
Appeal Decision

Site visit made on 10 March 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2020

Appeal Ref: APP/C1570/W/19/3242700

Sparlings Farm, Chelmsford Road, Barnston CM6 1LP

- 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 Robert Crow (Dimora Homes) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2358/FUL, dated 19 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is erection of 3 detached houses at Sparlings Farm.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 detached houses at Sparlings Farm, Chelmsford Road, Barnston CM6 1LP in accordance with the terms of the application Ref UTT/19/2358/FUL, dated 19 September 2019, subject to the conditions set out in the schedule to this decision.

Procedural Matter

2. Since the application was determined and the appeal lodged, the Council has withdrawn the Uttlesford Draft Regulation 19 Local Plan from examination. Therefore, although the Council's decision notice refers to Policies SP1 and SP10 of the emerging Uttlesford Local Plan, they are no longer relevant considerations and I have therefore not had regard to them in determining this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site is a suitable location for residential development having regard to the accessibility of services and facilities.

Reasons

Character and Appearance

4. The appeal site is situated within the grounds of Sparlings Farm which is located to the north-west of Barnston a small predominately residential village set within a wider rural landscape. It is largely enclosed by high mature trees and hedgerows with more open agricultural land beyond them. The appeal site

is accessed via a single-carriage laneway off Chelmsford Road which currently serves two existing residential dwellings within the grounds and is also used for agricultural vehicles accessing nearby fields. On one side of the junction of this laneway with Chelmsford Road there is a large detached dwelling with sizeable grounds which is itself adjacent to what appears to be a small area of more open grassland. On the other side of the junction is a hotel beyond which is the Salmons Close residential development predominately comprising detached two-storey dwellings several of which have substantial rear gardens which face onto a large area of open agricultural land.

5. The appeal site lies outside of any settlement boundary as defined within the ULP. For the purposes of planning policy, it is therefore within the countryside, something which both main parties appear to agree on. Policy S7 of the adopted Uttlesford Local Plan (January 2005) (ULP) aims to protect the countryside for its own sake and supports development that needs to take place there or is appropriate to a rural area. It also supports development where its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why it needs to be there. Whilst the obligation to demonstrate special reasons is not referred to within the National Planning Policy Framework (the Framework), the requirement to protect or enhance the particular character of the countryside is broadly consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore afford this element of Policy S7 full weight when considering matters of character and appearance in the countryside.
6. The proposal relates to the construction of an additional three detached dwellings with associated parking within the grounds of Sparlings Farm which would necessitate the removal of some of the existing mature trees to the north east of the appeal site. Whilst I acknowledge that the appeal site is within the countryside, given that it is largely enclosed by a perimeter of high mature trees and hedgerows I do not consider it to be visually linked to or part of the more open agricultural landscape to the north and east of it. Furthermore, whilst there is what appears to be a small area of open grassland to the south of the appeal site, there are dwellings at either end of it and it is also separated from the more open agricultural landscape to the east by the tree-lined vehicular access laneway to the appeal site from Chelmsford Road, meaning that it too has a different and less open character than the larger agricultural fields beyond.
7. I therefore consider there to be a clear boundary comprising the vehicular access track/trees that runs northwards from Chelmsford Road to the appeal site that separates it, the small field to the south of it and the dwellings at either end of this field from the more open landscape to the east. As a result, I do not consider the appeal site, the small area of open grassland containing two dwellings to the south of it, and the vehicular access/laneway to be set within a particularly open bit of countryside. Furthermore, for similar reasons I also consider the appeal site to be relatively enclosed and self-contained and that consequently it is in a more parkland type countryside setting nestled within the more open rural landscape surrounding it.
8. The size and design of the proposed dwellings would be similar to the existing large detached properties within the grounds of Sparlings Farm, such as Sparlings Cottage, and other comparable ones nearby. They would also be

screened by the perimeter of high mature trees and hedgerows/vegetation (including evergreens) that essentially surround and enclose the site.

Therefore, whilst I note that some of the proposed dwellings would have a roof ridge height of approximately 10 metres, I consider the height and coverage of these trees and hedgerows to be enough to sufficiently screen them from view beyond the appeal site's perimeter.

9. I acknowledge that the glazed portion of the rear elevation to the Audley House type on plot no. 6 would face somewhat towards Chelmsford Road and that some trees would potentially be removed from the boundary nearby. However, Chelmsford Road does not run parallel to the appeal site boundary, and I consider that this combined with the distance between the proposed dwelling and the road, and the screening provided by the other high mature trees and vegetation on the southern site boundary means that it would not be fully visible from the public highway, even during winter months. Furthermore, the fact that the southern boundary of the small open area of grassland with Chelmsford Road is also lined with mature trees and vegetation would also make this glazed part of the rear elevation difficult to see from the public highway.
10. I also acknowledge the Council's points about: future occupiers of the proposed dwellings, in particular of the dwellings to the south of the appeal site, potentially trimming or even cutting down some of these trees to improve their living conditions in relation to outlook and light and that this would consequently have an adverse visual impact by causing an unacceptable urbanising effect; and that the proposed widening of the laneway/access would also have an urbanising effect on the character and appearance of the area and its setting.
11. However, it would be reasonable to think that any potential trimming or removal of trees in this area would in all likelihood be limited given the potential loss of privacy to the future occupiers of these dwellings that would likely result from excessive trimming or the removal of too many trees given their proximity to the nearby dwellings to the south. Furthermore, for similar reasons it would also be unlikely that future occupiers would wish to remove all of the trees and hedgerows/vegetation on the southern boundary of the appeal site.
12. In any event, I have no convincing evidence that dwellings such as those proposed, given their design, the size of their respective gardens and those of existing similar dwellings nearby, would create an urbanising effect in this location even if there were fewer trees and less hedgerows present on the boundary. Moreover, the preservation of the screening that would be provided by the high mature trees and hedgerows on the site boundary is something that I consider can be adequately managed by an appropriately worded condition.
13. Additionally, given the fact that the vehicular access track/laneway is currently used by farm vehicles and residents' vehicles, is located quite close to a main road, has a large detached dwelling and hotel adjacent to its junction with this main road, and also has a bus stop at the end of it, I do not consider it to be an intrinsically rural laneway. Consequently, I also consider that the widening of this vehicular access track/laneway would not be significant enough for the

proposal to create a significant carriageway or have an unacceptable urbanisation effect on the character and appearance of the area or its setting.

14. As a result, given the location of the proposed dwellings, the presence, style and design of other dwellings nearby, the screening provided by the high trees and vegetation surrounding the appeal site, the appeal site's more parkland type setting and the less open character of the countryside within which it is situated, I consider that the appearance of the proposal would protect the particular character of the countryside within which it is set in accordance with Policy S7.
15. I therefore conclude, on this main issue that the proposed development would accord with Policies S7 and GEN2 of the adopted ULP which aim to protect the character of the countryside, and ensure that development is designed to be compatible with the scale, form, layout, appearance and materials of surrounding buildings, amongst other considerations. It would also be in accordance with paragraph 78 of the Framework which promotes sustainable development in rural areas.

Whether the site is a suitable location for residential development

16. Both main parties appear to agree that as the appeal site is located outside of the settlement boundary for Barnston the proposed dwellings would be in the countryside. They also appear to agree that given the proximity of the appeal site to the built-up area of the village, it cannot be regarded as being isolated and from what is before me, I see no reason to disagree and therefore the restrictions set out in Paragraph 79 of the Framework do not apply.
17. With regard to the accessibility of the appeal site, I note that the laneway linking it to Chelmsford Road is unlit and devoid of a footpath meaning that pedestrians would be less likely to walk to the footpath and adjacent bus stop, particularly when the hours of daylight would be limited. However, given that this distance is relatively short, it would be reasonable to think that it would still be likely that the future occupiers of the proposed dwellings would walk or cycle this short distance and either catch the bus at the end of the laneway or walk a bit further to the two other nearby bus stops within Barnston and therefore be able to access services and facilities in Great Dunmow and Chelmsford. Furthermore, these buses also travel to Stanstead airport where future occupiers could catch a train to Cambridge and beyond. Moreover, as set out in the Appellant's submitted Transport Statement, the high frequency of these bus services (42A, X10, X30) every hour or two on most days, means that I consider it very likely that they would be used by future occupiers of the proposed dwellings.
18. Accordingly, I conclude, on this main issue, that the appeal site would be a suitable location for residential development having regard to the accessibility of services and facilities. Consequently, the proposal would accord with Policy S7 of the adopted ULP which, amongst other things aims to ensure that development is appropriate to rural areas. It would also accord with paragraph 103 of the Framework, which aims to ensure that development is focused in sustainable locations.

Other considerations

19. Turning to the benefits, the proposed development would provide three additional houses and a social benefit. There would also be some economic investment from both their construction and subsequent occupation. Additionally, while the vehicular access laneway lacks a pavement and street lighting, it is not far to the lit pavement on Chelmsford Road where there is a bus stop and it would also be relatively straightforward for future occupiers to cycle or walk the short distance into Barnston to use the other bus stops thereby reducing reliance on the private car and representing an environmental benefit. These benefits are tempered somewhat by the small scale of the proposed development, but nevertheless carry weight in favour of it.

Planning balance

20. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
21. The proposal would, for the reasons described above, not cause material harm to the character and appearance of the area. Furthermore, within the context of the Council acknowledging that the District has a deliverable housing land supply of approximately 3.29 years, the proposal would provide the benefit of three new homes and there are no identified adverse impacts that would outweigh this benefit when assessed against the policies in the Framework as a whole. As a result, when considered in the round, these factors weigh in favour of the proposal and the presumption in favour of sustainable development applies which points towards the granting of planning permission.
22. The proposed development would also be in accordance with Policy S7 and provide a suitable location for housing having regard to the accessibility of services and facilities and the specific circumstances of this case. It would also accord with paragraphs 78 and 103 of the Framework which aim to promote sustainable development in rural areas.

Other Matters

Objections by Interested Parties

23. Interested parties have raised concerns in relation to several other matters including highway safety, damage to the local environment, negative impact on local wildlife, noise and light pollution, a lack of affordable housing, a lack of local infrastructure capacity, loss of privacy, the interruption of views from Chelmer Valley and the loss of trees. However, as the Council have not raised any concerns in relation to these matters, I have not considered them further.

Other similar proposals

24. I am aware that the appellant has submitted other applications for similar development proposals in the area including one on an adjacent site which was refused planning permission (Ref UTT/19/0582/OP). However, I do not have all the details of these cases before me or the circumstances which led to those

decisions being taken and so cannot be sure that they represent a direct parallel to the appeal scheme. In any event, I have determined the appeal scheme on its own merits.

25. None of the other matters raised alter or outweigh my conclusion on the main issues.

Conditions

26. I have undertaken some minor editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity. In addition to the standard implementation condition, for the avoidance of doubt and in the interests of proper planning I have imposed a necessary condition to ensure that the development is carried out in accordance with the approved plans.
27. I have imposed a condition requiring compliance with Category 2 part M4 (2) of the Building Regulations 2010 in order to ensure the proposed dwellings are accessible and adaptable in the interests of the living conditions of their future occupiers. I have also imposed a condition relating to the submission of surface water drainage details in the interests of the living conditions of the future occupiers of the proposed dwellings.
28. In addition I have imposed an extra necessary condition to those proposed by the LPA, which requires the submission of scheme for the identification and protection of trees to be retained in the interest of the character and appearance of the area, which, given the main issues considered above and the identification of the trees in and around the appeal site on the submitted tree survey/constraints plan, should not come as a surprise to either of the main parties.
29. The LPA also suggested a condition requiring the installation of electric car charging facilities to the proposed dwellings before they are occupied. However, I do not consider it would be reasonable or necessary to impose it given the scale of the development proposed.

Conclusion

30. The accord of the proposal with the development plan and the Framework when read as a whole is not outweighed by any other consideration and the Framework indicates in Paragraph 11 that such development should be approved without delay. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: AUD 001 GROUND FLOOR; AUD 002 FIRST FLOOR; AUD 003 SECOND FLOOR; AUD 004 ROOF PLAN; AUD 005 SECTION; AUD 006 FRONT ELEVATION; AUD 007 REAR ELEVATION; AUD 008 END ELEVATION; AUD 009 END ELEVATION; SOV 001 GROUND FLOOR; SOV 002 FIRST FLOOR; SOV 003 SECOND FLOOR; SOV 004 ROOF PLAN; SOV 005 SECTION; SOV 006 FRONT ELEVATION; SOV 007 REAR ELEVATION; SOV 008 END ELEVATION; SOV 009 END ELEVATION; 08/19-07.001-SPA 201 Revised Access Plan; SPA 201A Site Layout Plan; SPA 202 Location Plan; DR1 Refuse Tracking 1 of 3; DR2 Refuse Tracking 2 of 3; DR3 Refuse Tracking 3 of 3; JBA 19 247 TC01 Tree Constraints Plan.
- 3) The dwellings hereby permitted shall not be occupied until the Building Regulations Optional requirement (Category 2: Accessible and adaptable dwellings) in regulation M4 (2) to the Building Regulations 2010 Approved Document M, Volume 1 2015 edition has been complied with.
- 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the identification and protection of trees to be retained (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the identified retained trees shall be carried out as approved.