



Appeal Decision

Site visit made on 4 November 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MTRPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/C1570/W/19/3234963

Land Adj. Runnells Hey/ Silverthorn, Dunmow Road, Little Canfield, Essex CM6 1TA

- 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 Mrs S Anderson against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3185/FUL, undated but stated in the appeal form to be 27 November 2018, was refused by notice dated 26 April 2019.
 - The development proposed is erection of three bedroom dwelling and garage with associated landscaping.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. There are some slight variations in the address of the appeal site given in some of the appeal documents. The address stated above is taken from the planning application form and is considered to be representative of the location of the appeal site.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site is an area of land currently used as an ancillary garden by the appellant located at the eastern end of Canfield Drive. The appeal site contains a number of trees and a small, low rise building that appears to be used for storage.
6. Although the suburban area of Little Canfield is located a short distance to the north of the appeal site, it is separated by a Public Right of Way (PRoW) (The

Flitch Way) and mature trees, there is also an area of woodland to the east of the appeal site giving the appeal site and area immediately surrounding it a rural character. It is acknowledged that there are residential properties located around the appeal site, including Silverthorn to the west, Runnels Hey to the east and Twin Pines to the south. These properties are on large, wide, well spaced out plots resulting in a spacious, uncrowded feel. The existing properties are also well screened by trees from views from within the appeal site and The Flitch Way, this combined with the open nature of the appeal site contributes to a general sense of space and seclusion at this end of Canfield Drive.

7. The appeal site is relatively long, but narrow and therefore does not reflect the more spacious width of the plots that the surrounding properties are located within. The proposed dwelling and garage would be located towards the front of the plot, with a garden at the rear resulting in built development across almost the entire width. This would result in the loss of openness and space that is currently provided by the appeal site. The appeal site is fairly well screened by trees from the Flitch Way, but glimpsed views of the property would still be possible that would detract from the rural character that currently exists to the south of this PRoW.
8. The appellant describes the appeal site as being within a transition zone between the village to the north and open countryside further south. In this regard, both parties refer to a recent appeal decision for a proposed housing development on land west of Great Canfield Road (APP/C1570/W/19/3213251). However, given the scale of development in that decision, I agree with the appellant that the circumstances are not directly comparable with this case. Nonetheless, I have found that, notwithstanding the built form in the area, the development pattern and associated vegetation give the area a rural character and appearance which would be materially harmed by the development.
9. A number of other appeal and planning application decisions are referred to by the appellant in support of the appeal and when seeking to address comments raised by local residents. However, when assessing the effect of the proposal on the character and appearance of the area, with the exception of the appeal referenced above which talks specifically about development south of The Flitch Way, these other cases have had little influence on my consideration.
10. I therefore conclude that, for the above reasons, that the proposed development would have a harmful effect on the character and appearance of the area and be contrary to Policy S7 of the Uttlesford Local Plan (2005) which seeks to ensure development protects or enhances the particular character of the part of the countryside within which it is set.
11. I have had regard to the various appeal decisions referred to me with respect to the weight to be given to Policy S7¹. The Inspectors within these decisions have given the conflict with the Policy various levels of weight from limited to significant. I agree that Policy S7 can be given weight in as far as it seeks to protect the character of the countryside and therefore conflict with it should attract more than limited weight. However, seeking to protect the countryside for its own sake would represent an overly protective approach contrary to the

¹ Appeal Decision References: APP/C1570/W/18/3209655, APP/1570/W/15/3135166 and APP/C1570/W/15/3140284.

National Planning Policy Framework (the Framework). I therefore give the proposal's conflict with the policy moderate weight.

Other Matters

12. There is disagreement between the parties as to whether the appeal site should be considered as previously developed land. I agree with the appellant that the location should not be categorised as a built-up area. However, whilst the appeal site is described as an ancillary garden, it is not within the curtilage of the appellants dwelling, as it is physically separate from the appeal site, located to the north of The Filtch Way, and on that basis I do not consider it to be previously developed land in terms of the definition in the Framework. There is also disagreement as to whether the development would be considered to be 'infill' development, I appreciate that there are existing residential properties on three sides of the appeal site, but it has been found that the proposed development will result in harm to the character of the area and therefore whether the new dwelling represents infilling or not has had limited influence on my decision.
13. There would be small scale economic benefits in terms of the investment in the construction of the dwelling and local employment during the construction process. In addition, economic benefits would arise via the proposal increasing local spend from residents of the new dwelling. The proposal would also add one dwelling to the housing stock in a reasonably accessible area, would contribute to the target for windfall sites and help increase the range of dwelling sizes available. However, as the proposal is only for one dwelling these benefits would be limited.
14. I recognise that the Council states the proposed development is acceptable with regard to a number of planning matters including, transport, amenity, flood risk, infrastructure and biodiversity. The lack of harm in these respects carries neutral weight.

Conclusion and Recommendation

15. The Council acknowledges that it is unable to demonstrate that it has a five year supply of housing land and as a result the tilted balance in paragraph 11 d) ii. of the Framework needs to be applied.
16. The proposal would be harmful to the character and appearance of the area and therefore contrary to the environmental objective of planning. I find that this adverse impact of the development would significantly and demonstrably outweigh the benefits, as set out above, when assessed against the policies in the Framework taken as a whole. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations including the Framework.
17. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR