
Appeal Decision

Site visit made on 5 February 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/C1570/W/19/3239905

Land at Chickney Road, Henham, Hertfordshire

- 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 Stonebond Properties LTD, J F Pimblett & Sons and Mr & Mrs Coke against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0293/FUL, dated 6 February 2019, was refused by notice dated 29 July 2019.
 - The development proposed is erection of 16 homes with associated garages, parking and landscaping with new vehicular access to Chickney Road.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The Council has included policies from the Regulation 19 Uttlesford Local Plan within their decision notice. This emerging Local Plan has now been withdrawn, and therefore no weight has been given to the policies contained within this in my determination of the appeal.

Main Issues

3. 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.

Reasons

Character and Appearance

4. The appeal site is located towards the north eastern corner of the village of Henham. The appeal site is largely flat, irregular shaped site that extends east beyond the existing built form of the village. The site is bounded by mature hedgerows to the north and the east. The boundary of the site to the south east is currently a farm track, and there is currently no boundary treatment between the appeal site and this track. Along the boundary with Chickney Road, the site is bounded by a mixture of mature vegetation, however this is

- not complete and the site is visible from locations along Chickney Road. To the west of the site is the existing residential development at Maitland Close. To the north and east of the site is open countryside, characterised by large open fields.
5. The development is outside of any defined settlement boundary, and is therefore considered to be within open countryside. Policy S7 of the Uttlesford Local Plan (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.
 6. Whilst the site is relatively enclosed by vegetation, it is highly prominent as you enter the village of Henham from the east along Chickney Road. The gaps in the hedgerow and the alignment of this road in relation to the site means it is visible from some distance outside of the village on this eastern approach. Furthermore, it was apparent from my site visit that given the open nature of the surrounding countryside the appeal site was also highly visible from a number of viewpoints, which includes public footpaths towards the east. From these viewpoints, the development of Maitland Close was also visible beyond the appeal site, with the roofline appearing through the existing vegetation.
 7. The application was supported by a landscape visual assessment¹ which confirms that the appeal site is located within the B8 Thaxted Farmland Plateau Landscape Character Area (LCA). This identifies the character as being one of a plateau of broad, gently undulating arable farmland with irregular field patterns bound by hedgerows. Whilst the appeal site is on the edge of the LCA, it was clear from my site visit that the surrounding area is very much characterised by its openness from arable farmland. The LCA identifies this character area as having a relatively high sensitivity to change. It is suggested that the generally undeveloped character should be conserved.
 8. The introduction of 16 new dwellings in this location would create a significant urbanising effect into the open countryside. The proposal would extend the built form of the existing village into an open field both towards the east and the north. Given the sites prominence, the proposal would be highly visible from both Chickney Road and surrounding public footpaths, and this erosion of the rural open plot would conflict with the neighbouring large arable fields. This is not in keeping with the undeveloped nature of the countryside in this location, and conflicts with the aims of the LCA to maintain its undeveloped character.
 9. I note that the proposals include a package of landscaping measures, including a new landscape buffer between the boundary of the site and the farmers track along the south eastern edge. Whilst this buffer would help to soften the impact of the proposal when viewed from along Chickney Road, it is my view that this would not be able to fully ameliorate the harm from development in this location. The landscaping would take many years to reach full maturity, and in my view, it would not be able to fully screen the development from Chickney Road. Furthermore, whilst the screening is likely to break up the appearance of built form, the site would still sit beyond the existing built form

¹ Landscape / Visual Appraisal & Landscape strategy report produced by Matt Lee Landscape Architecture December 2018

of neighbouring development and be a noticeable erosion of the open rural character of the site.

10. In respect of views from the public footpaths towards the east, I note that landscaping proposals currently recommend maintaining and conserving the existing low level hedge. As discussed above, currently it is possible to view the adjacent development of Maitland Close through the appeal site. As such, the proposed changes to the low level hedge would fail to mitigate the appearance of the development proposals from this public footpath location.
11. During my site visit it was apparent that there have been recent housing development to the east of Henham. This includes development at Maitland Close² and a site on the opposite side of Chickney Road at Blossom Hill Farm³. The appellant has submitted details of these schemes as part of the appeal process. Whilst clearly housing on the eastern side of the village has been found acceptable in the past, I do not consider that the circumstances are the same as the appeal site. In the case of Blossom Hill Farm, this was a site which had existing development on, and thus did not extend development and built form further east into the countryside. Furthermore, the development site at Maitland Close formed part of the side garden and nursery of an existing dwelling, and again is not undeveloped countryside like the appeal site. In this respect they differ from the appeal proposal which clearly extends development into the open countryside. In any event, all appeals and applications must be determined on their own merits, which is what I have done.
12. Consequently, I find that the development would significantly harm the character and appearance of the area. As such it conflicts with policies S7 and GEN2 of the LP. Together these policies 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 development

13. It is not contested that the appeal site is located outside of the settlement boundary. The Council have stated that they consider the development site is unsustainable and would mean residents would be overly dependent on private vehicles to access day to day facilities. The Transport Statement (TS) states that there are a number of facilities which are within walkable distance of the appeal proposal, and as such residents would not be wholly reliant on private vehicles. The TS cites walking distances within Manual for Streets (MFS) and the Chartered Institution of Highways and Transportation (CIHT) document 'providing for journeys on foot'. MFS recommends that walkable neighbourhoods as those characterised by having a range of facilities within 800 metres, which equates to an approximate walking time of 10 minutes. The CIHT document recommends acceptable walking distances of between 500 metres and 2km. This however is in relation to commuting and journeys to school but I consider it can be used as a good metric to consider walking distances to other day to day facilities.
14. There are a number of facilities within the centre of Henham, which includes the village shop and post office and Old School Community Association both located approximately 1km from the site. In addition, Henham has a tennis

² LPA reference UTT/16/1988/FUL

³ LPA reference UTT/14/2655/FUL

club and primary and nursery school located approximately 1.5km from the appeal site. All these facilities are within an acceptable walking distance when considering guidance within the CIHT document, however they are beyond the distances recommended within MfS for walkable neighbourhoods. The appellant has also identified leisure sites of Saffron Walden Rugby Football Club and Stansted Raceway which are also within this walkable distance. However, from my site visit it was apparent that access to these facilities were via rural unlit roads, with no pedestrian facilities. This would likely present a barrier for pedestrians wishing to walk to these facilities.

15. The nearest bus stop from the development is located approximately 700 metres from the site which provides a bus service to Bishops Stortford and Stanstead Airport. Whilst this has a broadly hourly service, this is not at regular times during the day and there are notable gaps in the timetable which means, in my view, this would not represent a realistic alternative to the private vehicle, especially for trips for employment use.
16. I recognise that Paragraph 103 of the National Planning Policy Framework (the Framework) considers that in rural areas options for sustainable transport solutions may be less available than in urban areas. Whilst I appreciate there are a number of facilities within walkable distance of the appeal site, the rural nature of the site and its location means that in order to access the majority of day to day facilities such as employment, secondary schools, doctors surgeries and larger retail sites residents would be dependent on private vehicles. I note that whilst the local highway authority did not object to the planning application, in their consultation response they raised concerns that the site was not in a sustainable location, which would lead to a reliance on the private car. Based on the evidence before me and my observations made on site, I am of the view that the occupiers of the proposal would be reliant on private vehicles to access the majority of day to day facilities. As such the proposal is not considered to be in an appropriate sustainable location.
17. I note that with the previous adjacent applications at Maitland Close and Blossom Hill Farm the Council did not raise any concerns in respect of the sustainability credentials of the sites. However, these sites were granted consent a number of years ago, the most recent occurring in 2016. This pre-dates the current version of the Framework. Furthermore, I have been provided with no evidence to confirm that the level of services and facilities in Henham at the time those were found acceptable is equal to the level of service available now. In any event, all appeals and applications must be determined on their own planning merits, which is what I have done in this case.
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.

Highway safety

19. The Council has raised concerns that the development proposal would result in future occupiers walking on the highway to access facilities within Henham. This could increase the conflict between pedestrians and vehicular traffic and would be detrimental to highway safety. The appellants have submitted a

scheme of highway works⁴ which includes a section of new footway between the site access and Blossom Hill Drive. In addition, a 'safe buffer' is proposed between Blossom Hill Drive and Fieldview Close. This would be 0.9metres wide and separated from the carriageway via a white line. A connectivity drawing has been submitted⁵ which shows pedestrian connectivity between the site and the centre of Henham. This demonstrates that for approximately 85% of the distance to the centre of Henham there would be some form of pedestrian provisions.

20. During my site visit it was apparent that vehicular speeds on this stretch of the highway were generally low, and there were a number of pedestrians who currently walk within the highway. These low vehicle speeds I observed are supported by the speed surveys included in the Transport Statement⁶. It is not unusual in lightly trafficked rural areas for pedestrians to walk within the highway with no undue risk to highway safety. In this case, I do not find that an increase of pedestrians walking within the highway from the development would unduly increase the risk to road safety. Whilst I have identified that additional pedestrians walking within the highway is unlikely to harm road safety, this is different to the consideration as to whether pedestrians would find it desirable to walk to the services and facilities within Henham. In that respect, whilst I have found that it would be safe to walk there, it does not alter the conclusions above that I find it unlikely that residents would choose to do so.
21. I note that the Parish Council and interested parties have objected to the proposals on the grounds of road safety. Whilst I appreciate the concerns raised in respect of the conflict between vehicles and pedestrians, I am satisfied that given the nature of Chickney Road, the vehicular volumes and speeds, that the proposal is unlikely to harm road safety.
22. Accordingly, I find no conflict with Policy GEN1 of the LP, which seeks, amongst other things, that development does not compromise road safety.

Other matters

23. I note that the development proposal was originally recommended for approval by Council Officers, and that the decision to refuse planning permission was a Member over-turn at Planning Committee. However, this is part of the democratic process and does not affect the weight I place on the issues identified in this case.

Planning Balance and Conclusion

24. 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.

⁴ Drawing number 183610-004

⁵ Drawing number 183610-005

⁶ Ardent Consulting Engineers Transport Statement dated October 2019

25. 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.
26. The appellants contend that the proposal would deliver a number of benefits. The provision of 16 new dwellings, including 6 affordable houses would make a small contribution towards the Council's 5 year housing supply. The proposal would also provide minor economic benefits. The construction of the site would likely provide short term employment benefits and new residents would provide limited support to the existing facilities in the village. Furthermore, the proposal would provide limited economic benefits by supporting facilities and services within the wider rural area.
27. The proposal includes a new section of footway on Chickney Road, and this combined with improvements to the bus stop would provide limited social benefits to both future occupiers of the scheme and existing residents in the locality. The landscaping scheme would include minor benefits towards the environment by including measures to improve biodiversity net gain. Furthermore, the appellants have indicated that more sustainable building techniques would help to reduce the energy consumption of the proposals. Cumulatively this would provide minor environmental benefits.
28. However, the site is located within the countryside, and I have found that the proposals would result in significant harm to the rural character and appearance of the area. Furthermore, the proposal would result in the likelihood of high dependency on the use of the private car for access to day to day services and facilities. Collectively, these are matters to which I afford significant weight in decision making terms. 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.
29. 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.
30. For the reasons given above, I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR