
Appeal Decision

Site visit made on 18 August 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/C1570/W/20/3251087

Mawbyns, Mill End, Little Easton, CM6 2JB

- 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 & Mrs Trevor Ingrey against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2094/FUL, dated 22 August 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of new dwelling together with associated landscaping and access arrangements.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a large field enclosed by existing landscaping, located outside of the settlement boundary of Little Easton and in the Countryside for planning purposes. The site is adjacent to Grade II Listed Mawbyns with the dwelling located some distance from the appeal site boundary.
4. Development within Mill End is predominantly characterised by detached dwellings set in generously proportioned plots with their own accesses. Further along Mill End there are semi-detached and terraced dwellings with smaller plot sizes, however the appeal site would be viewed within the context of the larger dwellings around the junction of Park Road and Duck Street.
5. An existing tree belt on both sides of Duck Street screens the appeal site from the road. It softens the approach into Mill End, and terminates at the junction of Duck Street and Park Road.
6. The site's location, on the edge of the village, makes it particularly sensitive. It currently provides part of the transition of open countryside between the existing development of Mill End and Little Easton.
7. The proposal would extend development along this part of Duck Road, beyond the junction of Park Road. The introduction of a dwelling in this location would

alter the character and appearance of this rural site. Resulting in an urban form that would intrude into the countryside, beyond the edge of the current settlement. In addition, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, with the effect of eroding the open and rural character of the immediate area.

8. It has been put to me that the scale and design of the dwelling has been developed to take into account the character of the area, and that the site is generally screened from public vantage points by existing landscaping. However, these would unlikely endure for the lifetime of the development. In any event, even with the screening in place there are views of the site from the existing access. Therefore, from these localised viewpoints the development, even with the suggestion of additional planting, would be noticeable and this urban form would intrude into the countryside, beyond the edge of the current settlement.
9. The appellant considers that the development would be an appropriate rounding off of the cluster of dwellings forming Mill End. However, having regard to the size of the plots within the vicinity of the site and the degree of separation between the proposed dwelling and Mawbyns, it would appear as an entirely separate dwelling, extending into the countryside beyond the cluster of dwellings within Mill End.
10. As part of the appeal the appellant has indicated they would consider re-siting the proposed dwelling and garage. Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Therefore, I have not considered this as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties.
11. For the foregoing reasons, therefore, the proposed development would have a significantly harmful effect on the character and appearance of the area. The development would conflict with policy S7 of the Uttlesford Local Plan 2005 (LP) which seeks to strictly control development in the countryside. Development will not be allowed unless it would protect or enhance the particular character of the countryside.

Other matters

12. Reference has been made to other dwellings that have been allowed on appeal elsewhere within the district, however the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to the appeal proposal.
13. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the National Planning Policy Framework ('the Framework') states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

14. I have considered the effect on the Grade II Listed Mawbyns, a timber framed and plastered two storey dwelling, with red plain tile roof, its significance derived from its architectural features. Mawbyns is set back from the road and contained within its own landscaping. As such, even developed, the site would not have a significant impact on how the listed building would be appreciated from within the street scene or the elements that form its setting. I conclude that the development would not result in harm to the setting of the listed building.
15. Whilst Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake, it also seeks to protect and enhance the natural environment, which is an important part of the Framework. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside.

Planning Balance

16. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 2.68 years. Therefore, paragraph 11 of the Framework is engaged, whereby planning 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.
17. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
18. Nevertheless, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

19. I therefore conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR