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. Leading on from this I do not consider there to be special circumstances to justify the erection of isolated dwellings, including those cited in paragraph 55 of the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.
10. Paragraph 55 of the Framework refers to development in small villages potentially supporting services either in the immediate environment, or in a village nearby. However, I have seen no evidence to suggest that the location of the appeal site is either within a small village or well placed by way of public transport connectivity, to available facilities in surrounding settlements and two dwellings would in any event, make a limited contribution in this regard.
11. Drawing all the above together, the isolated nature of the appeal site together with the lack of convenient connectivity other than by the use of the car, means that the proposal would not be appropriate to the rural area.
12. For the reasons above, I conclude that the site would not be acceptable for housing with particular regard to accessibility. It would therefore be contrary to Policy S7 of the Local Plan and paragraphs 7, 17 and 55 of the Framework.

Character and appearance

13. The area around the appeal site is mostly open countryside with hedgerows and trees. There is a very sporadic form of residential development, with some

agricultural buildings, alongside Stebbing Road. The appeal site forms a large open area of grazing land which, while distinct from surrounding arable land, nevertheless forms an integral part of the open countryside. It has a hedge boundary to the road. The lack of buildings on the site makes it unobtrusive in the rural landscape, but it nevertheless contributes significantly to the openness and rural character of the area.

14. Consequently, the introduction of two substantial houses on the appeal site, together with the removal of hedgerow to facilitate the new access for Plot 1, would have a significant visual impact in the countryside location and create a more continuous and intensive built frontage. This would erode the existing pattern of sporadic development in the countryside by encroaching further into the rural area, reducing the openness and the physical distance between Brooklands and the Swards Hall complex of buildings to the north. This would be reinforced through the introduction of further residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the building all of which would detract from the rural character of the area.
15. I acknowledge that the houses would be set back from the road and set in large plots. However, this would not significantly diminish the overall impact of extending built development into the open countryside. Although, from the evidence provided, there was previously a building on the site, this would appear to be a simple agricultural building which would be expected within the open countryside. Therefore, this would not in itself provide sufficient justification for two large dwellings.
16. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. Therefore, it would be contrary to Policy S7 of the Local Plan and paragraphs 7 and 17 of the Framework. These seek to protect the character of the countryside, recognise the intrinsic character and beauty of the countryside and protect the natural environment.

Planning Balance and Conclusion

17. The construction of the dwellings would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant. In any event, such a contribution could be made by dwellings constructed closer to local facilities.
18. The economic benefit of falling house prices, caused by the provision of two houses in this location, has not been substantiated by evidence from the appellant. Even if it were to be the case, the benefits from only two dwellings would be limited.
19. As the Council are unable to identify a five year housing land supply the relevant policies for the supply of housing land cannot be considered up-to-date. Furthermore, Policy S7 of the Local Plan is not entirely consistent with the Framework. In these circumstances, and in relation to decision taking, paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specified policies in the Framework indicate that development should be restricted.

20. The provision of two houses would contribute towards helping address the identified undersupply of housing and increase the range of housing available. These are benefits outlined in the White Paper (Fixing our Broken Housing Market Department for Communities and Local Government 2017). However, I have found that the appeal site would not be an accessible location and that there would be a significant harm in terms of impact on the character and appearance of the area. As a result, the proposal would not accord with the social and environmental roles of planning and I give this considerable weight in my decision.
21. I therefore consider that the totality of the harm that would be a consequence of the significant adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits referred to above when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal does not constitute sustainable development for which the Framework carries a presumption in favour.
22. Therefore all material considerations, including the Framework, are not sufficient to outweigh the identified conflict with the development plan. For this reason, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR