



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/19/3238810

Land adjacent to The Orchard, Kates Lane, Ashdon CB10 2EZ

- 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 & Mrs Haines against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1220/OP, dated 1 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described as "single dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling at land adjacent to The Orchard, Kates Lane, Ashdon CB10 2EZ in accordance with the terms of the application, Ref UTT/19/1220/OP, dated 1 April 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was submitted in outline form with all matters except access and scale reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative only with regard to all other matters.

Main Issues

3. The main issue is the effect of the development proposed on the character and appearance of the site and surrounding area.

Reasons

4. The appeal site is a paddock adjacent to a detached dwellinghouse, The Orchard. The paddock is enclosed with a post and rail fence, with a mature hedge along much of the site boundary, and a ditch along the road frontage. To the north of the site is a dense hedgerow that runs along much of the length of Kates Lane. The site otherwise lies within open fields to the south, west and east beyond The Orchard. The site is outside of the village of Ashdon, and for planning purposes is in the countryside, although there is intermittent housing along Kates Lane and within sight of the appeal site, including The Orchard.
5. Policy S7 of the Uttlesford Local Plan adopted January 2005 (the LP) states that the countryside will be protected for its own sake, and planning permission will

only be given for development that needs to take place there or is appropriate to a rural area. The appeal proposal does not meet either of these criteria.

6. The appeal site is undeveloped land in the countryside. The erection of a dwellinghouse of the scale indicated on drawing ref: 1912/PD/201 would be an intrusive form of development that would be out of keeping with the rural character of this part of the countryside. The proposed house would be smaller than The Orchard, and the site is somewhat screened by the existing hedgerow. However, as the site is undeveloped, I do not consider that this would fully mitigate the intrusiveness of the development proposed as any house on this site would be more visible and therefore intrusive than its current situation.
7. I therefore conclude that the development proposed would be harmful to the character and appearance of the site and surrounding area. It would therefore conflict with LP Policy S7, which seeks among other things to ensure that new development protects or enhances the particular character of the part of the countryside within which it is set.

Other Matters

8. The appellants have sought permission on this site due to a member of their family occupying The Orchard, and for continued access to work in Cambridge. I have given this careful consideration in determining this appeal, but I am mindful of advice in the national Planning Practice Guidance that in general planning is concerned with land use in the public interest. I have not been presented with evidence that these personal circumstances are particularly unusual or could not be met by other accommodation in the area. I have therefore not given this consideration weight in determining this appeal.
9. The Parish Council raised concerns regarding the appeal site being isolated and in an unsustainable location. Nevertheless, whilst the appeal site is outside the village boundary, it is within walking distance of its centre and therefore could not be considered isolated. This conclusion is consistent with the Council's conclusion on the matter.
10. I have also had highway safety concerns brought to my attention regarding the construction period. However, I do not have any technical evidence before me, for example from the local highway authority, to suggest that Kates Lane is unsuitable for construction traffic.

Planning Balance

11. The Council have confirmed in their statement that they are unable to demonstrate the provision of a 5-year supply of land for housing, measured against their housing requirements. Moreover, based on the evidence before me it was clear that the shortfall in housing supply is significant with the Council only able to demonstrate 3.29 years of deliverable land for housing supply. Paragraph 11 of the National Planning Policy Framework (the Framework) is therefore engaged.
12. I have found that the development proposed would be contrary to the development plan and would result in moderate harm to the character and appearance of the area. Balanced against this is the contribution to the supply of housing of 1 new home and a short-term economic benefit from the construction of the house. There would be ongoing social and economic

benefits from its occupation. The appeal site is close to the village of Ashdon, and the occupants of the proposed dwelling would be able to access the village's services and buses without being dependent on private cars. I have afforded significant weight to these benefits, given the extent of the shortfall.

13. Consequently, taking everything into account including all other material considerations, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies of the Framework as a whole. Furthermore, I have found that paragraph 11 of the Framework would apply here, and in that context the presumption in favour of sustainable development is a material consideration which warrants a decision other than in accordance with the development plan.

Conditions

14. I have considered the conditions suggested by the Council. These include standard conditions relating to the commencement of development and submission of reserved matters. To this I have added additional standard conditions (Nos 2 and 4) relating to the submission of reserved matters and confirming the approved location plan.
15. I have included a condition requiring that the dwelling be constructed in accordance with the accessibility standards set out in the Building Regulations. This is necessary to ensure that the development will be accessible to future occupants, and accords with Policy GEN2 of the LP, which seeks among other things to ensure new development meets the reasonable needs of all potential users.
16. I have imposed conditions relating to biodiversity mitigation and enhancement measures. These are necessary to deliver biodiversity net gains as part of the development proposed, in accordance with the aim set out in paragraph 170 of the Framework to enhance the natural and local environment.
17. I have also imposed conditions relating to vehicular access to the site and the siting of any gates at the access. These are necessary to ensure a suitable access to the site without obstructing the public highway.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of appearance, layout and landscaping (hereafter called "the Reserved Matters") must be obtained from the local planning authority in writing before development commences and the development must be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan Ref: 1912/SD/100 Rev B but only in respect of those matters not reserved for later approval.
- 5) The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 6) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, June 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 7) Prior to slab level of the development hereby approved a biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the Ecological Survey and Assessment (Essex Mammal Surveys, June 2019).

The content of the Biodiversity Enhancement Strategy shall include the following:

1. Purpose and conservation objectives for the proposed enhancement measures;
2. detailed designs to achieve stated objectives;
3. locations of proposed enhancement measures by appropriate maps and plans;
4. persons responsible for implementing the enhancement measures;
5. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 8) Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no greater than 4.5 metres and shall be provided with an appropriate vehicular crossing of the highway verge.
- 9) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.