
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: 20 April 2020

Appeal Ref: APP/C1570/W/19/3237417

Sparlings Farm, Chelmsford Road, Barnston, Dunmow, Essex CM6 1LP

- 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 Robert Crow against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0582/OP, dated 8 March 2019, was refused by notice dated 12 July 2019.
 - The development proposed is outline application, with landscaping reserved for 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted revised plans¹ as part of the appeal, which includes an amended site layout where the position of the dwelling within plot 3 has been altered. Amended site access drawings have also been provided, which introduce a number of passing bays on the access track for the site. Cumulatively these amendments amount to considerable changes to the original planning application as submitted to the Council.
3. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on what interested people's views were sought. If I were to determine the appeal on the basis of the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.
4. The description of development used in the banner heading is taken from the Councils decision notice, as this is more precise. The planning application has been submitted in outline form with landscaping reserved for future approval. I have determined the appeal on this basis.
5. The Council has included policies from the Regulation 19 Uttlesford Local Plan within their decision notice. In accordance with paragraph 48 of the National Planning Policy Framework (The Framework), weight may be given to policies within emerging plans. The weight given is determined by the stage of

¹ 08-19-07.001-A Proposed new access layout, SPA101 amended site layout

preparation of the emerging plan, the extent of unresolved objections and the degree of consistency of relevant policies to the Framework. I have not been provided with any substantive details of the status of this emerging plan, and therefore I attribute them very limited weight.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the site is a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities;
- The effect of the proposal on highway safety; and
- The effect of the proposal on trees.

Reasons

Character and Appearance

7. The appeal site is a verdant field surrounded by mature vegetation located adjacent to Sparlings Farm beyond the settlement limits of the village of Barnston. There is no dispute between the parties that the site falls within the countryside. Policy S7 of the 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. I recognise that Policy S7 takes a more restrictive approach to development in the countryside compared to the Framework which could affect the delivery of housing. However, it is broadly consistent with the Framework in terms of seeking to protect the character and appearance of the countryside. To this extent, the policy has a reasonable degree of weight in decision making terms.
8. The proposal is for 3 large dwellings which would be orientated broadly in line running north to south. The proposed dwellings would be of a traditional design, and finished with a mixture of render, timber boarding, brickwork and plain clay roof tiles.
9. Whilst the proposed traditional style of the dwellings would be in keeping with surrounding properties in the area, the introduction of built form in this verdant open countryside location would not be in keeping with the character and appearance of the area. Given the size of the dwellings, they would occupy most of the appeal site with limited open space and outdoor amenity areas to break up the built form. The sites location on the edge of the village would represent encroachment into the open and mainly undeveloped nature of this part of the countryside. Owing to the position, scale and amount of development in this location it would have an unacceptable urbanising effect. The appeal site is located at the end of a reasonably long access track, but would be highly visible when viewed by the occupiers of neighbouring properties. Overall, the development would cause significant harm to the rural character and appearance of the area.
10. Consequently, I conclude that the development would cause significant harm to the character and appearance of the area. As such it would conflict with policy S7 and GEN2 of the LP. Together these policies seek, amongst other things,

that development is a high quality design that safeguards important environmental features and does not harm the character and appearance of the countryside. The proposal would also fail to accord with paragraph 170 of the Framework which states that decisions should contribute and enhance the natural and local environment by recognising the intrinsic and beauty of the countryside.

Location of development

11. It is common ground that the proposal is outside of the defined settlement boundary, but is located in close proximity to the village of Barnston. It was apparent from my site visit that the services within this village are limited, which includes a village hall and church. In view of this, future occupiers would be required to travel to neighbouring towns for the majority of the day to day services and facilities. This would include employment opportunities.
12. There is a bus stop located in close proximity to the site access, which provides an approximately hourly service to the nearby towns of Great Dunmow and Chelmsford. These would provide the day to day services and facilities not available within the village of Barnston. However, given the limited frequency of this service it is unlikely to make an attractive proposition for future residents to use. It is likely that future occupiers would be heavily reliant on the private motor vehicle to access key services and facilities.
13. I recognise that Paragraph 103 of the Framework states that in rural areas, options for sustainable transport solutions may be less available than in urban areas. However, based on the evidence before me and my observations during my site visit, I find that the occupiers of the proposed dwellings would likely be heavily reliant on private motor vehicles to access key services and facilities.
14. Consequently, I conclude that the dwellings would not be located in an appropriate or accessible location. As such, the development would conflict with policy S7 of the LP, which seeks, amongst other things that development in the countryside is located in an appropriate location.

Highway Safety

15. Access for the proposed development would be taken from the existing access road which currently provides access for a small number of residential dwellings. The access track is only wide enough for a single vehicle, and joins the B1008 Chelmsford Road via a simple priority junction. The B1008 at the site access is subject to a 30mph speed limit, however approximately 15 metres to the north of the access there is a change of speed limit to 60mph. It was evident during my site visit that the B1008 in this location is a busy route.
16. The submitted plans do not show the available visibility for the access junction. Based on my observations on site, it was apparent that there was adequate visibility when looking left towards the village of Barnston. However, visibility to the right is much more constrained. There was a number of items which would appear to be within the visibility splay, including mature vegetation, a bus stop and telegraph pole. In the absence of any plans demonstrating appropriate visibility, I cannot be certain that adequate visibility could be achieved from the access junction. Whilst I note that this is an existing access which currently serves several dwellings, the proposal would represent a significant intensification of this junction. Given the busy nature of the B1008

in this location, a failure to provide adequate visibility splays would likely have unacceptable highway safety impacts.

17. The Council has raised concerns that the existing access road to the development is not appropriate to serve the dwellings due to its constrained width. From my observations on site it was apparent that the existing access road is only wide enough for a single vehicle to travel along and there is no provision for passing places along this. The Highway Authority have advised that for private driveways longer than 18 metres there is a requirement to provide passing places. The access road is approximately 80 metres in length and therefore passing places are required. The absence of such passing places means that should two vehicles meet on the track there could be a scenario where vehicles could be required to reverse onto the highway. This would constitute unacceptable harm to highway safety.
18. The site plan does not show any area where vehicles could turn on site and leave in a forward gear. This is especially pertinent for larger delivery vehicles which require a suitable sized turning space to complete manoeuvres in. The absence of such a turning area would necessitate vehicles to reverse down the access road towards the highway. This would represent an unacceptable highway safety impact.
19. The Council has highlighted that the existing surface treatment of the access road is of unbound material. There is a risk that an intensification of this would cause displacement of loose material onto the highway network and would cause an unacceptable hazard to all road users. However, I am content that a planning condition could be imposed which required the first 6 metres of the access to be finished in an appropriate surface treatment which would not cause the displacement of loose material.
20. For the above reasons, I cannot conclude that the proposal would not lead to an unacceptable impact on highway safety. To this extent the proposal would not accord with policy GEN1 of the LP or with paragraph 109 of the Framework. These policies seek, amongst other things, that appropriate and acceptable access is achieved for development. The proposal would also fail to accord with policies DM1, DM2 and DM7 of the Essex County Council Development Management Policies February 2011. Together these policies seek, amongst other things, that access to new development is of an appropriate design that does not harm highway safety.

Trees

21. The appeal site benefits from a number of mature trees and hedgerows, which includes a group of trees to the north which are protected by a tree preservation order. The appellant has submitted an arboricultural report. However, whilst this maps the location of the trees on the site it has not been overlaid with the proposed development. It is therefore difficult to say with any certainty the extent of the trees which would be impacted by the proposal.
22. The existing trees and hedgerows on the site provide a positive contribution towards the character and appearance of the area, and reinforce the rural nature of the site. Whilst the appellant has indicated that the proposed development could be moved to take into account the protected trees on site, the location of the dwellings is a matter which is integral to the consideration of this outline application.

23. Accordingly, I cannot conclude that the proposal would not cause harm to the existing trees on site. To this extent, it would fail to accord with policy ENV3 of the LP which seeks, amongst other things, that development avoids the loss of trees, and paragraph 170 of the Framework which states that decisions should contribute to and enhance the natural and local environment.

Other Considerations

24. The Council acknowledges that it is unable to demonstrate a deliverable five year supply of housing sites. Paragraph 11d (ii) of the Framework is therefore engaged.
25. The proposal would positively contribute towards the Council's 5 year housing under-supply position. However, such a contribution would be limited from only three dwellings.
26. Additional housing would provide some modest economic benefits, with new residents helping to support local services within the village and nearby towns. The construction of the dwellings would also provide some economic benefits albeit that this would be short term.
27. The appellant states that the proposal would bring about environmental benefits with measures to encourage biodiversity such as bat boxes, wildflower areas and ponds. Furthermore, it is proposed that the dwellings would make use of efficient energy saving systems such as air source heat pumps, rain and grey water harvesting. These are positive matters to weigh in the planning balance.
28. I note that the gardens to the proposal would face the open countryside, and that the site is in relatively close proximity to Flitch Way, which provides a largely traffic free route between Bishops Stortford and Braintree. The appellant contends that both the orientation of the gardens and access to this leisure route provides social benefits in favour of the proposals. However, whilst this would likely make the dwellings more attractive for future occupiers, these social benefits would not provide wider public benefits which limits the weight I can give this in favour of the appeal.

Planning Balance and Conclusion

29. I have found that the proposal would result in significant harm to the rural character and appearance of the area. In addition, I have found that I cannot conclude that unacceptable harm would not be caused to highway safety or to protected trees. Furthermore, the proposal would result in the likelihood of high dependency on the use of the private motor vehicle for access to day to day services and facilities. Collectively, these are matters to which I afford significant weight in decision making terms.
30. Overall, I conclude that the above adverse impacts of the proposed development would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework when taken as a whole. Furthermore, the proposed development would not accord with identified development plan policies. Therefore, the proposal would not represent a sustainable form of development.
31. For the reasons given above, the appeal should therefore be dismissed.

S Shapland

INSPECTOR