



Appeal Decision

Site visit made on 12 November 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/C1570/W/19/3235997

North Hall Farm, North Hall Road, Ugley CB11 3XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by R Johnson against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1233/OP, dated 22 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is the erection of 4 residential dwelling houses, provision of allotments, construction of new access road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved except for access which is to be considered at this stage. I have had regard to the submitted plans but have regarded all elements of these drawings as indicative, apart from the details of the access.
3. I have been referred to policies within the Council's emerging Local Plan which is currently at examination. I do not know whether there are unresolved objections to these policies, and they could be subject to change. I therefore attach limited weight to the emerging policies.

Main Issues

4. The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons

Character and Appearance

5. Access to the appeal site is via North Hall Road, a narrow rural road with no footpaths or lighting. The M11 motorway runs close for much of the length of North Hall Road, and there are a few dispersed buildings present within typically large plots. However, for the most part, areas of woodland and open fields line the road. Together with the substantial openness around buildings and the mature trees and vegetation present, this gives the area a distinctly rural character overall. This continues beyond the M11 towards the outskirts of

Quendon where the sizable agricultural fields and parcels of woodland are largely uninfluenced by built form, resulting in an open and highly rural feel.

6. The access to the appeal site from North Hall Road passes beneath the M11, and also serves North Hall Farm and 5 further dwellings within a small complex of former agricultural buildings which have been converted to residential use. The appeal site is to the rear of North Hall Farm and includes part of the rear garden, along with a grassed area and part of a large paddock currently used for grazing of horses which extends towards the M11. The motorway is elevated and as a result, traffic is visible and audible from the site although trees present along its margin do provide for some screening. Furthest from North Hall Farm and the motorway, the boundaries of the site with the adjacent large agricultural field are marked by post and rail fencing and vegetation.
7. The site is outside the development limits of any settlement as identified within the Uttlesford Local Plan 2005 (ULP). It is therefore considered to be within the countryside in planning policy terms. Saved Policy S7 of the ULP seeks to protect the countryside by only permitting proposals that need to be within it or which are appropriate in a rural area. It further advises that development will only be permitted if its appearance protects or enhances the character of the countryside or there are special reasons why it needs to be there.
8. The proposal is in outline and matters except for access are reserved. The illustrative layout, scale, appearance and landscaping of the development are not therefore part of the scheme before me. Nevertheless, the outline nature of the proposal does not prevent any consideration for the effect of development.
9. I have no reason to think that dwellings on the site could not be designed sympathetically to reflect a traditional farming vernacular as the appellant has suggested. However, the site currently has a pleasant open and distinctly rural character and appearance which is not diminished by the boundary vegetation or presence of adjacent dwellings. In contrast, the presence of 4 dwellings here would result in a significant loss of openness and change to the appearance of the site. Although the magnitude of change may vary, this harm would occur regardless of the details of the layout, scale, appearance or landscaping of the development. The encroachment of built form into the generally undeveloped and rural area would not therefore maintain the intrinsic character and beauty of the countryside.
10. In addition, gardens, parking and associated paraphernalia that would accompany any dwellings and their fenestration would evidence the residential use of the site. This would introduce an unwelcome formal and domestic appearance and cause an unacceptable urbanising impact. Similarly, provision of allotments would result in a more formal feature and would, at best, be no more than semi-rural in character. Although there are established dwellings nearby, this in itself does not provide justification for further encroachment of urbanising development into the countryside or for the erosion of the area's rural character.
11. I accept that the motorway prevents views of the site from North Hall Road and no particular long-range views from where the development would be visible were brought to my attention. I also note that existing vegetation and post and rail fencing define the boundaries of the site to the adjacent agricultural land and provide some screening and containment. Visual impacts would therefore be relatively localised.

12. Nevertheless, the site is clearly visible from the bridleway adjacent to the M11 from its junction with the access to North Hall Farm. The proposed development and protrusion of the site boundary into the paddock would be intrusive and prominent in views from this point. While the appellant has suggested additional planting could provide screening, in my view, it is unlikely that such planting would adequately mitigate the harm caused by the loss of openness and the urbanising effect of the development.
13. I therefore conclude on this main issue that there would be unacceptable harm to the character and appearance of the area and the proposal would conflict with saved Policy S7 of the ULP. Although not referenced within the reason for refusal, the Council's report on the application suggests that the development would also be contrary to saved Policy GEN2 of the ULP. Amongst other things, this policy requires that development is compatible with surrounding buildings. However, as the scheme is in outline, I am satisfied that this policy would be more appropriately engaged in respect of the reserved matters and find no conflict at this stage

Suitability of the Location

14. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside unless one or more of several listed circumstances apply, none of which it has been suggested are relevant here. The Framework does not define isolated, but as highlighted by the appellant this has been considered by the Court of Appeal¹.
15. While Quendon may be the closest defined settlement, given the separation distance and lack of intervening development there seems little physical or functional connection between the site and this settlement. I note that North Hall Cottage at the junction of the access to the site with North Hall Road and the 6 further dwellings served by this access would be relatively close to the proposed dwellings. However other development along North Hall Road is limited and scattered rather than forming any defined cluster that the site would be part of and save for a post box, there are no facilities or services to speak of. Therefore, even with online shopping and home delivery, residents would be reliant on travel to the surrounding area to meet day to day needs.
16. The appellant refers to access from the appeal site to nearby villages of Ugley, Rickling and Widdington as well as Quendon within an approximate 1.5 mile radius, and a wider range of services in more distant settlements including Newport, Elsenham and Audley End railway station. However, access to all of these on foot or cycle would involve travel, at least in part, along sections of narrow unlit lanes with no footways and/or unlit and unsurfaced footpaths or rights of way. Given this and the distances involved, I am doubtful that occupiers would undertake such journeys regularly, particularly at night or in poor weather.
17. Although there are bus stops close to the junction of North Hall Road with the B1383 London Road, the access to these on foot or bicycle would be via North Hall Road which is narrow and unlit with no footway, or alternatively a more indirect route along unsurfaced footpaths. Moreover, these stops are not provided with shelters or seats, and services are limited to a school route and the 301 which offers an approximately hourly service, but which does not run

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

- late into the evening or on Sundays. Consequently, the attractiveness of these options would be significantly inhibited for all but the most willing and able.
18. Opportunities for future occupiers to access services and facilities by means other than the private vehicle would therefore be very limited. While I recognise that the Framework comments that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also states that housing should be located where it will enhance or maintain the vitality of rural communities. Given my findings above, there would be conflict with the Framework in this respect.
 19. I accept that a location within an established settlement boundary is not a prerequisite to find that a dwelling would not be isolated. However, with regard to the above factors and the legal judgement referred to by the appellant², I find the site to be remote from any built up area and the proposal would amount to development of new isolated homes in the countryside. It would therefore conflict with paragraph 79 of the Framework.
 20. Moreover, the lack of accessible services by means other than the private vehicle would go against the requirement for accessible services to meet needs as a key aspect of sustainable development outlined at paragraph 8 of the Framework. While use of electric vehicles could help to lessen environmental impact and online shopping, home delivery and car sharing could reduce the effect on highway infrastructure, this would not prevent trips to and from the site, and would not address all needs of future occupiers.
 21. I note the appellant's reference to an appeal decision³ where the Inspector considered that journeys to reach a range of services within nearby Great Dunmow would be short and that there would be little need for regular travel further afield. This was held to lessen harm that would otherwise arise from a general reliance on car travel. However, while I do not have full particulars of relevant considerations in that case, it seems that the site was closer to Great Dunmow than the site in the appeal before me. Furthermore, I have no details to demonstrate that access by cycling would be comparable or that there would similarly be a full range of services nearby to meet the day to day needs of future occupiers of the appeal site. In any event, I have considered the appeal proposal before me on its own merits.
 22. I therefore conclude on this main issue that the proposed development would result in isolated dwellings in the countryside and the site would not provide a suitable location for housing, having regard to the accessibility of services and facilities. That other dwellings nearby may be occupied in a similar situation to the appeal site is not a reason to support for further development within an unsuitable location. The proposal would therefore conflict with the Framework and in particular the requirements to avoid the development of isolated homes in the countryside and to provide accessible services to meet needs.

Planning Balance

23. There is no disagreement between the parties that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The lack of housing land supply triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework. This states that where the

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

³ APP/C1570/W/17/3187250

policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) 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. In the absence of any applicable policies in 11(d)(i), I have assessed the proposal against 11(d)(ii).

24. I have found that the development would cause unacceptable harm to the character and appearance of the area and would thus conflict with saved Policy S7 of the ULP. I have also found conflict with the Framework in regard to the provision of accessible services to meet needs and the avoidance of isolated homes in the countryside. While saved Policy S7 is therefore most important for determining the proposal, it would be considered out of date in light of the lack of housing land supply and the provisions of Footnote 7 of the Framework.
25. I have also been referred by the main parties to appeal decisions where Inspectors have reached differing conclusions on the consistency of Policy S7 with the Framework and therefore the weight that should be given to it. However, I do not have full details of the circumstances and evidence which informed those decisions and in any case I have made my own assessment.
26. In my view, the requirements within Policy S7 that the countryside is protected for its own sake and that 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 go beyond what is sought by paragraph 170 of the Framework. In that regard, the approach to development within the countryside is inconsistent with the Framework. I also note that the policy relates to settlements and development limits which no longer reflect the housing requirement which, in the absence of a 5 year supply, is not being met and are therefore out of date. On this basis, I afford conflict with Policy S7 limited weight.
27. Nevertheless, while the Council's evidence confirms that applications for sustainable development outside development limits may need to continue to be granted to ensure housing supply and delivery, this does not indicate all development outside development limits would be appropriate. The Framework outlines that protecting and enhancing the natural environment is a key aspect of sustainable development. It also emphasises a need to recognise the intrinsic character and beauty of the countryside and for development in rural areas to be sensitive to its surroundings. The unacceptable harm that I have found would be caused to the character and appearance of the countryside would conflict with the Framework in these regards.
28. In terms of benefits, the 4 dwellings proposed would contribute positively to the housing under-supply position and the Council's identified requirement for housing, and would additionally help to meet needs within the rural area. In this regard, I note the appellant's indication that the site is available and deliverable now. The proposal would also make effective use of the site, although I have no substantive evidence before me to conclude that the site would otherwise drift into dereliction as suggested by the appellant.
29. There would be some further short-term economic benefits during the construction period as well as support for the local economy by future occupiers. The extent of the above benefits is tempered by the small amount of

development, but nevertheless I give them moderate weight in the overall planning balance.

30. I note the suggestion that the development will take account of existing trees and hedgerows and that these will be supplemented as required to preserve and enhance biodiversity; that the development will incorporate energy conservation measures and infrastructure to facilitate charging of electric vehicles; and that dwellings will be adaptable to changing family needs. Whilst these are further benefits of the proposal, the absence of details to demonstrate how these will be achieved limits the weight I afford these factors.
31. The appellant has suggested that the site could be considered previously developed land given a former greenhouse on the site. However, with regard to the definition of previously developed land within the Framework, it is only the timber-frame that visibly remains. This is in poor condition and there is significant growth of vegetation within and around the structure. While it has not fully blended into the landscape, it is moving in that direction and it has little impact on the open and rural character of the site. Moreover, I do not know whether the greenhouse was related to former agricultural use of North Hall Farm and it occupies a very small part of the wider site. Accordingly, I am unable to reach a definitive conclusion as to whether the site, or part of it, would constitute previously developed land as defined within the Framework.
32. However, even if I were to find that the site did constitute previously developed land, in the context of paragraph 11(d) of the Framework the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development, and the conflict with the development plan is not outweighed by other considerations including the Framework.

Other Matters

33. I have had regard to matters raised by interested parties including concerning provision for parking and impact on the highway. Provision for parking within the site would be considered under a future reserved matters application, and there is no firm evidence before me to indicate that there would be harm to highway safety or through increased traffic. Matters which have also been raised relating to ownership and use of the access to the site from North Hall Road would be a civil matter between the parties involved, and do not affect my findings on the main issues.

Conclusion

34. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR