



Appeal Decision

Site visit made on 8 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/C1570/W/19/3237610

Land to the West of 1 Myrtle Villas, Causeway End Road, Felsted CM6 3EU

- 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 G Moss against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0682/OP, dated 22 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is erection of new dwelling house and garaging.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with all matters except access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative only.
3. Since the Council refused permission the Felsted Neighbourhood Plan (the NP) was made following a referendum on 30 January 2020. The main parties have been invited to comment on the NP following its being made.

Main Issue

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

Reasons

5. The appeal site is part of a field associated with a stable block. At the time of my site visit fencing had been erected within the field that appeared to accord with the boundary of the proposed development shown on the application plans. However, there was no evidence of previous built development having occurred on the appeal site, therefore the appeal site does not comprise previously developed land.
6. As the site lies outside of the settlement boundary of Felsted, for planning purposes it is also 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.

7. Policy FEL/HN5 of the NP states that residential development proposals for sites in a countryside location will be supported where one or more specific circumstances exists. These circumstances include rural exception housing in accordance with an up to date housing needs survey, enabling development supporting affordable housing, replacement dwellings, supplemental dwellings tied to an existing primary residence, development where exceptional benefits to the community can be clearly demonstrated and development on sites allocated in the NP. The appellant has not identified the development proposed or the appeal site as meeting any of these circumstances.
8. There is an existing stable block on the wider site. This type of building is not uncommon in the countryside and is not harmful to its character. Its presence does not justify additional development in the field. The development proposed would be sited closer to the highway, in a prominent location from which it would be visible in both directions along the road. I consider that any new dwellinghouse in this location would represent an encroachment of residential development into the countryside.
9. The appellant has drawn my attention to a recent appeal decision on a nearby site known as Gransmore Meadow. I do not have the full details of this appeal before me, but I note that the appeal site in that instance had been identified as suitable for development in the Council's Strategic Housing Land Availability Assessment. This is materially different to the appeal site before me, and therefore I only give limited weight to this earlier decision in determining this appeal. My attention has also been drawn to planning permissions granted by the Council for residential development. However, I do not have the details of these permissions, so cannot be sure to what extent they are directly comparable to the appeal proposal. In any event I must determine this appeal on its own merits, which I have done.
10. The appellant also suggests that the proposal represents infill development and would be an appropriate scale of development given the proximity to neighbouring dwellings. However, the wider field forms a large gap between 1 Myrtle Villas and the next house along Causeway End Road, whereas infill development generally relates to small gaps within existing built-up frontages. Accordingly, I am not convinced that the appeal proposal would be infill development. In any event the NP does not identify infill development as being a circumstance in which housing in the countryside would be acceptable.
11. The Council in its reason for refusal has suggested that the proposal would be contrary to paragraph 79 of the National Planning Policy Framework (the Framework). However, paragraph 79 sets out provisions relating to the development of isolated homes. In this case the development proposed would not constitute an isolated dwelling having regard to the normal meaning of the term isolated.
12. I find that the development proposed would be harmful to the character and appearance of the site and surrounding area. It would therefore be in conflict with Policy S7 of the LP and NP Policy FEL/HN5 which, amongst other things, require new development to protect or enhance the particular character of the part of the countryside within which it is set.

Planning Balance

13. It is common ground that the Council cannot demonstrate the provision of a 5-year supply of land for housing, measured against their housing requirements.

- In the evidence before me a figure of 3.29 years supply has been referred to. In such circumstances, paragraph 11 d) of the Framework states that policies that are most important for determining the application are out of date.
14. Consequently, 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.
 15. The Framework also advises in paragraph 14 that, where the presumption at paragraph 11 d) applies, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided certain criteria apply.
 16. In relation to these criteria, the NP is less than 2 years old, it contains policies and allocations to meet its identified housing requirement, there is at least a 3 year supply of deliverable housing sites, and the Council has delivered at least 45% of its housing delivery test over the last three years.
 17. The appeal proposal would conflict with the NP in that, although the NP recognises that residential development may be suitable in the countryside under certain specific circumstances, none apply in this case.
 18. The appeal proposal would be an encroachment into the open character of the site and wider countryside, which would be harmful to the character and appearance of the site and surrounding area. This is a matter that carries significant weight.
 19. There would be some benefits from the appeal proposal. It would make a small contribution to the shortfall in housing supply within the District. Construction would provide limited short-term economic benefits and its occupation would provide modest ongoing social and economic benefits from additional support for local services and facilities.
 20. The appellant has noted the lack of objection on highways and neighbour amenity grounds from the Council to the proposed development. The absence of identified harm regarding these matters is a neutral consideration in determining this appeal.
 21. The appellant suggests that the development could enhance the character of the site and surrounding area. However, as this is an outline application the detailed appearance of the development is not before me. In any event I have found that the proposal would harm the character and appearance of the site and surrounding area.
 22. Having regard to the advice in paragraph 14 of the Framework I conclude that the conflict with the NP together with the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

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

M Chalk

INSPECTOR