
Appeal Decision

Site visit made on 21 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/C1570/W/19/3241109

Ellan Vannin, Sibleys Lane, Thaxted CM6 2NU

- 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 Mark Daubney against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0947/FUL, dated 23 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council's reason for refusal cites a single issue relating to character and appearance. However, there is reference within the officer's report to the suitability of the location for housing, having regard to its accessibility to services and the appellant has addressed this point within their submissions. Therefore, it is a point of contention between the parties and I consider that this is a further main issue.
3. In the context of the above the main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site represents sustainable development in respect of its location.

Reasons

Character and appearance

4. The appeal site is located within Sibley's Green, which is identified within the Thaxted Neighbourhood Plan 2017-2033 (2019)(NP) as a rural hamlet within the village of Thaxted. This part of Sibley's Green is characterised by detached dwellings in large plots, with some commercial and agricultural buildings.
5. The proposed dwelling would be sited in an area of vacant land between Ellan Vannin, a residential dwelling and the commercial properties of the Active Spring Company. The land previously formed part of the garden of Ellan Vannin. The site has the appearance of an overgrown open field, albeit enclosed by existing landscaping along its boundary with the commercial

- development. The access for the commercial units runs along the outer edge of the site.
6. Policy TX LSC4 of the NP sets out that appropriate development includes undeveloped infill sites between existing dwellings within Sibley's Green. Such development must also have regard to the character and appearance of the landscape.
 7. Both parties accept that the site is an undeveloped infill site between an existing dwelling and a group of light industrial buildings. Therefore, I consider that the site cannot be considered to be an infill site between existing dwellings and therefore there is conflict with policy TX LSC4.
 8. The proposed dwelling would be sited between the commercial buildings and the existing dwelling. I have had regard to the extant permission (UTT/17/1960/HHF) for a three bay garage with gymnasium over proposed within the curtilage of Ellan Vanin, which would add further to the built development in the vicinity. Whilst this would further enclose the site in terms of built development, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, thereby eroding the open and rural character of the immediate area.
 9. Whilst the site is generally screened from public vantage points by existing trees, these would unlikely endure for the lifetime of the development. In any event, even with the screening in place there are views of the site from the existing access. Therefore, from these localised viewpoints the development would be noticeable thereby detracting from the overall sense of spaciousness that currently exists around properties.
 10. The development would result in an increase in the density of development within the locality, which is generally characterised by large open gardens. This would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of the area.
 11. The development would also be contrary to policy S7 of the Uttlesford Local Plan 2005 (LP) which seeks to protect the countryside for its own sake. Development will not be allowed unless it would protect or enhance the particular character of the countryside.
 12. Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake. However, Policy S7 goes onto say that development will not be allowed unless it would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the National Planning Policy Framework ('the Framework') which seeks to recognise the intrinsic character and beauty of the countryside. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside.
 13. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with policy THX LSC4 of the NP which defines infill development as that between existing dwellings and requires development to have regard to the character and appearance of the landscape and policy S7 which requires development to

protect or enhance the character of the countryside, and policy 170 (b) of the Framework.

Suitability of location

14. The site is located approximately 2 miles from the services within Thaxted and access to these would be via unlit roads with no footpaths. However, distance is not the sole consideration. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school. Therefore, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
15. 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.
16. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with policies S7 and GEN1 of the LP which seeks to promote sustainable transport modes and suitably located developments. The development would also conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions.

Other Matters

17. I have been provided with plans for a proposed extension to the commercial buildings adjacent to the site. The appellant advises that these have been granted planning permission, but I have not been provided with a decision notice or reference number, nor has it been referred to by the Council in their evidence. However, in the event that this structure was constructed in the future, this would not alter my findings with regard to the harm associated with the proposed location of the development. The proposed dwelling would be sited forward of the proposed commercial development and therefore the openness of the site, viewed from localised viewpoints would still be affected.

Other Considerations

18. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 3.29 years. Therefore, paragraph 11d of the Framework is engaged.
19. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply. These are positive matters which I must weigh in the overall planning balance.

Planning Balance and Conclusion

20. The proposal would not accord with Policy TX LSC4 of the NP and Policies S7 and GEN1 of the LP. Furthermore, the identified adverse impacts of the development in respect of character and appearance and accessibility

considerations would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR