
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: 4th September 2020

Appeal Ref: APP/C1570/W/20/3251325

Cantlow House, Little London Lane, Berden CM23 1BD

- 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 Mrs Bridges against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1915/OP, dated 26 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is for 3 new dwellings with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was made in outline with all matters reserved except for access and I have dealt with the appeal on this basis. I have therefore had regard to drawing 218352 PL 100 but considered the layout shown as being for illustrative purposes only.

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 represents a suitable location for the proposed dwellings, having regard to access to services and facilities.

Reasons

4. The appeal site comprises a long rectangular area of garden associated with Cantlow House. The site is accessed via a private track off Sawpit Lane, which also provides access to Dane Pytle, a Grade II Listed Building. Together with Jersey Farmhouse these dwellings form a small cluster of development.
5. Views of the site are restricted to those looking into the site from the private track, with some limited views of the site from across the neighbouring fields as evidenced from the viewpoints provided from the appellant's statement. Nevertheless, where views can be afforded, the site appears part of the domestic surroundings of Cantlow House and the small cluster of development off Sawpit Lane, rather than as part of the open countryside beyond the appeal site. As a result, the site does not contribute to the open rural nature which is

experienced beyond the appeal site, with open fields interspersed with native hedging. Neither does it contribute to the character of the linear development which is evident along Little London Lane.

6. Paragraph 6.14 of the Local Plan notes that sensitive infilling of small gaps within small groups of houses outside development limits but close to settlements will be acceptable subject to the development being compatible with the character of the surroundings and having a limited impact on the countryside in the context of existing development. The development of the site would result in the infilling of the existing gap between Cantlow House and the access into the site and the proposed dwellings would appear part of a small cluster of development. However, it does not fully meet the definition of infilling as set out above as I do not consider the gap between Cantlow House and Dane Pytle to be small.
7. The proposal is for three dwellings and the indicative block plan demonstrates how they could be accommodated on site. In particular it shows dwellings located along the length of the site. Paragraph 6.8 of the appellant's appeal statement sets out how the proposal would have a smaller plot size than those of neighbouring properties. Whilst this is an outline application, and layout is not before me for consideration, the plot size is likely to be smaller than the surrounding dwellings in order to accommodate three dwellings on the site.
8. It has been put to me that these smaller units would be more affordable, however the development is for market housing and is not for the provision of discounted, affordable rented or shared ownership. Therefore I have given this limited weight in my consideration.
9. The development would result in an increase in the density of development within the locality, which is generally characterised by large open gardens. The appellant has set out how the development along Little London Lane has smaller plot sizes, however the appeal site would be viewed within the context of the larger open gardens of the dwellings within Sawpit Lane.
10. This increased density would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of the area. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would fail to protect or enhance the character of the countryside.
11. Consequently, it would conflict with Policy Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan') applies. The policy 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. 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.
12. The introduction of development in this location would not be compatible with the layout of surrounding development. 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 LP which seeks to protect or enhance the particular character of the countryside.

Suitability of location

13. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. I have taken account that there are a number of dwellings located along Sawpit Lane and therefore given its grouping with other dwellings the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).
14. The site is located approximately 2 kilometres from the services within Clavering. Even if the occupants of the proposed development were to walk to Clavering, the village has limited services and facilities. An alternative would be to walk to the village of Berden, 1 kilometre from the site, but the facilities within this village are limited to a church and village hall. Therefore I consider that occupiers would be more likely to travel to services and facilities within the nearby town of Bishop Stortford.
15. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school. I have no substantive evidence before me to indicate that the site is well served by public transport. Whilst a bus service operates from the nearby bus stop on the junction of Sawpit Lane and Little London Lane, the buses do not run regularly throughout the day and are therefore unlikely to be a realistic alternative to the convenience of a private car.
16. I therefore consider that occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the nearest sizeable town. Therefore, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
17. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with policies S7 and GEN1 of the LP which seeks to promote sustainable transport modes and suitably located developments. The development would also conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions.

Other matters

18. The location should not be categorised as a built-up area and therefore could be considered to be previously developed land. I also note that the site would have reasonable access to a broadband connection and that the local school has capacity for new pupils. However, these factors do not outweigh the harm I have found in relation to the site's location or the effect on the character and appearance of the area.
19. Reference has been made to another dwelling that has been granted planning permission 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. In particular the case I have been referred to relates to the replacement of an existing bungalow and therefore may not be subject to the same considerations as the scheme before me.

Setting of Listed buildings

20. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 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 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.
21. I have considered the effect on the Grade II Listed Buildings Jersey Farmhouse and Dane Pytle which are within the vicinity of the site. Jersey Farmhouse is 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 or the elements that form its setting. Dane Pytle is adjacent to the access to the site but its significance is derived from its architectural features including its half hipped thatched roof. Therefore, I conclude that the development would not result in harm to the setting of the listed buildings of Jersey Farmhouse and Dane Pytle.

Planning Balance

22. 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 between 2.68 and 3.29 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.
23. 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.
24. Nevertheless, there would be unacceptable harm to the local environment in respect of character and appearance and arising from the location in terms of the use of natural resources and the accessibility of local services.
25. Therefore, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

26. I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR