
Appeal Decision

Site visit made on 8 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/C1570/W/19/3238120

Mayrose House, Great Canfield Road, Takeley CM22 6SZ

- 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 Richard Vine against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2993/FUL, dated 30 October 2018, was refused by notice dated 5 July 2019.
 - The development proposed is demolition of existing garage to Mayrose House, construction of driveway and erection of one detached 1 1/2 storey dwelling and one single storey dwelling and two cart lodges .
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage to Mayrose House, construction of driveway and erection of one detached 1 1/2 storey dwelling and one single storey dwelling and two cart lodges at Mayrose House, Great Canfield Road, Takeley CM22 6SZ in accordance with the terms of the application, Ref UTT/18/2993/FUL, dated 30 October 2018, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the site represents a suitable location for housing having regard to local and national planning policies and the character and appearance of the area.

Reasons

3. The appeal site forms the rear garden of Mayrose House, located to the south of the developed area of Takeley. The appeal site is approximately L shaped, and wraps around the back of the neighbouring Travellers site. The appeal site is surrounded by development on all sides, and the area is characterised as having largely sporadic development, with dwellings situated in expansive plots with large gardens. The appeal proposal would demolish the existing garage of the host dwelling of Mayrose House to provide a long driveway to serve the proposed dwellings. The site is well screened with mature vegetation around the boundary of the appeal site.
4. The appeal site is outside of any defined settlement boundary, and is therefore considered to be within the open countryside. Policy S7 of the adopted Uttlesford Local Plan 2005 (LP) seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. Development will only be permitted if its

appearance protects or enhances the particular character of the part of the countryside within which it is set.

5. The appeal proposal is for two large dwellings, which would be set within their own large plots. The siting of the dwellings at the rear of the site would mean that Mayrose House maintains a good sized garden, and there would be a good degree of separation between neighbouring dwellings. However, the provision of two large dwellings in this location combined with cart lodges and associated driveways would add considerable built form into the spacious and verdant garden. This would result in an urbanising effect of this countryside location and to this extent would cause some modest harm to the character and appearance of the area.
6. I appreciate that the site is currently well screened via mature vegetation, and that a landscaping plan could be conditioned which would go some way to break up the built form of the development. Whilst the appellant has indicated that the site is not visible from public perspective due to it being surrounded by residential gardens, the development of this site would clearly be visible from these neighbouring properties. It would alter the character of the site by introducing built form into a spacious verdant garden, although given its relatively self-contained location I afford this adverse harm limited weight in the overall planning balance.
7. I conclude that the proposal would cause some modest harm to the character and appearance of the area. To this extent, it would conflict with policy S7 of the LP which seeks, amongst other things, that development in the countryside enhances or protects its character. In this respect, there would be some limited conflict with paragraph 170 of the National Planning Policy Framework (the Framework) which states that planning decisions should recognise the intrinsic character and beauty of the countryside.

Other Matters

8. I note that third parties have raised concerns in respect of the proposals increasing the level of traffic on Canfield Drive, which is a private lane. Whilst during my site visit, I observed that the road is narrow with limited passing places, it is unlikely that the provision of two additional dwellings would cause significant increases in traffic to harm highway safety. I note that the highway authority has not raised any concerns in respect of access for the proposal. Concerns have been raised that should this appeal be allowed, it would set a precedent for additional development in the countryside in this location. I have been provided with no evidence that such sites are likely to come forward in the future.
9. My attention has been drawn to a number of applications¹ in the area which were refused planning consent by the Council. I have not been provided with the full details of these cases and, in any event, have determined this appeal on its individual planning merits. There is no objective evidence before me that this proposal would set a precedent for allowing other developments in the area. Any future planning applications in the area would also need to be considered on their own merits.

¹ UTT/1728/03/FUL and UTT/0520/10/OP

Planning Balance

10. The local planning authority acknowledges that it is unable to demonstrate a deliverable five year supply of housing sites. Paragraph 11d of the National Planning Policy Framework (the Framework) is therefore engaged. Hence, policy S7 of the LP is out of date. I have found that some limited harm would be caused to the character and appearance of the area and, in this regard, that therefore there would be some conflict with paragraph 170 of the Framework and policy S7 of the LP.
11. In respect of considering rural housing, the Framework is less restrictive than policy S7 of the LP. Indeed, paragraph 79 of the Framework states that decisions '*should avoid the development of isolated homes in the countryside*'. In this regard, the dwellings would be built in close proximity to a number of existing buildings, people and to the settlement of Takeley. The development would not therefore lead to the provision of isolated homes. Consequently, there would be no conflict with paragraph 79 of the Framework.
12. The provision of two houses in this location would boost the supply of houses in the area at a time when the local planning authority cannot demonstrate a deliverable five year supply of housing sites. This is a positive matter to weigh in the overall planning balance.
13. There would also be economic benefits from both the construction of the two dwellings, and the subsequent occupation of the dwellings. In addition, there would be some minor biodiversity benefits through the infilling/planting of hedges and trees around the boundaries of the site.
14. The appeal site is located in relatively close proximity to the settlement of Takeley, which offers a number of services and facilities for future residents. I observed that the walking route to Takeley would involve pedestrians walking along Great Canfield Road, which does not have pedestrian footways and is not lit. Nonetheless, I observed that vehicles speeds were generally low along this route and therefore I do not consider that this would be a barrier to future residents walking to these services and facilities. In addition, the evidence indicates that there are bus services within Takeley which provide links to Bishops Stortford and Great Dunmow.
15. Paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this instance, I consider that future residents of the dwellings would not be heavily reliant on the private motor vehicle for all day to day requirements. In this respect, the site is appropriate for residential development and thus it can be considered a sustainable location.
16. In the context of paragraph 11d of the Framework, I find that the limited adverse impacts of the development, including some conflict with policy S7 of the LP and paragraph 170 of the Framework, would not significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework taken as a whole. On balance, the appeal site is a suitable location for the proposed residential development and the proposal would constitute a sustainable form of development.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interest of certainty.
18. A condition relating to materials is necessary to ensure that the appearance of the development would be satisfactory. In the interest of precision, have modified the Council's recommended condition in respect of landscaping. This condition is necessary to safeguard the surrounding landscape character.
19. It is necessary that I impose a condition relating to the requirement of Part M4(2) of the Building Regulations 2010 to ensure the proposed dwellings have an appropriate level of accessibility.
20. The Council have recommended a condition restricting permitted development rights in respect of extensions, roof alterations and outbuildings. I have not been provided with any evidence from the Council in respect of the need to remove permitted development rights. I am not satisfied that they are necessary to make the proposal acceptable.

Conclusions

21. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/C1570/W/19/3238120

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C346/PL/05 Location Plan dated 11/10/18, C346/PL/01 Proposed Dwellings – Site Plan dated 15/03/18, C346/PL/02 Proposed Dwellings – Plot 1 dated 28/07/16, C346/PL/03 Proposed Dwellings – Plot 2 dated 28/07/16, C346/PL/04 Proposed Dwellings – Cartlodge dated 28/07/16
- 3) Prior to any works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted and approved in writing by the local planning authority:
 - i) Wall;
 - ii) Roof
 - iii) Windows
 - iv) Doors

The development must be carried out in accordance with the approved details.
- 4) Prior to first occupation of any dwelling, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) Retained features;
 - ii) New Planting
 - iii) Hard surfaces
 - iv) Boundary treatment

The landscaping works shall be carried out in accordance with the approved details.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwellings 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.