The Planning Inspectorate

Appeal Decision

Site visit made on 13 August 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2019

Appeal Ref: APP/C1570/W/19/3229610
Land East of Cricketfield Lane, Mole Hill Green, Takely CM22 6PH

- 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 planning permission.
- The appeal is made by Mrs Anne Salmon against Uttlesford District Council.
- The application Ref UTT/19/0402/FUL, is dated 11 February 2019.
- The development proposed is the erection of 3 dwellings and associated development.

Decision

1. The appeal is dismissed and planning permission for 3 dwellings and associated development is refused.

Procedural Matters

2. In the period following the submission of the appeal, a decision notice was issued by the Council outlining reasons to refuse planning permission. It is therefore clear that if the Council had retained jurisdiction to determine the application it would have been refused. The appellant has commented on the reasons for refusal and the Council has had opportunity to respond.

3. The description of development used above has been taken from the planning application form. The council used a different description and in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application in the heading above.

4. Similarly, although the appeal form has altered the address of the property, I have not been provided with confirmation that this has been agreed by both parties and I have therefore used the address given on the original application form, which was also used in the Council's decision notice.

5. The evidence makes reference to the emerging Regulation 19 Uttlesford Local Plan which has been submitted for examination. Whilst examination has commenced, the soundness of the plan has not been established and as such there is no certainty that the policies within that plan will be adopted in their current form. I therefore attribute the emerging local plan limited weight.

Main Issues

6. The main issues are:

- The effect of the development on the character and appearance of the site and surrounding area; and,
- Whether the site is a suitable location for housing development having particular regard to its location outside a settlement boundary and any reliance on travel by car.

Reasons

Character and Appearance

7. The appeal site is located within the countryside, at the edge of the hamlet of Mole Hill Green. The majority of dwellings are located along the existing roads, with exceptions to this being the dwellings of Bellstock, The Roost and Salmon Meadow which are adjacent to the appeal site and front a track that leads to a cricket pitch. The plot sizes and the appearance of the dwellings within the locality vary significantly but the character of the area is distinctly semi-rural. The appeal site is currently dominated by vegetation and has an unkempt appearance. The low height of this vegetation allows a range of views at various points along the site frontage towards the cricket field and the agricultural land beyond. The appeal site benefits from outline planning permission for the erection of two dwellings which was allowed at appeal[1].

8. This proposal would see the erection of 3 dwellings which would continue the linear arrangement of dwellings that are parallel with the access track. Detached outbuildings to the front would provide car port and garage parking and additional hardstanding would be provided at the frontage. The plans indicate that the existing trees at the rear of the site would be retained and that a hedge would be planted at the side boundary of the site.

9. The appeal site falls within the 'Countryside Protection Zone' (CPZ) surrounding Stanstead Airport and is therefore subject to Policy S8 of the Uttlesford Local Plan (ULP), adopted 2005. This Policy constrains new development, so as to retain the openness of the CPZ and to prevent coalescence between the airport and existing development in the surrounding countryside. Furthermore, Policy S7 states that the countryside should be protected for its own sake. However, it is was established in the previous appeal decision that Policy S7 should be afforded limited weight because it is not consistent with the National Planning Policy Framework and this remains the case following the 2019 update of the Framework.

10. It was previously found that the erection of two dwellings would not cause serious environmental harm in the context of the above Policies. In this regard it was previously concluded that the granting of planning permission at the neighbouring site had demonstrated that development beyond the defensible boundaries of the settlement can be found acceptable. I afford significant weight to this previous decision. It is also relevant that a number of developments have commenced within the hamlet which demonstrates that this is a location where the abovementioned Policies have not prevented development occurring, subject to all other considerations.

[1] Appeal reference APP/C1570/W/18/3199662

11. The erection of three dwellings rather than two would inherently increase the built form at the site. However, consistent with the previous decision, the proposal would not cause the coalescence of the settlement with Stansted Airport and would not cause significantly greater harm to the openness of the wider countryside as the development would be limited to the same plot.

12. The three detached dwellings would be well spaced at the site, with appropriate gaps between them and large gardens to the rear which is consistent with the established pattern of development within the locality. The spacing between dwellings would not be significantly less than the spacing that has been approved within other recent developments in the locality and as such the proposal would not appear cramped in the context of the wider hamlet. The scale and design of the dwellings would be appropriate to integrate with the character and appearance of the area.

13. However, the proposed outbuildings would represent substantial additions to the frontage of the site. Their scale, number and prominence would cause them to be dominant features of the site and their combined bulk would represent a substantial element of built form in a prominent location. This would be at odds with the established character of Cricketfield Lane which features open and undeveloped frontages.

14. Outbuildings exist to the side of several existing dwellings and are approved at the development at Croft End, Molehill Green[2], with one being in close proximity to the highway and one being forward of the host dwelling. However, there are no examples of outbuildings being as dominant as those now proposed such that the appeal scheme would be at odds with the existing and emerging character and appearance of the area.

15. For these reasons, whilst I have full regard to the previous appeal decision and do not consider that the erection of a third dwelling at the site would cause harm to the character and openness of the countryside, the erection of three large outbuildings at the frontage of the site would have an unacceptable effect on the character and appearance of the site and the surrounding area. Whilst limited weight is afforded to Policies S7 and S8 of the ULP, Policy GEN2 of the ULP has significant weight as it is generally consistent with the Framework and I find the proposal to be contrary to this Policy. Policy GEN2 seeks to ensure that development, amongst other things, is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The proposal is also contrary to the Framework in that it seeks to ensure that development is sympathetic to local character.

Suitability of the Location

16. As set out above, a number of developments have been approved at Mole Hill Green including two dwellings at the appeal site. The previous appeal identified that any conflict with the aims of Policies S7 and S8 did not cause harm that should prevent a development of two dwellings in the countryside and, in terms of the principle of development, I see no reason to reach a different conclusion in respect of the proposal to erect three dwellings at the site.

[2] Application Reference UTT/17/3675/FUL

17. While I acknowledge that the proposed development would be likely to result in more vehicle movements to and from the appeal site compared to the approved scheme there is no evidence before me to indicate why the erection of three dwellings at the site rather than two might necessarily be unacceptable. Indeed, the evidence suggests that the site is reasonably well-located with respect to services and facilities, including those that are local to the site and those that are within the settlements of Elsenham and Takely and at Stansted Airport.

18. I therefore conclude that this is a suitable location for the proposed development bearing in mind the existing planning permission, having particular regard to the location of the site outside of a settlement boundary and the accessibility of public transport. As set out above, the harm arising from any conflict with Saved Policies S7 and S8 of the ULP would not be at a level that should prevent the development of the site. Furthermore, these policies have limited relevance to the question of the accessibility of the site to services and facilities.

Other Matters

19. Interested parties have raised a number of concerns and in this regard any impacts on the utility connections of the adjacent cricket club or safety issues arising from the use of the cricket pitch fall outside the scope of this appeal decision. I also find that the proposed three dwellings would not be significantly more susceptible to noise from the nearby airport than the two dwellings that have been approved at the site. Similarly, I have no basis to find that the access is any less acceptable or that local services would not be able to facilitate one additional dwelling.

Planning Balance

20. The evidence indicates that the Council cannot currently demonstrate a 5 year housing land supply. Having regard to the provisions of footnote 7 to paragraph 11 of the Framework, the policies relevant to the supply of housing are therefore out of date and the so-called tilted balance is engaged.

21. The previous appeal decision found that there would be modest economic and social benefits both during the construction phase and through the ongoing support of the rural economy and the use of local services and facilities. It was also found that the development would provide a limited contribution to housing supply in the area. These benefits would be increased through the provision of a third dwelling at the site, but would remain modest given the limited scale of the development.

22. The evidence indicates that the site constitutes previously developed land and represents an unkempt vacant site that does not contribute positively to the countryside. It has also been identified that ecological enhancements could be secured through the imposition of a condition. These factors weigh in favour of the proposal.

23. It was previously found that conflict with Saved Policies S7 and S8 of the ULP would result in only limited environmental harm which did not demonstrably and significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole. However, this environmental harm in the form of the effect on the character and appearance of the site and the

surrounding area that has been identified above. Due to the prominence of the proposed outbuildings, the harm caused by the appeal development would be significant. This harm would significantly and demonstrably outweigh the benefits of the proposal given that those benefits would be limited bearing in mind the modest scale of development proposed.

Conclusion

24. For the reasons given above, the appeal is dismissed.

Ian Harrison

INSPECTOR