
Appeal Decision

Site visit made on 26 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020

Appeal Ref: APP/C1570/W/19/3241822

Land between Green Corners and Silver Birch dwellings, Latchmore Bank, Little Hallingbury, Bishop Stortford, Essex CM22 7PR

- 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 Padfield of GH Padfield against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1896/OP, dated 27 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is 5 new dwellings and garages.
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Decision

1. The appeal is allowed and planning permission is granted for 5 new dwellings and garages at Land between Green Corners and Silver Birch dwellings, Latchmore Bank, Little Hallingbury, Bishop Stortford, Essex CM22 7PR in accordance with the terms of the application, Ref UTT/19/1896/OP, dated 27 July 2019, subject to the attached Schedule of Conditions.

Procedural Matters

2. The application was submitted in outline and approval was sought only for access with all other matters reserved. I have determined the appeal on this basis.
3. I note the Uttlesford Regulation 19 Local Plan (emerging Local Plan). However, there is no certainty that the policies within it will be adopted in their current form, therefore attached it limited weight.
4. While I note the description of development in the decision notice, I have used the description from the application form, omitting any wording that is not an act of development.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies.

Reasons

Character and appearance

6. Little Hallingbury is a settlement that is largely linear with open countryside beyond. The appeal site is situated near its nucleus where there is a greater amount of built development. However, the site is undeveloped agricultural land that is part of a wider field. As such, it has a closer relationship to the open countryside than to the settlement of Little Hallingbury. While I note that there is built development to the north and south as well as on the other side of the road, given its open, undeveloped nature it reads as part of the wider pleasant countryside, which provides an attractive setting for the village.
7. I acknowledge that the application is in outline, with only access reserved for future consideration. Nevertheless, the proposal for five dwellings would not only involve the erection of houses, but would also be likely to include significant areas of new road, paved driveways and domestic gardens that would substantially alter the landscape character of the area and extend the built-up area of Little Hallingbury into the countryside.
8. The development would not extend further than the approximate rear boundaries of the adjacent properties. Furthermore, while layout, scale and appearance are matters for future consideration, from the indicative plans, it seems likely that the layout of dwellings would roughly echo that of other development in the village in terms of pattern of development. However, the development would nevertheless introduce a significant amount of built development to an undeveloped plot and would therefore adversely affect the rural character and appearance of the area.
9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with LP Policy ENV6 which requires that the change of use of agricultural land to domestic garden would not result in a material change to the character and appearance of the surrounding countryside.
10. However, the harm identified would be limited given the localised and self-contained nature of the site and the close proximity of the site to the centre of the village.
11. Since the application is in outline only, the layout, scale and appearance of the proposal would be matters for future consideration. Therefore, since Policy GEN2 of the Uttlesford Local Plan Adopted January 2005 (LP) concerns design, it is not relevant to this appeal. The site lies outside the settlement boundary of Little Hallingbury. While I acknowledge the reference to windfall sites, LP Policy H3 is not relevant to this proposal as it does not concern developments outside the settlement boundary of the named settlements.

Inappropriateness

12. The appeal site is situated in the Green Belt. Paragraphs 143 and 145 of the Framework indicate that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling in villages is one of these exceptions.

13. I acknowledge the Council's comments regarding the interpretation of limited infilling. I am also mindful that limited infilling is not defined within the Framework and from the evidence before me, there is no definition within the Council's development plan. Applying a common sense approach, the term 'limited' does not restrict development to one dwelling. Furthermore, while five dwellings are one more than the four considered by the Inspector in the case at Lydiard Millicent¹, it is neither a large nor unlimited number such that it can be reasonably interpreted as limited.
14. The site is undeveloped agricultural land that is part of a wider field. There is built development to the south of the site and to the north as well as on the other side of Latchmore Bank with further development along the road in both directions. While I acknowledge that a strip of land to the north of the site has been omitted from the planning boundary, this strip is narrow and is visually part of the agricultural field such that the development to the north appears to bound the site. Therefore, while I acknowledge the length of the site, given the proximity to nearby dwellings along the road, it could be considered as limited infilling.
15. Little Hallingbury appears to be a linear village with its nucleus roughly in the area around the appeal site where there is generally a greater amount of development. Accordingly, while the appeal site lies outside the settlement boundary, it appears to be sited within the village.
16. Therefore, the proposal would not be inappropriate development in the Green Belt having regard to the Framework as it would represent limited infilling in a village. Since the proposal constitutes limited infilling in a village, a consideration of Green Belt openness is not necessary.
17. I note the reference to LP Policy S6. The Policy does not relate to developments, such as the appeal proposal, which lie outside of the mentioned settlement boundaries. Therefore, the Policy is not relevant to this appeal, other than to confirm that the area and boundaries of the Metropolitan Green Belt within Uttlesford are defined on the Proposals Map.

Other Matters

18. I acknowledge concerns regarding highway safety. The Council has not objected in this particular regard. From the evidence before me the Highway Authority were consulted and did not comment, however, this in itself is not an objection. Taking into account the drawings, there would be adequate visibility in both directions particularly given that the road is fairly straight. Therefore, given the limited number of houses and the access arrangements proposed, I have no reason to disagree with the Council's position in this respect.
19. I also acknowledge local concerns including those regarding the level of services and facilities within Little Hallingbury, the capacity of the local school, privacy, light and flooding. However, these matters were before the Council when they determined the planning application and they did not object in these respects. From the evidence before me I see no reason to disagree and these matters have not altered my overall decision.

¹ Appeal Ref: APP/Y3940/W/16/3154507

20. I acknowledge the comments of the Inspectors for the cases at Higher Poynton² and Fulbourn³. While both sites were located within the Green Belt, limited further details are before me. I also note concerns regarding the development setting a precedent for future development and that other planning applications for developments in the area have been rejected by the Council. However, each case must be determined on its individual merits and these cases have not altered my overall decision.
21. While I acknowledge the report by Ove Arup in 2016, it does not appear to form part of the adopted development plan and has not altered my overall decision.
22. I also note other local concerns including the effect on views from the surrounding existing properties. However, such matters are not an influential factor on the outcome of this appeal and I have necessarily considered the proposal on its planning merits.

Planning Balance

23. The appellant contends that the Council cannot demonstrate a 5-year housing land supply and can demonstrate only some 3 years housing land supply. As this is uncontested by the Council and given that I have found that the Green Belt policies in the Framework do not provide a strong reason for restricting development in this case, the provisions of paragraph 11d)ii of the Framework are triggered.
24. The proposed development would provide a limited benefit of contribution of five dwellings to the shortfall of housing. There would be temporary economic benefits during the construction phase. While the application is in outline, five dwellings could generate a moderate number of future occupants. Accordingly, the proposal would be likely to give rise to modest benefits in terms of the additional residents supporting local services and community, given the close proximity of the site to the village centre. Therefore, overall, the benefits of the proposal would be modest.
25. LP Policy ENV6 relates to the change of use of agricultural land to domestic garden. Since it relates to the change of use to garden, rather than to residential land including dwellings, the policy is only partially relevant to the appeal proposal. Therefore, given the significant shortfall of housing land supply and the limited harm to character and appearance of the area, the identified conflict with LP Policy ENV6 carries limited weight such that these matters would not significantly and demonstrably outweigh the benefits.

Conditions

26. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
27. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty insofar as it relates to access.

² Appeal Ref: APP/R0660/W/18/3201548

³ Appeal Ref: APP/W0530/W/16/3152824

28. Given the Framework's support of a transition to a low carbon future, the suggested condition regarding electric car charging facilities is necessary.
29. Given the proximity of the site to Stanstead Airport and the provisions of LP Policy ENV10, a condition relating to sound insulation measures is necessary. However, it is not necessary for the condition to be pre-commencement as the works would be unlikely to affect the early stages of construction. I have omitted the reference to a British Standard as there is no such reference in LP Policy ENV10.

Conclusion

30. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to access: 8229 101 A and 8229 102 A.
- 5) Prior to first occupation of each dwelling hereby permitted, an electric car charging facility shall be installed at the properties and retained as such thereafter.
- 6) Prior to first occupation of the dwellings hereby permitted, a scheme of noise insulation, which shall have previously been submitted to and approved in writing by the local planning authority, shall be implemented at each dwelling and retained as such thereafter. The scheme shall address the layout of noise sensitive areas and/or the provision of insulation measures, and shall demonstrate that suitable noise levels can be achieved.

End of Schedule