
Appeal Decision

Site visit made on 15 October 2019

by Rajeevan Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/C1570/W/19/3234129

Land at Latchmore Bank, Little Hallingbury CM22 7PJ

- 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 Mr C Collings and Mr D Clark against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2837/OP, dated 2 October 2018, was refused by notice dated 9 April 2019.
 - The development proposed is the erection of five dwellinghouses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved except for access. I have had regard to the site/location plan (drawing no HAM/P/003) but have regarded all elements of this drawing as indicative apart from the details of the access.
3. The Regulation 19 (22) Uttlesford Local Plan has been submitted but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.
4. The Council have confirmed in an email dated 14 November 2019 that they no longer raise an objection regarding reasons for refusal 2, 3 and 4, following written confirmation of the same by Essex County Council (ECC) Highways in their statement of case dated 11 September 2019, subject to the appellant complying with the recommended highway conditions. The appellants have confirmed that they accept all the conditions recommended by the ECC Highways. As such, I have determined the appeal on this basis.

Main Issues

5. The main issues are:
 - whether the proposal amounts to inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;

- if the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

6. The site comprises open agricultural land, located on the east side¹ of the A1060, Latchmore Bank, situated within the Metropolitan Green Belt and outside of any development limits². National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework 2019 (Framework). Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 145 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions. The appellant accepts that as none of the exceptions apply, the current proposals must be regarded as inappropriate development³.
7. Indeed, with open agricultural fields to the side and rear of the site, the proposal would not amount to infilling in a village or satisfy any of the other exceptions in paragraphs 145 and 146. As such the proposal would be inappropriate development in the Green Belt. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on the openness of the Green Belt

8. Paragraph 133 of the Framework identifies that one of the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness includes both visual and spatial dimensions.
9. The appeal site comprises undeveloped agricultural field surrounded by established hedge line fronting the road. The construction of five dwellings, regardless of scale, appearance, layout and landscaping would reduce the open and undeveloped qualities of the site.
10. Therefore, despite the retention of existing and proposed landscaping, owing to the prominent location of the site fronting the road, the proposal would have a significant effect on openness in both visual and spatial terms. Overall, I consider that the harm caused to the openness of the Green Belt would be a significant one, and I give this additional harm to the Green Belt substantial weight in my decision.

Character and appearance

11. The appeal site acts as a break in built development on the eastern side of the road between the village of Little Hallingbury and Latchmore Hall. The mature hedgerow fronting onto the road provides an attractive landscape feature with views through and over the hedgerow of the field and countryside beyond the site. Despite the retention of existing and proposed landscaping, the new

¹ Compass point taken from the appellants statement of case.

² Taken from the appellants statement of case and the Officer's Report.

³ Paragraph 5.2 of the appellants statement of case.

access point onto the road would fragment the existing hedgerow and introduce hard surfacing along a currently green frontage. The construction of five dwellings, regardless of scale, appearance, layout and landscaping would be visible over/through the hedgerow and reduce the undeveloped qualities of this side of the road. As a consequence, there would be harm to the character and appearance of the area, contrary to Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan'), which seeks to protect or enhance the character of the countryside. It would also not meet the aims of paragraph 170 of the Framework, which recognises the intrinsic character and beauty of the countryside.

Other considerations

12. The Council is satisfied that subject to future applications for reserved matters, the proposal does not raise any harm to the living conditions of neighbouring occupiers. I also agree that based on the indicative site layout drawing submitted it appears that five houses could be provided on this site and still maintain a sufficient distance from existing neighbouring properties.
13. Similarly, the Council raise no objection with regards to ecology, and also have confirmed during this appeal that they no longer wish to object to the proposal with regards to highway safety. I have no reason to disagree with the Council's professional assessment of these matters.
14. The appellant states that the site is of no heritage, nature conservation or landscape significance. However, these aforementioned matters are of neutral consequence in the overall planning balance.
15. The proposed development would provide benefits in terms of five new dwellings, which would make a modest contribution towards boosting the supply of housing, in a district where the Council accepts it cannot demonstrate a five year housing land supply. The site is also located close to the village of Little Hallingbury and therefore would have reasonable accessibility to services, facilities and public transport. It would also help to support local services and facilities and provide investment in terms of its construction. However, given the limited number of houses proposed, these benefits only carry modest weight overall.
16. It is also claimed that the proposal would result in enhancement to the site as a result of the proposed high quality buildings and landscaping. However, I have already found that the development would harm the character and appearance of the area. As such I do not consider that this provides support for the current proposal.

Whether any very special circumstances exist - Conclusion

17. Paragraph 11 of the Framework recites the presumption in favour of sustainable development and sets out what it means for decision-taking. As set out earlier in this decision, the Council accepts that it cannot demonstrate a five year housing land supply. That engages the so-called tilted balance set out at Framework paragraph 11 unless, among other things, specific policies in the Framework indicate that development should be restricted. Having regard to the provisions of footnote 6 of the Framework, paragraph 145 constitutes a specific policy that, in this instance, indicates that inappropriate development in the Green Belt should be restricted. In such circumstances, the presumption in

favour of sustainable development does not apply and it is necessary to balance benefits and harms in an ordinary, unweighted planning balance.

18. I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that significant harm would be caused to the openness of the Green Belt, and that the development would also harm the character and appearance of the area. The adverse impacts need to be weighed against the identified other considerations, noting that there would not be significant benefits.
19. In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR