
Appeal Decision

Site visit made on 6 February 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 4 May 2020

Appeal Ref: APP/C1570/W/19/3240578

**Land to the east of Dunmow Road, Keeres Green, Aythorpe Roding,
Dunmow, Essex CM6 1PQ**

- 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 Bill Howlett against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0946/FUL, dated 23 April 2019, was refused by notice dated 1 July 2019.
 - The development proposed is construction of 5 residential dwellings including 2 starter homes, formation of new vehicular access and associated parking and landscaping.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The Council has included policies from the Regulation 19 version of the emerging 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 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 can only attribute them very limited weight.
3. The appeal site would be accessed from an unnamed road, which the Council and appellant have referred to as "School Lane". Third parties have indicated that the road in this location is not known locally as School Lane, and reference has been made to it being known as "Keeres Green Lane". There were no road signs on site which definitively indicate the correct name for this road. For the avoidance of doubt and in the sake of clarity this decision will refer to the road as "School Lane" when describing the environs around the site, as this is the common term used by both the appellant and Council.

Main Issues

4. 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.

Reasons

Character and appearance

5. The appeal site is a relatively narrow strip of land located at the edge of the village of Keeres Green. To the east and south of the site is existing residential properties, but to the north are open agricultural fields. The appeal site is currently predominantly grassland, and is bounded by mature vegetation on all sides except the eastern boundary with the existing residential dwellings.
6. The appeal proposal is for the erection of 5 residential dwellings, comprising of 3 detached dwellings and a pair of semi-detached dwellings. The pair of semi-detached dwellings have been described as starter homes. Two points of access are proposed, the first in close proximity to the junction of School Lane and the B184 and would serve the pair of semi-detached dwellings and a single detached dwelling. The second point of access is located further east and would serve the remaining two detached dwellings.
7. The development is outside of any defined settlement boundary, and in planning policy terms is within the countryside. Policy S7 of the Uttlesford Local Plan 2005 (LP) states that 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. The appeal site by virtue of its location at the junction of School Lane and the B184 is highly prominent, and is characterised by its verdant nature and open rural feeling, and provides a useful transition between the built form to the east and open farmland to the north. The site has a strong visual and spatial relationship to the wider open countryside. In this respect it is distinct from the low-density residential development to the south of School Lane.
8. The proposed development would result in a considerable urbanising effect of this parcel of land, which is not in keeping with its undeveloped countryside nature. The proposal would bring built form to the boundary with the B184, and would erode the current open feeling of this parcel of land. Whilst there is existing mature hedgerow along the boundary with School Lane and the B184, it was evident during my site visit that the field was highly visible through gaps in the hedgerow. Whilst the vegetation would assist in breaking up the built form of the development, it would still be visible through the gaps in this vegetation. This would be particularly noticeable from School Lane and the B184.
9. I note that the proposal includes a landscaping scheme, and the appellant has indicated that this would assist to help screen the development from wider views. However, the submitted scheme shows that for the boundary of the site with the B184, no additional planting is proposed. Furthermore, along the boundary with School Lane the only additional planting would be woodland bulbs to increase understorey species diversity. As such, I do not consider that the landscape scheme as proposed would provide any substantial additional screening beyond the current mature vegetation. Therefore the 5 dwellings in this location would still be highly noticeable through gaps in the hedges and by virtue of the height of the dwellings. The introduction of development here,

including hardstanding, garages and associated residential paraphernalia would be highly visible and at odds with the rural nature of the site.

10. The proposal would provide two points of access, which would create large openings within the existing hedgerow which bounds School Lane. These new access points would introduce highly visible breaks in the vegetation, which would further increase the visibility of the proposal. The provision of large driveways leading from these points of access results in considerable hardstanding which would be clearly identifiable and urbanise the existing rural setting. Whilst the landscaping scheme shows significant amounts of soft landscaping around these driveways and between the boundaries of the proposed dwellings, this would not fully ameliorate the harm I have identified.
11. I note that the appellant considers the proposal would represent an infill scheme which would comprise a natural extension to Keeres Green. I do not find this to be the case. An infill site suggest a development site where there is development on either side of the site. This is not the case in this instance, given the open countryside to the north and lack of built development to the west. In this instance the proposal represents an extension of built form from Keeres Green into the countryside.
12. The appellant contends that two previous applications, one to the south of the appeal site¹ and one to the east² set a precedent for expansion of Keeres Green. Whilst the appellant has submitted the plans for these two applications, the full details have not been provided. As such, I cannot be certain that the circumstances which led to these being approved are the same. Notwithstanding this, it is apparent from the description of those developments that they represented previously developed land which differs from the appeal site which is currently undeveloped. As such I do not consider that the sites are directly comparable to the appeal site. In any case, all applications and appeals must be determined on their own merits and that is what I have done.
13. Consequently, I find that the proposal would significantly harm the character and appearance of the site and surrounding area. It would conflict with policies S7 and GEN2 of the LP, which seek, amongst other things, that development in the countryside protects or enhances the character of the countryside and is compatible with its appearance.

Location of proposed development

14. The appeal site is located to the west of the hamlet of Keeres Green, which given its size would not offer any day to day services or facilities for future occupiers of the development. The Transport Statement³ includes an assessment of facilities within walking distance of the proposed development. The Chartered Institution of Highways and Transportation document "providing journeys on Foot" recommends desirable walking distances of 500m, and a preferred 2km maximum. These figures however relate to commuting and journeys to school. Manual for Streets indicates that walkable neighbourhoods as being those having a range of facilities within 800m. However, it is recognised this is not an upper limit, and walking offers the potential to replace short car trips below 2km.

¹ LPA reference UTT/13/0571/FUL approved 19 August 2013

² LPA reference UTT/14/0779/FUL approved 7 November 2014

³ Transport Statement prepared by Ardent Consulting Engineers dated April 2019

15. The nearest village of Leaden Roding includes a primary school and local shop which would provide some level of facilities. The primary school is located approximately 700 metres from the appeal site, with the local shop located approximately 1.1km. In addition to this, there is a village hall, nursery and public house located in the village of Aythorpe Roding towards the north. Again, these are all located within a reasonable walking distance.
16. However, whilst these local facilities would represent a reasonable level of service and facilities which would meet a number of day to day requirements, it would not meet all of them. There are limited employment opportunities within the surrounding villages, no secondary school, primary shopping facilities or healthcare facilities. This would lead to occupiers relying on private vehicles to access employment opportunities and some important day to day services and facilities.
17. The nearest bus stop to the development is located approximately 650m from the site. Bus services from this stop are infrequent and not available everyday therefore not providing a realistic alternatives to the use of the private car for many journeys. There is an additional bus stop in the village of Leaden Roding which provides an hourly service to Harlow and Chelmsford. However, this bus stop is over 1km from the site, and I find that the limited service provision and distance from the development site means it is unlikely to provide a realistic alternative to the private car to access day to day facilities. 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 occupiers would likely be heavily reliant on private cars to access key services and facilities.
18. Consequently, I find that the development would not be located in an appropriate or accessible location. As such it conflicts with policy S7 of the LP, which seeks, amongst other things that development in the countryside is located in an appropriate location.

Other matters

19. The appellant states that the proposal would provide significant benefits to the biodiversity of the site through the provision of additional landscaping. Whilst additional landscaping may present opportunity for increases to biodiversity by increasing natural habitats, I have been presented with no cogent evidence by the appellant as to the degree of this improvement.
20. Interested parties have raised concerns that the proposed access and increased traffic from the proposal would harm road safety. I have been presented with no evidence to demonstrate that the proposal would have an unacceptable impact on highway safety. Moreover, I note that there are no objections from the highway authority in respect of this.
21. Concerns have been raised that the development would not provide adequate drainage measures. I note that a sustainable drainage strategy has been provided, and that there have been no objections from the Council in this respect. Thus, these matters do not add to my reasons for dismissing the appeal.

Planning Balance and Conclusions

22. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, 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.
23. In the context of the development plan, I have found that the proposed development would be contrary to policies S7 and GEN2 of the LP. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
24. The appellant contends that the proposal would deliver a number of benefits. I recognise that the provision of 5 additional homes, 2 of which are starter homes would provide a modest contribution towards the Council's 5 year housing supply, and thus provides weight in favour of the proposals. There would be minor economic benefits through the construction of the dwellings, albeit that these would be temporary. Future occupiers would also provide some support to local services. Whilst the additional landscaping proposed as part of the development could provide biodiversity improvements to the site, this has not been quantified by the appellant and therefore only limited weight can be attributed to this.
25. However, the proposal would result in significant harm to the character and appearance of the area and would result in the likelihood of dependency on the use of the private car for access to day to day services and facilities. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to protect and enhance the natural environment, minimise the need to travel and to support the transition to a low carbon economy.
26. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
27. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR