



Appeal Decision

Site visit made on 21 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/C1570/W/20/3246106

Dunwell, Chapel End, Broxted CM6 2BW

- 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 Ms S Feiger (Francis Lesley Limited) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2701/OP, dated 28 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is demolition of an existing dwelling and outbuildings and the erection of 6 no. dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form and approval was sought only for access and layout, with all other matters reserved for subsequent consideration. I have determined the appeal on this basis.
3. I have taken the description of proposed development from the planning application form and removed wording that is not an act of development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The area is rural in character and generally consists of a loose knit group of dwellings that are sited in a linear arrangement along the road. The notable nearby exception to this pattern of development is the adjacent commercial premises to the west, which includes a number of large buildings and hard surfacing. The appeal site includes a single detached dwelling, which is positioned on a plot that is narrow at the front and wider to the rear. The property is set back from the neighbouring residential dwellings and it has a large grassed rear garden. The buildings to the west and the boundary vegetation provide some screening from the wider countryside.
6. Saved Policy S7 of the Uttlesford Local Plan 2005 (the LP) states that the countryside will be protected for its own sake and development will only be permitted if it needs to take place there, or is appropriate to a rural area. Furthermore, the appeal site is within the defined Countryside Protection Zone

- (the CPZ) surrounding Stansted Airport and therefore saved Policy S8 is relevant. This policy seeks to restrict new development in order to prevent visual coalescence between the airport and existing development in the surrounding area, and to retain the openness of the CPZ. Policies S7 and S8 are more restrictive than the National Planning Policy Framework (the Framework), therefore they are not entirely consistent with the Framework.
7. The proposed development would provide a detached dwelling at the front of the site, which would be roughly level with the neighbouring dwellings at Leswins and Ilona. An access road would run between the side of the front dwelling and Ilona to serve the proposed dwellings at the rear. Much of the open grassed garden that currently exists would be replaced by buildings, an access road, and parking and manoeuvring areas. Whilst the proposal would not cause coalescence of development with the airport, it would have an urbanising effect and erode the openness and verdant character of the site.
 8. The plot sizes of the proposed dwellings would be small compared to the existing nearby properties, which, together with the considerable areas of hard-surfacing for access and parking, would not respect the open and verdant character of the rural area. Furthermore, whilst landscaping is a matter for subsequent consideration, the position of the parking areas and buildings close to the eastern boundary would restrict opportunities for vegetation to screen and soften the development.
 9. The impact of the proposed development on the countryside would be localised due to the set-back of the dwellings from the road and the screening provided by the neighbouring buildings to the west. Nevertheless, the proposal would be contrary to the objectives of the Framework, which, amongst other things, seeks to create well designed places and developments that are sympathetic to local character.
 10. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with saved Policies S7 and S8 of the LP, which, amongst other things, seek to ensure that development in the countryside protects or enhances its character.

Planning balance

11. The Council is unable to demonstrate a 5 year housing land supply therefore Policies S7 and S8 are out-of-date, as the most important policies for determining the appeal. The appellant suggests that the Council's housing land supply is 2.68 years, which is a significant shortfall. In these circumstances, paragraph 11(d)(ii) of the Framework should be applied.
12. In the context of the significant housing supply shortfall, the proposed development would make more efficient use of previously developed land with a modest net contribution of 5 dwellings. It would also create some employment at the construction stage and the occupiers of the proposed dwellings would help to support the rural economy through the use of local facilities and services. Furthermore, the provision of an appropriate landscaping scheme could provide some ecological enhancement but to a degree this would be to offset the impact of new housing. These factors weigh in favour of the proposal, however the benefits would be tempered by the modest amount of development.

13. Notwithstanding that I have found Policies S7 and S8 to be out-of-date, there is nonetheless a conflict with the development plan which weighs against the proposal. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. In these respects, I have found that the proposal would fail to respect the rural context of the site and would therefore be harmful to the character and appearance of the area. This is a matter that attracts significant weight.
14. I have had regard to the information that the appellant has provided with respect to previous Council decisions and appeal decisions for proposals where Policies S7 and S8 are relevant. Nevertheless, the information before me does not suggest that they are directly comparable to the specific character and appearance issues that I have identified in the circumstances of this case. As such, the other decisions would not alter my decision.
15. In this case, I find that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR