



Appeal Decision

Site visit made on 16 July 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/C1570/W/19/3228773

1 Slated Cottages, Holders Green, Holders Green Road, Lindsell CM6 3QG

- 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 and Mrs Wittman against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3440/FUL, dated 10 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is described as a 'separate 2 storey ancillary accommodation and new vehicle crossover'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the description of development within the Council's decision notice matches that within the appeal form, it differs from the description provided within the application form. It does not appear as though the appellants have provided their written agreement to change the description of development. Consequently, I have used the description within the application form in the heading above.

Main Issues

3. The main issues are:
 - whether or not the proposal represents ancillary accommodation or a new dwellinghouse and, if it represents the latter, whether or not the appeal site provides acceptable access to services and facilities by a range of transport modes; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Ancillary Accommodation or new Dwellinghouse

4. The proposal seeks permission to construct a detached, two-bedroom, building. There is a dispute between the main parties as to whether or not this would represent ancillary accommodation to No 1 or a separate dwellinghouse.
5. The submitted plans show that the appeal site would be sub-divided to accommodate for the proposed building, which would have its own separate

vehicular access and parking area. It would also have a large kitchen/dining area and living room, as well as a toilet and showering facilities. Consequently, not only would the proposal be physically separated from No 1, but it could also be occupied without a functional link with this property as it would provide all of the facilities required for independent day-to-day living.

6. On the evidence before me, I am therefore not persuaded that the proposed building would be dependent on the existence of No 1. Thus, it cannot be reasonably described as ancillary accommodation and would instead represent the creation of a separate dwellinghouse. Notwithstanding the original description of development, I proceed to consider the appeal on this basis.

Accessibility of Services and Facilities

7. The appeal site is positioned within a pocket of built form that is located outside of the development limits of any surrounding village. For the purposes of planning policy, including the National Planning Policy Framework (the Framework), it is therefore in the countryside.
8. Policy S7 of the Uttlesford Local Plan 2005 (LP) states that permission will only be given for development in the countryside that needs to take place there or is appropriate to the rural area. This is partly to reinforce the spatial strategy of the Council which strives to focus the provision of housing on land within or on edge of existing settlements. In this respect, Policy S7 is consistent with the Framework insofar as it seeks to promote sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities. However, I acknowledge that it is a restrictive policy that does not afford the same degree of flexibility as the Framework. Policy S7 is therefore not fully consistent with it.
9. Given the appeal sites proximity to other residential properties, I am content that the proposal would not represent a truly 'isolated home in the countryside' with regard to paragraph 79 of the Framework. To say otherwise would be contrary to recent case law¹.
10. Nonetheless, the site is a considerable distance away from the village core of Lindsell which, on the evidence before me, has only limited local services. In addition, there is no regular bus service nearby to larger settlements. The nearest bus route to such locations appears to be along the B184, which is at least 1.5km away to the west. Walking to this bus route, or into Lindsell, would be potentially dangerous, given that surrounding roads are narrow and unlit, and especially so during hours of darkness and in inclement weather. For the same reasons, cycling would not be a particularly attractive alternative. Furthermore, although there is a Demand Responsive Transport Service in the area, I do not know whether this would be a long term service. I also have no substantive evidence to show that the free bus service to surrounding schools operates near to the appeal site.
11. Taking all of the above into account, whilst I note that the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I have no doubt that future residents of the proposed dwelling would not only be some distance from the day-to-day services they need but they would also rely heavily on a private vehicle to get

¹ R (Braintree District Council) – v – (1) SoS for CLG (2) Greyread Ltd (3) Granville Developments Ltd [2017] EWHC 2743 (Admin)

around. I therefore find that the appeal site is not a location where a new dwelling would normally be considered acceptable. This is a significant factor weighing against the scheme.

12. For the reasons given, I conclude that the appeal site is an unsuitable location for a residential development due to the lack of access to local facilities and services. It would therefore undermine the development plan's strategic objective of focussing new housing development within the Borough to existing settlements with good transport links and would conflict with Policy S7 of the LP. However, I give this conflict only limited weight for reasons discussed above. Nevertheless, the proposal would also conflict with the Framework as it would fail to enhance or maintain the vitality of this rural area.

Character and Appearance

13. No 1 is a semi-detached property positioned on the eastern side of the narrow carriageway. Its large garden extends to the side, parallel to the carriageway, and accommodates a detached garage positioned towards the middle of this space. Surrounding the small collection of development in which the appeal site is located are large agricultural fields. This gives this area a distinctly open and rural character. The predominately undeveloped nature of the garden either side of the detached garage allows for views of the countryside beyond the appeal site and contributes positively to this character.
14. The proposal would be approximately six metres in height and would be positioned towards the northern end of the garden. Overall, it would add a considerable amount of built urban form to the appeal site. This would reduce the openness of the garden and restrict views of the surrounding countryside from certain vantage points along the adjacent carriageway. In addition, the new access would remove a section of existing hedgerow, to the further detriment of the streetscene.
15. The absence of development to the north of the appeal site means that the proposal cannot be described as 'infill' development. Taking this and all of the above into account, I am not persuaded that it would integrate effectively with its surroundings. On the contrary, in my view it would represent a large and conspicuous urban feature that would erode the open and rural character of the area. Whilst there is no adjacent public footpath and existing trees and other vegetation would screen the proposal to a degree, its harmful impact would still be readily apparent from the public domain.
16. Although suitable materials could be used for the proposal, this would not address the fundamental problem associated with the introduction of considerable urban form into this open and rural setting. Planting could help further screen the proposal. However, the purpose of planting and landscaping is to integrate development into its surroundings; it is not a means of hiding development that is otherwise unacceptable. Consequently, conditions specifying materials and requiring such planting would not mitigate the harm I have identified.
17. I have been referred to a recently allowed appeal decision² for a development outside of a settlement boundary. However, the Inspector for this decision considered that the proposal would represent 'sensitive infilling'. I have found

² APP/C1570/W/18/3205792

that this would not be the case for this appeal proposal. Consequently, this decision is not directly comparable to the appeal proposal, which I have assessed on its own merits.

18. For the reasons given, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policy S7 of the LP insofar as it seeks to protect the character and appearance of the countryside.
19. Turning to the Framework, this, as well as some local planning policy, encourages the development of previously developed land. It also states that windfall developments, in the right location, can make a contribution to meeting housing requirements by making efficient use of land. However, this should not be at the expense of achieving high quality development which is sympathetic to local character, including the surrounding landscape setting. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

Other Matters

20. I note that the proposal would be for the adult children of the owners of No 1. Amongst other things, this would allow them to remain within the village and provide assistance to the parents if necessary. Nonetheless, these personal circumstances, which are likely to be short term in comparison to the permanent nature of the proposal, are not a justification for permitting a development that would not meet the requirements of the development plan.
21. The Council has also referred me to a number of other appeal decisions³. I do not have the full details of these cases, but it would appear that there are differences between them and the appeal proposal. In any event, these decisions have not been determinative in my assessment of the appeal proposal, which I have performed based on its own individual merits.

Planning Balance and Conclusion

22. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites in the Borough. Consequently, regardless of whether or not Policy S7 of the LP is out-of-date, paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is a matter which I address below.
23. The proposal would provide a single dwelling. Regardless of the extent of the shortfall of housing land, its contribution to the Borough's housing needs would be minimal. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to some short-term employment during the construction period. Furthermore, I have found that a dwelling on the appeal site would not contribute significantly to the Framework's aim of supporting housing development where it would enhance or maintain the vitality of any locally based services and facilities. In this context, I give limited weight to these social and economic benefits.
24. I note that the proposal would be acceptable in some respects. For example, it would not result in harm to ecology and would not prejudice highway safety.

³ App/C1570/W/18/3216457, APP/C1570/W/19/3221356 and APP/C1570/W/18/3206066

However, these are requirements of the development plan and are neutral factors in the overall balance.

25. On the other hand, I have found that the appeal site would not be a suitable location for housing due to its lack of access to services and facilities. The site's location would place significant reliance of future occupants on private transport. This would not contribute to giving people a real choice about how they travel or help towards the achievement of a low carbon future, as advocated by the Framework. Moreover, even if the proposal were to represent ancillary accommodation, it would harm the character and appearance of the rural area. There are, therefore, a number of important environmental and social considerations which weigh against the scheme.
26. Consequently, the adverse environmental impacts, and low level of social sustainability of the appeal scheme that I have identified amount to cumulative harm which would significantly and demonstrably outweigh the limited social and economic benefits associated with the provision of one dwelling. Even if I considered the proposal based on the original description of development, the scheme would not meet the policies of the Framework, which taken as a whole seek to secure the delivery of sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan in this case, with which, in terms of the above-referenced policy the appeal scheme would clearly conflict.

Conclusion

27. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR