
Appeal Decision

Site visit made on 15 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/C1570/W/20/3247084

The Meads, Roman Road, Radwinter, Essex CB10 2TF

- 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 Mr T Malling against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3004/OP, dated 3 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is construction of two detached houses and cart lodges with new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with detailed matters other than layout and access reserved for later consideration. The appeal has been addressed on this basis, taking the further details provided at this stage as being indicative only.

Main Issue

3. The effect on the character and appearance of the area.

Reasons

4. The Meads is a detached dwelling occupying a quite large garden. It comprises part of the rather intermittent development along Roman Road forming the small settlement of Wimbush Green. The surrounding landscape is predominantly countryside, comprising wide areas of farmland and only quite sporadic housing.
5. A narrow country lane leads off the main road at this point and runs along the side of the host property, the back garden of which lies behind a mature roadside hedge. This lane leads to a rather isolated bungalow and then views of farmland open up beyond.
6. The character of this immediate location is strongly rural, providing a sense of having left the habitation on the main road and entered less developed countryside. The hedging alongside the lane, with the mature trees and undeveloped farmland beyond, reinforces this character and also provides the appearance of countryside that is away from any established settlement.

7. I have been advised of the permission granted for a dwelling on the opposite side of Roman Road. However, compared to that and regardless of their eventual design, scale and landscaping, the two dwellings fronting onto this narrow rural lane would comprise a stark incursion of further housing into countryside lying beyond that fronting the main road. As such, there would be significant harm to the character and appearance of the countryside in this location.
8. Outside of defined settlement boundaries, Policy S7 of the Uttlesford Local Plan (LP) protects the countryside beyond the Green Belt for its own sake by restricting development to that which, unlike this scheme, requires a rural location or is appropriate to one. By not being an infill development and failing to protect or enhance the particular character of this part of the countryside, and without special reasons for two dwellings being located here, the proposal clearly conflicts with this policy.
9. As other of my colleagues have noted in recent appeal decisions in Uttlesford, LP Policy S7 is partially inconsistent with the National Planning Policy Framework (the Framework) in seeking to protect the countryside for its own sake. Nonetheless, the policy refers also to a requirement to protect or enhance the particular character of the countryside. This is reasonably consistent with paragraph 170 of the Framework, which requires that planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. In my view LP Policy S7 retains at least moderate weight and the proposal would conflict with this by resulting in significant harm to the character and appearance of this area.

Planning Balance and Conclusion

10. I have had regard to the recent appeal decisions submitted in support of this appeal¹. The nature of each of these cases varies, as do the factors in the balances carried out. On the same basis, this decision reflects mainly the considerations that pertain to this particular proposal. However, as when the other appeal decisions were made, the Council remains unable to demonstrate the five-year housing land supply sought by the Framework. Based on paragraph 11, I must therefore consider the policy most important for determining this appeal as out-of-date and give weight to what is now commonly understood as the 'tilted balance', as set out in part d) ii.
11. Whilst helping to meet the Framework's aim of boosting housing supply and, as a small scheme, capable of a quick build-out, two dwellings would nonetheless offer only limited social benefits towards addressing the significant under-provision of residential development in Uttlesford. The construction of the new houses and the additional household expenditure would provide modest benefits to the local economy. Additional Council tax revenue would be offset by an increase demand on services.
12. As part of the curtilage of The Meads, outside a built-up area, I give some small weight to the appeal site meeting the definition of previously developed land, where effective use for housing is encouraged in the Framework.

¹ APP/C1570/W/19/3228069, APP/C1570/W/19/3234739, APP/C1570/W/19/3238810, APP/C1570/W/19/3243843 and APP/C1570/W/19/3241822

13. Whilst on a bus route, the dwellings would not be close to the services available in further away larger settlements. The resulting degree of private car reliance to access regular household needs, such as schools, supermarkets and places of work, would run counter to the Framework's objectives for achieving sustainable development.
14. The adverse impacts found in respect of the harm to the character and appearance of the countryside, and the relatively poor accessibility to services, would significantly and demonstrably outweigh the small net benefits identified, when assessed against the Framework policies taken as a whole. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by paragraph 11. As a material consideration, this would thus not indicate the appeal be decided other than in accordance with the development plan which, considered in its entirety, I find the proposal to be in conflict with.
15. For the reasons set out above, having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector