
Appeal Decision

Site visit made on 13 November 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/C1570/W/19/3236287

Land at Stickling Green, Clavering, Essex

- 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 Marquez on behalf of Parquez Developments Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1275/FUL, dated 30 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is the erection of 1 dwelling with associated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address given on both the Council's Decision Notice and the appeal form, rather than that given on the application form. This is because it accurately and concisely defines the site under consideration.
3. I understand that the emerging Uttlesford Local Plan (the EULP) has reached examination. However, there is nothing before me to indicate that anything more than limited weight should be afforded to the EULP at this time. I shall consider the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the rural area; and
 - Whether the appeal site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

Character and appearance

5. The appeal site is situated at Stickling Green, a hamlet that falls within the parish of Clavering and that typically consists of closely spaced clusters of development situated to either side of Mill Road. The site, which is formed of a small triangular area of wooded land closely positioned to Mill Road, is located outside of the defined settlement limits of Clavering and thus in the countryside as defined in local planning policy terms.

6. Saved Policy S7 of the Uttlesford Local Plan (January 2005) (the Local Plan) sets out that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy is clear that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set.
7. Whilst I acknowledge the presence of existing developments along Mill Road, the road's character and appearance is still heavily influenced by its rural setting and predominantly green surroundings. Indeed, instances of development are sporadic, and properties can typically be found to be clustered in certain locations. The appeal site itself is situated upon a particular stretch of Mill Road that offers access to some limited development to its northern side. However, the opposite southern side of the road, where the appeal site is located, is inherently rural in its makeup and clear of any noticeable forms of development. The site is physically detached from the nearest cluster/row of properties situated to the west. In this context, the introduction of a dwelling would represent a noticeable and discordant excursion into the countryside.
8. Whilst previous residential activity upon the site has been referred to in the evidence before me, no obvious signs of this were apparent from inspection. Whilst the site is heavily vegetated and thus distinct from surrounding open agricultural land in this sense, it reads as part of the countryside. Whilst I am unaware of any open space designation being afforded to the site, it makes an important contribution to the character and appearance of the rural area of which it forms part. On this basis, I do not consider that the erection of a dwelling would make best use of the land in question.
9. I acknowledge that the site's boundaries are defined by trees and hedges and that many of these features are indicated to be retained upon the plans before me. Without providing a solid buffer, I observed that the current planting softens views into the site from various vantage points upon both Mill Road and the public byway that runs the site's eastern boundary. Nevertheless, the introduction of a two-storey dwelling, even when designed to reflect the local vernacular, would have a noticeable urbanising influence. In any event, the existing planting, or any supplemental future planting that could be put in place, cannot be relied upon to provide a permanent and substantial buffer to views. This is because planting is ever evolving, is reliant on regular maintenance to retain a consistent form and may be reduced in scale or extent in the future.
10. The appellant has referenced appeal decisions¹ at a site elsewhere in the District at Wimbish. The appeals were allowed and relate to the development of a single dwelling upon land designated as countryside. However, it is apparent that the site circumstances differed when compared to the proposal before me here. This is not least due to the presence of built form in proximity to a side boundary of that particular site.
11. For the above reasons the proposal would cause harm to the character and appearance of the rural area. It conflicts with saved Policy S7 of the Local Plan in so far as it states that there will be strict control on new building in the countryside and that development will only be permitted if its appearance

¹ APP/C1570/W/19/3223395 and APP/C1570/W/19/3220995

protects or enhances the particular character of the countryside within which it is set.

Whether an appropriate location for housing

12. The appeal site is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. However, it is situated beyond the defined development limits of Clavering and thus in an area where no other similar development is expected.
13. Clavering contains a relatively limited range of facilities and services. These include a primary school, a village hall, a shop and public houses. Whilst many of these facilities are situated a considerable distance away from the site, the village hall and a public house are situated in proximity to the eastern end of Mill Road and thus relatively near. However, the stretch of Mill Road that incorporates the site is unlit and is not served by pathway. I observed several traffic movements along it during inspection. Mill Road does not provide a direct route to the heart of Clavering and does not appear as an attractive route to be navigated on either foot or by cycle.
14. A more direct route into Clavering is provided by the public byway that skirts the eastern edge of the site, yet this is not lit nor formed of a robust hard surface. Indeed, a wet, muddied and uneven surface was in evidence during inspection. This public byway, not least due to the distances involved to access facilities and services via it, would not provide a convenient and realistic option to serve future occupiers' day-to-day needs.
15. It is also apparent that the site is not served by closely or conveniently located bus stops. Indeed, difficulties would be faced in accessing local bus services on foot due to Mill Road's lack of paths and there would be expected to be limitations associated with any individually booked service options operating in the District. Whilst I have been made aware of a main line railway station at Newport, this is estimated to be located some 6km from the site.
16. I note that the Inspector with respect to the above referenced appeal decisions at Wimbish found that the proposal before her would provide a suitable location for housing and that, in that case, the rural housing aims of the Framework would be complied with. However, each case must be considered on its own merits. I also note that, with respect to the appeals at Wimbish, lanes in the area were found to be reasonably attractive to cyclists and pedestrians and that bus services were observed to be available at a short distance from the site.
17. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Nevertheless, considering the particular site circumstances outlined above, the proposal would be expected to increase travel by private modes of transportation, which sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner. The scheme would thus cause material harm by virtue of the site not representing an appropriate location for housing, having particular regard to access to surrounding facilities and services. The proposal conflicts with saved Policy GEN1 of the Local Plan in so far as it requires that development will only be permitted where it encourages movement by means other than driving a car.

Planning Balance

18. I am of the understanding that a 2.68 year housing land supply currently exists in the District, which represents a significant shortfall. The Framework is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
19. I have identified conflict with saved Policy S7 of the Local Plan. However, this policy is not consistent with the Framework in terms of its approach to countryside protection. This is because the Framework does not imply that protection from development be given to the countryside in its totality, rather that recognition be given to the intrinsic character and beauty of the countryside. I apportion only limited weight to the conflict I have identified with Policy S7.
20. The site's location outside of any defined settlement boundary is not determinative in this case. Nevertheless, in the context of the Framework, the proposal would cause harm by virtue of failing to recognise the intrinsic character and beauty of the countryside which, even noting the limited scale of development under consideration here, attracts considerable weight in the planning balance.
21. I have also identified conflict with saved Policy GEN1 of the Local Plan, which is broadly consistent the Framework in so far as it seeks to encourage movements by means other than private car. Nevertheless, whilst the Framework promotes opportunities for walking, cycling and public transport use to be identified and pursued, opportunities to maximise sustainable transport solutions will be limited in rural areas when compared to urban areas and the proposal before me is at small scale. I thus apportion moderate weight to the conflict I have identified with Policy GEN1 and to the associated harm.
22. Turning to the scheme's benefits, it would deliver an additional residential unit in a District where there is currently a significant shortfall in housing land supply. Whilst this represents a meaningful contribution in such circumstances, the delivery of only one unit would not make a clear and noticeable difference to the overall housing land supply position in the District. I thus apportion this benefit of the scheme moderate weight. The scheme would also generate jobs and investment during the construction phase and expenditure in the local economy and support for local community facilities in the area once occupied, these are benefits that attract limited weight given the modest scale of development under consideration. Furthermore, given the small size of the site, any biodiversity benefits brought about through additional landscaping would be limited.
23. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harm and policy conflict that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply therefore. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

24. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR