
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/19/3234873

The Old Post Office, Church End, Broxted CM6 2BU

- 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 F Booysen, PSS Care Group against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1040/FUL, dated 3 May 2019, was refused by notice dated 28 June 2019.
The development proposed is change of use from Class C3 Dwellinghouse to a Class C2 Residential Institution to create a Residential Children's Home.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading above is taken from the Council's decision notice. This description is entered on the appeal form, and adequately and simply describes the proposed development instead of the longer and more detailed description given on the application form.

Main Issue

3. The main issue is whether or not the site is a suitable location for the proposed development with particular regard to the accessibility of services and facilities.

Reasons

4. The appeal site contains a detached dwelling located within Church End, a small loose cluster of predominantly residential development. The site is outside the development limits of any settlement as identified within the Uttlesford Local Plan 2005 (ULP) and thus for the purposes of planning policy is considered to be within the countryside.
5. Saved Policy S7 of the ULP seeks to protect the countryside by only permitting proposals that need to be within it or are appropriate in a rural area. It further advises new building and development will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development needs to be there.
6. The proposed development would accommodate a residential children's home intended to provide 24 hours a day care for children with specialised needs. There would be 6 bedrooms in use for children and one staff bedroom. Care

- would be provided on a shift system with a minimum of 2 members of staff per shift, although this could increase depending on required levels of care.
7. Facilities near to the site are very limited, and do not offer any provision for shopping, sport, play or education and there are no defined public spaces. In the absence of any provision of such facilities near to the site which would encourage people to come together and meet, opportunities in the local area for social interaction by future occupiers or staff would be minimal at best. In this regard, there would be conflict with paragraphs 8 and 91 of the National Planning Policy Framework (the Framework). These highlight healthy, inclusive and safe places which promote social interaction and provision of accessible services and open spaces as key aspects of sustainable development.
 8. Moreover, future staff and occupiers would be reliant on travel to larger settlements to meet day-to-day needs. The narrow rural roads near to the site are unlit and have no footway provision. Together with the significant distances to larger settlements providing a range of necessary services, travel to and from the site on foot or bicycle is therefore highly unlikely.
 9. There is a bus service which passes the site, and details provided by the appellant indicate that this offers an hourly service to destinations including Saffron Walden, Thaxted, Takeley and Bishops Stortford. Although visitors and staff may be able to make use of this, the service does not run on Sundays or public holidays and overall, opportunities to access services and facilities by means other than the private vehicle would be very limited.
 10. I accept that the Framework advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the very limited alternatives, future staff, visitors and occupiers at the site would be likely to rely largely on private vehicles. To this extent, there would also be conflict with paragraphs 8 and 102 of the Framework which seek accessible services to meet needs, and highlight a requirement to support objectives including promoting opportunities for walking, cycling and public transport use.
 11. While resident children may be unable to drive, the submitted information indicates daily movements associated with staff arrivals and departures, school pick up and drop offs, a grocery run, and lifts to social activities, clubs and family contact. The draft Statement of Purpose 2019 further promotes frequent and sustainable contact with family members and friends which would result in additional visitor trips, as well as more occasional movements associated with school worker and children's review visits and team meetings. With a minimum of 2 staff per shift plus a site manager during the day and up to 6 children who may each have visitors and all attend different schools, activities or clubs requiring concurrent transport, this would generate a significant level of comings and goings at the site.
 12. The appellant suggests that trip numbers would be similar to the existing dwelling, particularly if it were occupied as an HMO or by a large family and refer to possible use as a Bed and Breakfast. There is no evidence before me to confirm any past Bed and Breakfast use or the extent of this. There is also no firm indication that the site would be occupied as an HMO and given the distance to access services and employment it seems to me an unlikely prospect. Moreover, while it is possible that there could be multiple cars associated with occupation of the dwelling, it is doubtful that this would

generate comparable sustained daily movements to the substantial level associated with the proposed use so as to weigh in favour of the proposal.

13. Given the very limited access to services and facilities and opportunities for social interaction in this countryside location, I therefore conclude that the site would not provide a suitable location for the proposed development. There is no evidence before me to suggest a specific need for the development to be located at the appeal site, and it would therefore conflict with saved Policy S7 of the SLP. For similar reasons, the development would conflict with policies SP 10 and C 4 of the emerging Local Plan. However, as these are not yet an adopted part of the development plan and subject to change, I afford these policies less weight.
14. While the proposed development may contribute to meeting a community need and there is no policy within the development plan relating specifically to provision of such accommodation, I also find that there would be conflict with the overall objectives of the Framework to deliver sustainable development.

Other Matters

15. I have taken into account representations regarding parking provision, the effect of noise and pollution from aircraft on the site and disturbance to neighbours but these matters do not affect my findings on the main issue.

Conclusion

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

J Bowyer

INSPECTOR