
Appeal Decision

Site visit made on 7 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/C1570/W/19/3240744

The Anvil, Church Road, Great Hallingbury CM22 7UB

- 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 S Dobson against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0396/OP, dated 18 February 2019, was refused by notice dated 31 May 2019.
 - The development proposed is for one dwelling with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved, however the Council determined the application on the basis of access being considered. The description on the appeal form reflects this and I have used it within this decision. Therefore, this appeal is determined on the basis of an outline application with all matters, except means of access, reserved for future consideration. Accordingly, I have had regard to drawing no. 1119 in respect of the details shown for means of access but I have considered it as indicative in other regards.
3. The Council's reason for refusal refers to Policy SP10 of the Regulation 19 Local Plan. The Local Plan was considered at an examination hearing in July 2019. I am unaware of the extent and content of unresolved objections to Policy SP10 and so I can only afford Policy SP10 limited weight in my decision. I have relied upon the policies within the Uttlesford Local Plan 2005 in reaching my decision.

Main Issue

4. The main issue is whether the site represents an appropriate location for the proposed dwelling, having regard to the settlement strategy and access to services and facilities.

Reasons

Suitability of location

5. The site is located on the south-eastern side of Church Road which leads from Great Hallingbury to Little Hallingbury, with the nearest village located approximately 1.5km from the access. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. I have taken account that there are a number of dwellings located

along Church Road and within nearby Howe Green and therefore given its grouping with other dwellings the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).

6. The village of Little Hallingbury can be accessed from the site by walking along Church Road, which has no footpath, except for a short extent where a bridge crosses the M11. Even if the occupants of the proposed development were to walk along Church Road into Little Hallingbury, the village has limited services and facilities and occupiers would have to travel onwards to services and facilities within Bishop Stortford which is approximately two miles away. However, distance is not the sole consideration. The route to Little Hallingbury is without footpaths or streetlighting and these conditions would make it less attractive for people to walk, especially for small children going to school.
7. 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, and the nature of the route to access the town and the more limited local services at Little Hallingbury.
8. 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, it seeks to protect and enhance the natural environment, which is an important part of the Framework and therefore I consider it should be afforded significant weight when considering development proposals in the countryside.
9. I therefore conclude that the site represents an inappropriate location for the proposed dwelling, having regard to the settlement strategy and access to services and facilities. Consequently, it would not accord with Policy S7 of the LP which protects the countryside for its own sake and restricts development to that which needs to take place there.

Other matters

10. I agree with the appellant that the location should not be categorised as a built-up area and therefore could be considered to be previously developed land. I also accept that the access would be satisfactory and there is no evidence that highway safety would be compromised or that there would be any adverse impact on biodiversity. However, these factors do not outweigh the harm I have found in relation to the site's location.
11. The appellant has made reference to the layout of the proposal and how this has been developed to take into account the character of the area and that the proposal would not harm the amenities of neighbours. However, as these are reserved matters, this detail is not before me for consideration. In any event, I have found the principle of development to be unacceptable and therefore consideration of the layout of the dwelling and the proposed landscaping would not overcome this harm.
12. I have taken into account the comments from the Essex Gardens Trust which identified the site as being within the defined boundary of the former Hallingbury Park, which they advised was a registered park and garden. However, I have sought further confirmation from the Council who have

confirmed that the park is not on the Statutory List. In any event, I consider that the location of the building having regard to the existing level of established screening within the site, means that the proposed dwelling would be largely concealed from view from within the park and therefore the proposal would not affect the setting of Hallingbury Park.

13. Reference has been made to other appeal decisions which are also within Uttlesford District Council's jurisdiction. However the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to the appeal proposal.

Planning Balance

14. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, albeit I have not been provided with details of the exact level of shortfall. Therefore, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
15. 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, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. Nevertheless, there would still 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.
16. Given the harm that I have identified from the inappropriate location of the site, in relation to access to day to day services, and limited alternative transport options, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Conclusion

17. I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR