



Appeal Decision

Site visit made on 13 October 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/C1570/W/20/3250136

Cobblington and land adjacent to Concord Farm, School Road, Rayne, Braintree, Essex CM77 6SP

- 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 David Hulin (Rayne Estates) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3120/OP, dated 17 December 2019, was refused by notice dated 18 February 2020.
 - The development proposed is for demolition of existing dwelling and erection of one replacement dwelling and erection of two detached and two semi-detached dwellings.
-

Decision

1. The appeal is dismissed

Preliminary Matters

2. The application was made in outline with all detailed matters reserved for later consideration, apart from access. I have dealt with the appeal on this basis, considering the layout and street scene drawings as otherwise indicative only. I have also had regard to the contaminated land report, the arboricultural and phase one habitat surveys and the transportation report which accompanied the application.
3. The Felsted Neighbourhood Plan (FNP) was made on 25 February 2020, subsequent to the Council's decision on this proposal, so this now gains full weight as part of the current development plan.
4. The appeal was accompanied by a noise report¹ in respect of any effects from the adjacent commercial site at Concord Farm. On the basis of this, I am content that the homes proposed would offer acceptable living conditions for future occupiers in respect of the surrounding noise environment, which addresses the Council's third reason for refusal.
5. A signed and executed Unilateral Undertaking has been submitted with the appeal. This commits to an agreed financial contribution towards the recreation and avoidance mitigation strategy in respect of the Essex Coast European nature conservation sites. It addresses the Habitats Regulations and enables me to carry out the necessary appropriate assessment, should the proposal be

¹ Concord Farm, Rayne desk based acoustic assessment by Stansted Environmental Services Ltd - 11 February 2020

otherwise acceptable. This overcomes the fourth reason for refusal in the Council's decision.

Main Issue

6. On the basis of the above, the main issue in the appeal is whether the housing proposed would be acceptable in this location, with particular regard to its effects on the character and appearance of the area and accessibility to services.

Reasons

7. The proposal is within Bartholomew Green; a loose aggregation of development towards the fringes of Felsted parish which is rural in character. The appeal site comprises the residential curtilage of the chalet bungalow Cobbington, and the land north of this fronting the road up to and including the disused access to Concord Farm. The latter comprises a large array of former poultry buildings to the rear of the appeal site. These now accommodate a range of businesses, where the operational site access now lies adjacent to the other end of the appeal site. As set out in the description, Cobbington is to be demolished and the entire site redeveloped with five dwellings (two as a semi-detached pair), providing a net increase of four homes.
8. Bartholomew Green lies outside of any of the settlement boundaries defined in the 2005 Uttlesford Local Plan (LP) and so comprises countryside for planning policy purposes. In such a location, LP Policy H7 would permit the replacement of the existing dwelling, subject to the scheme protecting or enhancing the character of the area.
9. Otherwise, outside of defined settlement boundaries, LP Policy S7 protects the countryside for its own sake, by restricting development to that which requires a rural location or is appropriate to one. Neither of the latter apply to the redevelopment of this site to provide five market homes. The housing along this side of School Road is too loosely arranged, and the vacant part of the appeal site too wide, for me to accept the appellant's view that the proposal comprises an infill development, permissible under Policy S7. The site might meet the definition of previously developed land, as set out in the National Planning Policy Framework (the Framework), but its status as such is not a qualifying criterion of this policy.
10. The character of the existing housing in Bartholomew Green is mixed. Reserved matters might permit a final design of scheme whereby the dwellings sat behind the mostly retained roadside hedge and, as shown in the indicative street scene drawings, reflected the general scale and appearance of the existing development along this section of road. However, notwithstanding the detailed designs, the proposal would comprise a stretch of further ribbon development which would serve to consolidate the sporadic amounts that run along sections of the rural roads in this location.
11. It seems to me that a key purpose of Policy S7 is to augment the overall aim of the development plan to focus development within existing settlements, thereby helping to protect the character and appearance of the countryside from the harmful visual impacts of any extension or consolidation of such sporadic and ribbon development. Despite the degree of visual containment provided by the commercial development and other buildings adjacent, and the

lack of significant incursion into entirely open countryside, the further consolidation of ribbon development would cause significant harm to the character and appearance of this area. This would conflict with LP policies S7 and GEN2 and FNP policies HN5, ICH1 and ICH4, insofar as these restrict forms of development which harm the character and appearance of the countryside.

12. By restricting housing in the countryside, the development plan also reduces the incidence of new homes in locations that are remote from the fuller range of services and facilities available in larger centres. The services in the nearest larger centres to the appeal site are not a convenient or safe walking distance away, due to long sections of quite busy road which are largely without lighting and lacking in footways. With the lack of public transport here, future occupiers of the dwellings proposed would be highly dependent on private motor vehicle use to meet regularly required household needs, such as shopping and schooling.
13. The poor accessibility to services by sustainable transport modes would result in further significant harm through conflict with LP policies S7 and GEN1 e) and FNP Policy HN5, which either broadly or more specifically seek housing be located where this encourages movement by means other than by car.

Balance and Conclusion

14. The policies most important for determining the appeal are out-of-date as, by relying on these, the Council is unable to demonstrate the five year supply of deliverable housing sites required by paragraph 73 of the Framework. This triggers paragraph 11 d) ii and the so-called 'tilted balance'. As the Council's most recent housing trajectory identifies less than a three year housing land supply, the adverse impact of allowing development that conflicts with the FNP does not avoid the application of this tilted balance, when applying criterion c) in paragraph 14.
15. The net addition of four dwellings would provide a modest social benefit in helping to meet the Framework's objective over boosting the supply of housing. As a small site, such delivery might benefit also from a relatively quick build out. There would also be similarly modest benefits to the local economy from the construction and future servicing of the new houses and the additional household expenditure.
16. The lack of any material harm to road safety is a neutral factor, as are the absences of environmental harm in respect of site contamination, biodiversity or through the loss of any important trees.
17. Whilst providing overall a more positive approach to rural development, when compared to the development plan for this area, the Framework nonetheless recognises the intrinsic character and beauty of the countryside. It seeks that the planning system actively manages patterns of growth in support of promoting sustainable transport objectives and that, where permitted, developments achieve well-designed places which are sympathetic to the local character of the surrounding built environment and its landscape setting.
18. The proposal would serve to perpetuate and consolidate ribbon development within the countryside, harmful to its intrinsic character. By not being located where it would enhance or maintain the vitality of rural communities, through supporting local services, the housing proposed would conflict with the

Framework's aim to promote sustainable development there. The car dependency required to access the nearest local services from housing in this location would conflict with the environmental objectives that underpin the sustainable development sought by the Framework.

19. The appellant refers to the Planning Practice Guidance advising that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided, unless their use can be supported by robust evidence. In this case, Bartholomew Green is essentially a rural location, with a loose aggregation of development providing few services, where the policy basis for restricting further housing remains robust, despite the out-of-date plan.
20. The adverse environmental effects identified above, in respect of the harm to the character and appearance of the countryside and the poor accessibility to services, would significantly and demonstrably outweigh the small social and economic benefits of the additional four dwellings in this location, 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, with which this proposal conflicts when considered in its entirety.
21. For the reasons set out above, having considered all further matters raised, I therefore conclude that the appeal should be dismissed.

Jonathan Price

Inspector