



Appeal Decision

Site visit made on 8 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2019

Appeal Ref: APP/C1570/W/19/3233328

Malt Place, Cornells Lane, Widdington CB11 3SP

- 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 M King against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3523/FUL, dated 24 December 2018, was refused by notice dated 1 May 2019.
 - The development proposed is demolition of existing agricultural buildings and replace with detached dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed dwellings would represent sustainable development in respect of accessibility to day to day services and facilities.

Reasons

Character and appearance

3. The site comprises a range of former agricultural buildings, previously used to house poultry, which are in a relatively poor state of repair. The largest of these are grouped closely together in a linear form at the top of the site. The remainder of the site is largely overgrown and comprises a number of trees along its boundary. The site slopes down behind Malthouse 1 and Malthouse 2 which are located on Cornell Lane towards an existing watercourse. The agricultural buildings are not visible from Cornell Lane and only become apparent once you have travelled along the access track.
4. The site is identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) as being within the Debden Farmland Plateau and defined in the Uttlesford Local Plan 2005 (LP) as being a Historic Landscape. The historic land use identifies a predominance of pre-18th century irregular fields and that the main historic landscape features include a

- number of areas of ancient woodland. An area of which is annotated on the submitted plans as being adjacent to the site. This wooded area provides both a backdrop to the site and screening. There are a number of existing small agricultural buildings/sheds located within the wooded area.
5. The two largest buildings on the appeal site are nestled into the site and their construction, including the choice of materials ensures they are blended into the agricultural land upon which they sit and are reflective of their former use.
 6. The appeal proposal would result in the demolition of the two largest poultry buildings and these would be replaced by 4 detached dwellings arranged around a central turning circle. Plot 2 would benefit from the largest garden which would extend down the slope of the site towards the watercourse on the rear boundary.
 7. The scale of the dwellings proposed, with detached 1½ storey 3 and 4 bedroom dwellings and single storey 2 bedroom dwellings, would increase the height and footprint of the development considerably in comparison to the buildings currently on the site.
 8. Plots 3 & 4 would have floor spaces of approximately 110m² and a ridge height of approximately 4.7m – which would be just under 1m taller than the neighbouring outbuilding (to be converted under UTT/17/2960). They are proposed to be constructed of similar external materials to this outbuilding, namely weatherboarding and slate, which would therefore have regard to the site's former agricultural use. However, the overall width and form of the proposed dwellings are not replicated elsewhere on the site. The positioning of Plot 3 leads to an awkward relationship with the outbuilding, due to its proximity and siting, which extends beyond the rear elevation of the outbuilding. In addition the area of amenity space for plot 3 which wouldn't follow any natural boundaries, appears unduly cramped in comparison with the amenity space provided for the other plots
 9. Plots 1 and 2 are described as 1 ½ storey with rooms in the roofspace and have been designed as a brick and flint "granary style" barn and a timber framed and rendered "principal farmhouse". The heights of these buildings would be more than double the height of the existing poultry building. The combined effect of the arrangement, volume and shape of the group of buildings would lead to a massing which would be much greater than the existing buildings on the site.
 10. A large property has been constructed at the entrance to the site, but this is not read in the context of the appeal site and therefore I do not consider this sets a precedent for similar development on the appeal site.
 11. It has been put to me that the development would enhance the appearance of the site as it would result in the clearance of the remaining buildings on the site, however even if the buildings are retained this would not be as harmful as the totality of the proposed scheme as they are appropriate to their rural location.
 12. The increase in the amount of built development on the site; the formal arrangement of the dwellings; and the change of use of a large portion of the site to garden with formal planting of an avenue of trees along the access road

would result in a development with a suburban appearance which would be incongruous to its rural location.

13. Permission¹ has been granted under the Prior Approval scheme for a change of use of the poultry building within the appeal site to 4 dwellings. Under the appeal scheme, this building would be demolished.
14. I have no reason to dispute the appellants evidence which indicates that if the appeal were to fail that the approved prior approval schemes would be implemented. However, the fallback scheme would be of a smaller scale and would retain the agricultural character of the site. Therefore, it does not justify the harm I have identified that would arise from the scheme before me.
15. Policy S7 of the Uttlesford Local Plan 2005 (LP) sets out the Council's approach towards the countryside, that is land outside of settlement boundaries. It is more restrictive than the Framework in that it seeks to protect the countryside for its own sake.
16. Consequently, Policy S7 is only partially consistent with the Framework and can be afforded only moderate weight in the determination of this appeal. The policy requires development to only be permitted if its appearance protects or enhances the character of the countryside.
17. I conclude, that the proposal would harm the character and appearance of the area contrary to policies S7 and ENV9 of the LP which look for development to enhance the character of the countryside and protect local historic landscapes.

Suitability of location

18. The village of Widdington is located to the west of the site approximately 1.2km from the access into the site. The site is located towards the end of Cornell Lane which is a no through road. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. I have taken account that there are a number of dwellings located along Cornells Lane, including either side of the entrance to the site and therefore given its grouping with other dwellings along Cornells Lane the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).
19. The village can be accessed from the site via Cornells Lane which is a narrow road, being of single vehicle width for much of its length, without footpaths or streetlighting. Even if the occupants of the proposed development were to walk along Cornells Lane into Widdington, the village has limited services and facilities and occupiers would have to travel onwards to services and facilities within the market town of Saffron Walden which is approximately five miles away on rural roads.
20. I have no substantive evidence before me to indicate that the site is well served by public transport. I therefore consider that occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment. Given the distance to the nearest sizeable town those journeys will often be lengthy.

¹ UTT/18/2129/PAP3Q

21. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. Consequently, it would not accord with Policy S7 of the LP which protects the countryside for its own sake and restricts development to that which needs to take place there and policy GEN1 which seeks to promote sustainable transport modes.
22. However, I must have regard to other material considerations and given that planning permission already exists for 4 dwellings on the site, the proposal would not generate a materially different level of trips by car than the development permitted. Therefore, I find no demonstrable harm to sustainability in respect of accessibility of services and facilities.

Planning Balance

23. The Council accept that it is currently unable to demonstrate a deliverable 5 year supply of deliverable housing sites, with the latest assessment putting the supply at 3.29 years.
24. Therefore, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless 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.
25. It has been put to me that the proposal would represent a better of mix of housing types to that of the fallback scheme as there is a greater demand for 3-5 bedroom dwellings rather than that of 1 and 2 bedrooms. However, there is still a need for 1 and 2 bedroom dwellings identified within the extract from the West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) and I have not been provided with any evidence that this need has already been met. Even if this was to be considered a benefit to the scheme, this would only be limited and it would not outweigh the considerable harm I have identified above to the character and appearance of the area.
26. I have also considered the suggested biodiversity enhancements that would result from the proposal, set out within the Widdington Biodiversity Enhancement Landscaping document and drawing no. 493.12. I agree that in particular the improvement of the soil following its use for intensive poultry, which has resulted in limited biodiversity, with parts of the site only supporting plants which thrive in high phosphate conditions, would be a benefit of the scheme that must be weighed in the balance.
27. The development would give rise to some economic benefits during the construction phase and there would be modest social benefits arising from the contribution to the Council's housing supply, noting paragraph 64 of the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. However, there is already planning permission for 4 homes, which I understand will be implemented if the appeal fails. Therefore, dismissing the scheme is unlikely to have any material impact upon the Councils housing land supply.
28. I conclude that the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

29. I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR