



Appeal Decision

Site visit made on 13 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/C1570/W/19/3236516

Land to the south of Walden Road, Radwinter, CB10 2SP

- 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 Sir Jonathan Parker against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3460/OP, dated 11 September 2018, was refused by notice dated 18 April 2019.
 - The development proposed is described as "the erection of three detached houses with garaging and amenity".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice and delegated report refer to the effect on the setting of Maple Cottage. The Council has confirmed that this is in reference to the neighbouring property Maypole Cottage, which was formerly known as Maple Cottage.
3. The application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative only.

Main Issues

4. The main issues are:
 - The effect of the development proposed on the character and appearance of the site and surrounding area;
 - The effect of the development proposed on the setting of the Grade II listed building Maypole Cottage;
 - Whether the appeal site is an appropriate location for new residential development; and,
 - The effect of the development proposed on highway safety.

Reasons

Character and Appearance

5. The appeal site is a paddock located outside of the built-up area of Radwinter. For the purposes of planning it is in the countryside. Policy S7 of the Uttlesford

Local Plan January 2005 (the LP) states that the countryside will be protected for its own sake, and that planning permission will only be granted for development that needs to take place there, or is appropriate to the rural area. New residential development of the type that is the subject of this appeal does not meet either of these criteria.

6. The erection of 3 houses on a greenfield site would significantly extend the built-up area of the settlement further into the countryside, resulting in a loss of openness. While the site is set behind an established hedgerow when viewed from the road, the presence of 3 houses with garaging, landscaping and the associated development would result in an unmistakable change in the character of this prominent site that would be intrusive and out of keeping with the wider rural area in which it is located.
7. The appellant suggests that the spacing, position and appearance of the dwellings would enhance the local character and empathise with traditional rural architecture. However, these matters are reserved for future consideration and I can only give them limited weight in considering this appeal.
8. I therefore conclude that the development proposed would have a harmful effect on the character and appearance of the site and surrounding area. It would conflict with Policy S7 of the Uttlesford Local Plan Adopted 20 January 2005 (the LP) which requires that development in the countryside only be permitted if it would protect or enhance the particular character of the part of the countryside within which it is set.

Setting of Listed Building

9. The site is adjacent to Maypole Cottage, a Grade II listed building. I have paid special attention to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. Paragraph 194 of the National Planning Policy Framework (the Framework) states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
11. The appeal site is greenfield land, and no substantive evidence has been submitted to show any historic development of the site. Maypole Cottage is a distinctive building in the street scene due to its size, thatched roof and prominent location on a corner plot. When approached from the road to the east it is the first house in the village visible on this side of the road. I consider that development on the appeal site would be highly likely to reduce the visibility of the listed building in a manner out of keeping with the historic pattern of development, therefore harming the setting and the heritage significance of the heritage asset.
12. The appellant has suggested a minimum separation distance of 38 metres from Maypole Cottage to the nearest proposed building on the site. However, as this is an outline application with all matters reserved I can only give this limited weight in determining this appeal.

13. Having considered the above points I therefore conclude that the development proposed would be harmful to the setting of Maypole Cottage, a Grade II listed building. This conflicts with Policy ENV2 of the LP, which requires that development affecting a listed building should be in keeping with its scale, character and surroundings.

Location

14. It is common ground that the appeal site is located outside of the built-up area of the settlement, but immediately adjacent to it. During my site visit I did not see evidence of day-to-day facilities or services being available within the immediate vicinity of the site. No evidence has been submitted by either party to show how far occupiers of the proposed dwellings would have to travel to reach such services, nor that there is public transport available in the near vicinity of the site.
15. Paragraph 103 of the Framework does recognise that in rural areas options for sustainable transport solutions may be less available than in urban areas. However, based on the limited evidence before me and what I observed during my visit it appears that occupiers would be heavily reliant on private cars to travel for their day-to-day needs.
16. Having regard to these points I therefore conclude that the appeal site would not be an appropriate location for new residential development. The development proposed therefore conflicts with Policy GEN1 of the LP, which requires that development encourage movement by means other than driving a car.

Highway Safety

17. The appeal site is located on an unlit stretch of road at the edge of the settlement with a 60mph speed limit. Road markings are in place along its frontage recommending that drivers slow down as they enter the settlement, but the speed limit does not change. The road along the site frontage is relatively straight, but there are bends in the road close by.
18. Essex County Council as the highways authority have objected to the proposal as they do not consider that sufficient information has been provided to show that safe suitable access to the site can be achieved, and that use of an access in this location would interfere with the road's principal function of carrying traffic freely and safely between centres of population.
19. The appellant suggests that the site frontage is of sufficient width to provide the necessary visibility splay to ensure safe access. However, given the speed at which vehicles approaching the site can travel, and which I observed during my site visit, I consider that insufficient evidence has been submitted with the appeal to show that a safe junction can be provided between the appeal site and Walden Road.
20. I must therefore conclude that the development proposed would have a harmful effect on highway safety in the vicinity of the site. This conflicts with Policy GEN1 of the LP, which requires that development not compromise road safety.

Other Matters

21. The appellant has drawn to my attention several examples of planning permission being granted for residential development in the local area as well

as a permission granted on a site stated to be a similar distance from Maypole Cottage as the appeal before me. However, I do not have the details of these sites or the developments before me. I cannot therefore be certain to what extent similarities exist between those developments and the appeal proposal. In any case, each appeal must be determined on its own merits, which I have done in this case.

Planning Balance

22. The Council cannot demonstrate a 5-year housing land supply. In such circumstances, paragraph 11 of the Framework states that policies that are most important for determining the application are out of date.
23. Planning permission should therefore be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. Policy S7 of the LP is more restrictive of development in the countryside than the Framework. However, it is broadly consistent with the Framework's aim of protecting the intrinsic character and beauty of the countryside, as set out in paragraph 170. It is ultimately for the decision maker to determine the weight to be given to development plan policies in these circumstances. While Policy S7 cannot be given full weight, I accord it significant weight due to its broad consistency with this aim of the Framework.
25. LP Policy ENV2 requires that development not harm the setting of listed buildings. Policy GEN1 of the LP requires, among other considerations, that development encourages movement other than by driving a car and that it does not compromise road safety. In determining this appeal, I find that both these policies accord with the current Framework, and therefore I have given them full weight.
26. The appeal site lies within the countryside, and the appeal proposal would be a significant encroachment into the open character of the site and wider countryside. I have also found additional harm from the effect on the setting of a listed building, from the inappropriateness of the location and associated dependence on private cars and from the effect on highway safety. Cumulatively I accord these issues substantial weight.
27. There would be a benefit from providing 3 additional houses in this location. The development proposed would contribute to the shortfall in housing supply within the District, its construction would provide short-term economic benefits. In addition, the appellant notes that the site is not isolated, and would provide a generous standard of accommodation with garden and amenity space exceeding the Council's minimum standards and would deliver ecological benefits to enhance the biodiversity value of the site. I afford these benefits moderate weight.
28. The appellant also notes that, subject to approval of reserved matters, the development would not harm neighbour amenities and would make provision for off-street parking in line with the Council's standards. The site is not in an area of flood risk and would not require a sustainable drainage management scheme. These are neutral considerations in my determination of this appeal.

29. I therefore conclude that the adverse impacts of the development proposed would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development identified in paragraph 11 of the Framework does not apply.

Conclusion

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

M Chalk

INSPECTOR