



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: 6 February 2020

Appeal Ref: APP/C1570/W/19/3238409

6 Quicksie Hill, Arkesden, Saffron Walden CB11 4HE

- 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 T Wombwell against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1652/FUL, dated 3 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is described as "1 no dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site includes land in the ownership of the neighbouring property, No 5 Quicksie Hill. Land ownership is not a planning matter, but in any case from the evidence before me there is an agreement between the appellant and owner of No 5 regarding access should permission be granted.

Main Issues

3. The main issues are:
 - the effect of the development proposed on the character and appearance of the area; and,
 - whether the appeal site is a suitable location for new residential development.

Reasons

4. The appeal site is located at the rear of the garden of 6 Quicksie Hill, one of a group of houses to the north of Arkesden. Based on the evidence before me it is previously developed land. The site lies outside of the built-up area of the settlement, and therefore for planning purposes it is in the countryside.

Character and Appearance

5. 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.

6. The appeal site is accessed via an unmade track to the rear of this group of houses. The ground level falls away from the front of the site to the rear, and the appeal site is at a lower level than the existing house. The appeal site is occupied by builders' materials and storage and the evidence submitted with this appeal indicates this has been the case for some time. There was no permanent structure on the appeal site of a similar scale to the development proposed at the time of my site visit.
7. The proposed dwelling would occupy the full width of the existing garden, with access across neighbouring land required to provide parking for the existing house. The dwelling would occupy an L-shaped footprint with a forward projection towards the track. Its character would be clearly residential, and I consider that it would be a large and incongruous feature in this location, out of keeping with the generally small and subordinate structures in neighbouring gardens.
8. The proposed dwelling would be clearly visible from neighbouring properties and their gardens as well as from the track, which appears well used by occupiers of this group of houses. The retained landscaping would be insufficient to wholly screen the dwelling in the area. The difference in site levels would mean that the proposed dwelling would not unduly restrict outlook from the existing houses. However, I consider that as a result of its height and width it would be an intrusive feature in this location and harmful to its rural character.
9. During my site visit I viewed the various structures on neighbouring land from the track. There is a wide variety of sheds, garages, a residential annexe, 1 house and other structures fronting the track. These buildings are mainly single-storey and of a smaller footprint and lower ridgeline than the appeal proposal. Based on the evidence before me, I note that the 1 house in this group replaced an existing structure on that site. Notwithstanding this, and in any case, that house is of a different character to the appeal proposal with a simpler footprint and is aligned lengthways along its plot rather than across it as in the appeal proposal. I do not therefore consider it to be so similar to the appeal proposal that it would justify approval in this case, notwithstanding the efforts to replicate elements of this existing house's design.
10. Having considered all the above points I therefore conclude that the development proposed would be harmful to the character and appearance of the area. It therefore conflicts with Policies S7 and GEN2 of the LP. Together these policies require that development reduce the visual impact of new buildings or structures where appropriate, and that the countryside be protected for its own sake.

Location

11. The appeal site is located outside of the built-up area of the settlement, although within walking distance. Arkesden has a church, public house, play area and village hall but no shops and whether there is a school in the village is contested. In addition, I have no information about what facilities and services are available in neighbouring villages. Based on the evidence before me there is only a limited bus service serving Arkesden, and I have no indication of where the buses travel to and what other services can be reached by them. The site is on a national cycle route. However, during my site visit I did not see

any evidence of cycle paths or other measures to specifically encourage the use of bicycles by residents.

12. Paragraph 103 of the National Planning Policy Framework (the Framework) recognises that in rural areas there may be fewer options for sustainable transport solutions than in urban areas. However, the evidence before me it suggests that occupiers would be reliant on private cars to travel for day-to-day needs due to the limited services available in the village.
13. Having considered the above points I therefore conclude that the appeal site is not an appropriate location for new residential development. As such, the appeal proposal is in conflict with Policy GEN1 of the LP, which requires development to encourage movement by means other than driving a car.

Other Matters

14. The appellant has suggested that the development can be regarded loosely as infilling. However, residential infilling generally involves development of a small plot between established rows of houses, and that is not the nature of the proposal before me.
15. The appellant has also suggested that the development would not cause any disturbance to neighbours. This is due to its location at the foot of the garden some distance from neighbouring houses, and the general level of use of the site and track. I note that the Council did not raise this matter as a reason for refusal. Based on the evidence before me and what I saw during my visit I agree that the development would be unlikely to cause a significant increase in disturbance to neighbouring occupiers. However, the absence of identified harm is a neutral consideration in my determination of this appeal.
16. The appellant has drawn my attention to examples of other decisions made by the Council and on appeal in the local area and district. However, I do not have the details of these cases before me and so cannot be sure as to what evidence was available in those cases and to what extent the issues were comparable to this proposal. I note that the appeal on a nearby plot at Quicksie Hill¹ involved 3 houses on a self-contained plot of significantly different size that fronts the road, and therefore was materially different to this proposal. Notwithstanding this, and in any event, I must determine this appeal on its own merits and based on the evidence before me, and confirm that I have done so.

Planning Balance

17. The Council cannot show a five-year supply of housing land. While there is conflicting evidence before me on the extent of supply available, there is clearly a significant shortfall. Paragraph 11 of the Framework therefore states that policies that are most important for determining the application are out of date.
18. 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.

¹ Planning Inspectorate ref: APP/C1570/W/19/3225516

19. The approach in Policy S7 of the LP to development within the countryside is more restrictive than the Framework. However, it is broadly consistent with the Framework's aim to protect the intrinsic character and beauty of the countryside, as set out in paragraph 170. While Policy S7 cannot be given full weight in determining this appeal, as the decision maker I consider that it can be given significant weight due to this broad consistency.
20. Policy GEN1 of the LP has, as one of its criteria, a requirement that development encourages movement by means other than driving a car. I find this to be consistent with the Framework and so have accorded this policy full weight in determining this appeal. I note that the Inspector that determined the appeal for 3 houses on the nearby site on Quicksie Hill gave limited weight to this policy. However, I do not have the evidence before me to show how they reached that conclusion.
21. LP Policy GEN2 sets design standards with which new development is expected to comply. I find that this policy is also consistent with the Framework, so have given it full weight as well.
22. I have identified harm to the rural character of the area from the introduction of a dwelling in this location. In addition, I consider that the appeal site is not a sustainable location for new residential development. Occupants of the dwelling would be dependent on private transport to reach day-to-day services. Therefore, I give such considerations significant weight in determining this appeal.
23. The appellant has identified economic and social benefits for the local community, services and facilities from the construction and ongoing occupation of the dwelling. The house would be built to Lifetime Homes standards and would contribute to the recognised shortfall in housing supply in the district. However, given the modest contributions that would arise from a single dwelling, I afford the benefits only moderate weight in determining this appeal.
24. 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

25. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR