
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: 10th September 2020

Appeal Ref: APP/C1570/W/20/3251991

Templars Farm, Holders Green Road, Lindsell, CM6 3QL

- 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 JGA against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0349/FUL, dated 11 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is infill residential development comprising the erection of a detached dwelling, with associated access and amenity.
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Decision

1. The appeal is allowed and planning permission is granted for infill residential development comprising the erection of a detached dwelling, with associated access and amenity at Templars Farm, Holders Green Road, Lindsell, CM6 3QL in accordance with the terms of the application, Ref UTT/20/0349/FUL, dated 11 February 2020, and the plans submitted with it, set out in the attached schedule.

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 is located within Holders Green, to the north of the village of Lindsell. This part of Holders Green is characterised by detached dwellings in large plots. The site currently forms part of the garden of Templars Farmhouse and is enclosed by close boarded fencing with hedging planted behind. The close boarded fencing is a feature of this part of Holders Green Road, as it is evident as boundary treatment for the neighbouring properties of Hearn Barn and Templars. 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.
4. Views of the site from the road are restricted by the existing fence and hedge. Nevertheless where views can be afforded, the site appears part of the domestic surroundings of Templars Farm House and the grouping of housing comprising Hearn Barn and Little Lodge, rather than as part of the open countryside beyond the appeal site.

5. The development whilst increasing the density of development within the locality, would have a similar plot size to Hearn Barn. The development of the site would result in the infilling of the existing gap between Templars Farm and Hearn Barn and together with Little Lodge the proposed dwelling would appear part of a small cluster of development.
6. The Council's reason for refusal cites a single issue relating to character and appearance. However, there is reference within the Council's delegated report to the suitability of the location for housing, having regard to its accessibility to services. The site is located approximately 3.5 miles from the services within Thaxted and access to these would be via unlit roads with no footpaths. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school.
7. However, 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. Therefore, I consider despite the lack of access to services, policy S7 of the Uttlesford Local Plan 2005 (LP) does allow for some infilling close to settlements.
8. 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.
9. The proposed development would be located within a small cluster of development and would fall within the definition of infilling referred to by Policy S7. There would be a degree of urbanisation and countryside encroachment through an additional house. However, the development would be located within the domestic surroundings of Templars Farm House rather than on a field or paddock and would not greatly diminish views along the road. The scale of the building would be comparable with Templars Farm House.
10. Thus, the adverse impacts on the character and appearance of the area would be limited. The introduction of a dwelling into the site would be appropriate within this rural setting, having regard to the enclosed nature of the existing site. The development would protect the character of this part of the countryside and result in a small infill between the existing built development.
11. In conclusion, while not fully in accordance with Policy S7 of the LP in terms of access to services, the proposed development would provide a suitable location for housing having regard to the character and appearance of the area. The development accords with policy GEN2 of the LP which looks for development to protect the character of the countryside and design to be compatible with the scale, form and layout of surrounding buildings.

Other Considerations

12. 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 11d of the Framework is engaged.

13. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be 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. These benefits are tempered by the small amount of development, but nevertheless carry modest weight in favour of the development.
14. Although the proposal would not fully comply with policy S7 of the LP, this would result in only limited environmental harm which does not demonstrably and significantly in this case outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

15. The Council has suggested 6 conditions and I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
16. In the interests of the character and appearance of the area conditions in respect of materials are necessary. It is also necessary to ensure that the mitigation and enhancement measures outlined within the Preliminary Ecological Appraisal are carried out and that bat sensitive lighting is provided.
17. I have not imposed a condition requiring the development to be in accordance with Building Regulations part M4(2) as I have not been provided with a policy which allows this condition to be imposed.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR

Conditions Schedule:

- 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: 19.6007/M001; 19.6007/M002 Rev A; 19.6007/E101 Rev B; 19.6007/P201 Rev C; 19.6007/P202 Rev B; 19.6007/P203 Rev A; 19.6007/P204 Rev A; 19.6007/P205 Rev B
- 3) No development above slab level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Prior to the commencement of development above slab level, details of mitigation and enhancement measures as recommended in the Preliminary Ecological Appraisal (T4 Ecology Ltd, December 2019), including, but not limited to, bat mitigation, bat sensitive lighting, due diligence regarding nesting birds, covering trenches and hedgehog friendly fencing and a timetable for their implementation, shall have been submitted to and approved in writing by the local planning authority. These shall be provided in their entirety in accordance with the agreed timetable and thereafter shall be retained.
- 5) All external lighting shall be installed and maintained in accordance with the specifications and locations set out within the agreed scheme of mitigation and enhancement measures. No external lighting other than that which forms part of the agreed details shall be provided within the appeal site.

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