



Appeal Decision

Site visit made on 8 September 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/C1570/W/20/3252257

Mill Hill Farmhouse, Cutlers Green, Thaxted, Essex CM6 2QF

- 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 Julian Milton against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0016/FUL, dated 6 January 2020, was refused by notice dated 10 March 2020.
 - The development proposed is 1 new 5-bedroomed dwelling on land adjacent to Mill Hill Farmhouse.
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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 surrounding area.

Reasons

3. The appeal site is located in the open countryside where Uttlesford Local Plan (ULP) policy S7 states amongst other things that the countryside will be protected for its own sake. It goes on to state that permission for development will only be forthcoming where it is appropriate to a rural area and if its appearance protects or enhances the particular character of the part of the countryside within which it would be sited.
4. The Council acknowledge that ULP policy S7 is only partly consistent with the National Planning Policy Framework (the Framework), the latter being considerably more recent than the ULP. It is also common ground that the Council are currently unable to demonstrate a 5-year housing land supply, the figure of 2.68 years' worth of supply being considerably below a 5-year figure.
5. In line with Framework paragraph 11, the policies most important for determining the application are out of date and the weight that can be afforded to them is reduced as a consequence. Although ULP policy S7 has been found to be not fully consistent with the Framework, the policy's aim to seek to protect and enhance the character of the countryside is nevertheless consistent with the Framework. Thus, taking these factors together, substantial weight may still be given to that policy, and those of the Thaxted Neighbourhood Plan (TNP), albeit not full weight.

Character and appearance

6. The appeal site lies to the northeast of Mill Hill Farmhouse and Mill Hill Farm. Together with detached outbuildings and stables, these two properties form a distinct group and relatively compact group of buildings situated at the end of a long access track. The two existing dwellings and their residential plots lie directly adjacent to each other. The residential garden plot at Mill Hill Farmhouse is bounded by paddocks on its northern and north-eastern flanks, within one of which lies the main body of the appeal site. Access to it from the existing lane is taken through part of the existing garden of Mill Hill Farmhouse and the intervening paddock.
7. The appeal site is comprised of part of one of the paddock enclosures at Mill Hill Farmhouse, separated from the existing pair of houses by an intervening paddock. The appeal site and the land around it lie atop a distinct crown in the gently rolling surrounding landform, the land falling gradually away in all directions. Because of the dense hedgerows interspersed with mature trees, the latter particularly evident along the site's southern boundary, the paddocks to a degree lack the expansive and open feel of the rolling countryside around them. Nevertheless, they make a positive contribution to the pleasant, rolling, agrarian landscape in which they lie.
8. Whilst views of the site's interior are restricted by the hedgerows, the upper portions of the proposed dwelling would be clearly visible above them from both north and south. Moreover, because of the appeal site's somewhat detached relationship with the existing group of buildings and the proposed dwelling's position within it, the house would stand significantly apart from that group. When viewed from the north from the public right of way which runs across the fields, and the south from the access drive and right of way immediately to the south of the site, the dwelling would stand as a distinct building separate from an otherwise clearly defined group of dwellings and outbuildings. Although clearly not an isolated dwelling, either with regard to that existing grouping or indeed to nearby settlements, it would nevertheless amount to an unwelcome incursion into the pleasant rolling countryside in which the site lies.
9. Sporadic small groups of houses, typically based around farms (or former farms), are not uncharacteristic of the area, but the proposed dwelling would be far enough away from the existing buildings at Mill Hill so as not to be seen as a part of that group, but too close to them to be seen as a sporadic dwelling in the countryside. The proposed dwelling, by virtue of its scale and siting would therefore neither relate well to the existing buildings, nor to the prevailing pattern of development in this pleasant, rolling, rural setting.
10. The strengthening of tree planting towards the tapering tip of the site is noted and welcomed. However, it would do little to ameliorate the proposed dwelling with its immediate setting or improve its relationship with existing buildings in the group. Indeed, it may result in the opposite, over time creating a green buffer at one end of the site and emphasising the degree of separation between the proposed and existing dwellings.
11. The site lies outwith, but immediately adjacent to the extent of the rural setting of Thaxted, as defined by the Thaxted Neighbourhood Plan (THP). The THP

notes¹ the wide-open rural landscape setting of Thaxted and the dispersed rural settlement pattern as particular characteristics. Those characteristics do not just stop at the extent of Thaxted's rural setting, the boundary of which runs along the appeal site's southern boundary, and are present beyond the extent of this designation in the appeal site and land around it. These are, for reasons set out above, factors that the proposed dwelling, particularly its substantial built form, scale and siting, would fail to respect. The proposal would therefore fail to protect or conserve the character of the surrounding countryside, contrary to ULP policies S7 and GEN2, and THP policies TXLSC1, TXLSC2, TXLSC4 and TXHD1. Although not wholly aligned with the Framework these policies also seek to ensure that proposals respect and enhance local landscape character and have regard to the layout of buildings and are consistent with the Framework in seeking to protect and enhance the natural environment.

Other Matters

12. It has been suggested that the appeal site consists of previously developed land. To this end, reference has been made to a previous permission² for a dwelling on land elsewhere at Mill Hill Farmhouse, and to a Court of Appeal case regarding previously developed land to support this position. However, I have not been referred to any physical or historic evidence of structures within the appeal site nor did the visit to the site and my observations reveal any.
13. Permission has recently been granted for a dwelling elsewhere at Mill Hill Farmhouse and the appellant states that this establishes the principle of the development of previously developed land, thereby supporting the current proposal. However, the appeal site is clearly distinct and distinguishable from the garden plot around Mill Hill Farmhouse and Mill Hill Farm and a stable building elsewhere within this group of buildings. The appeal site is separated from them by intervening paddock enclosures, and trees, shrubs and fencing around the garden plot and as such the appeal site is visually, functionally and contextually distinct from the stable block elsewhere at Mill Hill Farmhouse. For these reasons, I am not persuaded that the appeal site constitutes previously developed land and the proposal would not therefore benefit from support that such a status would provide.
14. With regard to a recent permission for a dwelling on land at Mill Hill Farmhouse, it is clear from the descriptions of it provided by both parties that that permission relates to a different site, context and relationship with existing buildings to that of the current appeal proposal. Whilst it does appear to be the case that the Council have not directly considered this previous permission as a material consideration, from the limited evidence regarding that scheme and from my observations during my visit to the site, the appeal proposal and site differs in its relationship to Mill Hill Farmhouse and buildings. I have in any event determined this appeal on its own merits.

Planning Balance

15. It is common ground that the Council is unable to demonstrate a 5-year housing land supply, falling some way short of that figure at only 2.68 years. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This is a significant shortfall and the policies which are most

¹ THP policies TXLSC2 and LPLCA2

² LPA Ref No: UTT/18/1686/FUL

important for determining the application, namely ULP policies S7 and H4 are out of date, the weight afforded to them reduced and the provisions of Framework paragraph 11(d)(ii) are engaged.

16. The proposed dwelling would be poorly related to the two nearest existing dwellings at Mill Hill Farmhouse and Mill Hill Farm, lying some distance from them. Although the site is situated some way from local roads, the local rights of way network allows views of the proposed dwelling from various aspects. Here, the extent to which the proposal would appear as a distinct and separate dwelling to the existing grouping of houses would become more evident and its unsatisfactory physical and visual relationship to that group clearly seen.
17. Whilst there are some positive aspects to the proposed dwelling in terms of elements of its vernacular design, the proposed dwelling in this location would be a significant built incursion into the rolling open countryside and rural setting of Mill Hill Farmhouse and Mill Hill Farm. It would relate poorly to the well-established and compact group of houses formed by Mill Hill Farmhouse and Mill Hill Farm and would harmfully affect the rural setting of the appeal site, those dwellings as a group typical of the dispersed rural settlements and the surrounding area's open, rural character. The proposal would therefore be contrary to ULP policies S7 and GEN2, and THP policies TXLSC1, TXLSC2, TXLSC4 and TXHD1. Although not wholly aligned with the Framework, and therefore the weight given to them is reduced, these policies also seek to ensure that proposals respect and enhance local landscape character and have regard to the layout of buildings. These aims are consistent with the Framework in seeking to protect and enhance the natural environment and carry significant, if not full, weight.
18. A single dwelling would contribute towards the Council's housing land supply, although in the context of the undisputed and significant shortfall that presently exists, it would make only a very limited contribution. The weight this carries is therefore also limited. I am also mindful of the economic and social benefits as set out in the appellant's Planning Statement which accompanied the original planning application and have noted the appellant's comments regarding the site's suitability for home working and accessing local services and facilities. In the context of the Council's shortfall in housing land supply, the proposal may well make more 'efficient' use of land and gain some support from ULP policy H4, but this would not be sufficient to overcome the harm to character and appearance noted above. I agree that these wider benefits would arise during the construction, and subsequent occupation, of an additional dwelling. However, as only a single dwelling, these benefits would be very limited and so attract only limited weight.
19. Considering all of the above, I am satisfied that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.

Conclusion

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie INSPECTOR