
Appeal Decision

Site visit made on 18 November 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/C1570/W/20/3255735

Greylands Barn, Chelmsford Road, White Roding CM6 1RF

- 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 Peter Moore against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0724/FUL, dated 23 March 2020, was refused by notice dated 5 June 2020.
 - The development proposed is demolition of existing barn and erection of two, new three storey, 4-bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt, including the effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposed housing mix would be acceptable.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt

3. The Council have not referred to any development plan policies of the Uttlesford Local Plan 2005 ('the LP'). The reason for refusal refers to national policy which for the purposes of this appeal is the National Planning Policy Framework ('the Framework'). The Framework at paragraph 145 states that new buildings in the Green Belt should be viewed as inappropriate and then specifies exceptions.
4. The exceptions include at g) 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing

development. The Council do not dispute that the land is Previously Developed Land ('PDL') and that the proposal involves the partial or complete redevelopment of such land. The second part of 145 (g) is not relevant as this relates to an identified affordable housing need.

5. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness can have both spatial and visual aspects and the proposal would introduce a substantial amount of residential built form on to a site which, other than the barn, is generally open and free from any significant permanent development.
6. The Public Right of Way ('PRoW') to the side of the existing building is overgrown and I saw it was enclosed on one side by the asbestos wall of the barn and mature trees. The proposal would remove the wall of the barn from this boundary and in that sense, openness of this limited stretch could be improved. However, the dwellings would be sited close together and would be considerably taller, larger and of a greater bulk and site coverage than anything that currently exists on the appeal site. This greater extent of much larger built form would still be directly conspicuous from that footpath.
7. I also observed the appeal site from the PRoW¹ that runs parallel to the northern boundary hedgerow and to the side of an open agricultural field. I observed the hedge to be much lower than the appellant suggests and the existing structures on the site were clearly visible with the site positively contributing to the sense of openness. The significant height and overall bulkier built form of this proposal would be strikingly more evident and visually obtrusive from a large section of that PRoW.
8. Overall, the proposal would have a greater impact on the openness of the Green Belt both in spatial and visual terms than the existing development. It would not constitute an exception as specified within paragraph 145 of the Framework. On the evidence before me no other exceptions would apply, and the proposal would be inappropriate development in the Green Belt. By definition this is harmful and in accordance with paragraph 144 of the Framework, I attach substantial weight to this harm.

Character and appearance

9. The Council refer to the scale, layout and design resulting in an inappropriate development in this location, and I have been referred to Policies H4 and GEN2 of the LP. However, H4 is a criteria-based policy stating, '*development of land that does not have a road frontage will be permitted...*' and refers to 4 criteria, all of which must be met. The policy I have been given does not refer to such design considerations and it is not therefore relevant to this issue.
10. Development on adjoining land is closer to the highway and is of a smaller scale and height, entirely less prominent and of a more traditional vernacular. The introduction of such development at depth behind these frontage plots would not reflect the predominantly linear pattern of residential development in this part of Chelmsford Road. Such substantial detached dwellings would also be clearly evident from the PRoW and the eye would be unacceptably drawn to

¹ Ref: 56_7.

their overly squat appearance, wide and prominent gable projections and somewhat excessive extent of glazing in the rear elevations. In such a rural context and setting the design would not be sympathetic and would cause harm to the character and appearance of the area.

11. The introduction of further residential uses and the extent of built form proposed would also result in the greater suburbanisation of the appeal site, including the creation of residential curtilages and close boarded timber fencing with an inevitable future pressure for associated outbuildings such as sheds and other domestic paraphernalia.
12. My attention has been drawn to a development nearby at Westons Yard², the upper storeys and steep roofs of which were visible from the appeal site albeit glimpsed through a significant belt of mature trees. Regardless of whether it should be regarded as back land development or not, those units are not as prominent as the proposal before me would be and that site also has a road frontage onto Chelmsford Road. It is not therefore directly comparable.
13. I also observed a recently completed development at the western end of White Roding. Whilst undoubtedly of a modern style and appearance I have not been provided with the full details of that scheme so cannot be certain it is directly comparable to the proposal before me. Further, I have found harm from this particular proposal which is in a different location and therefore requires site specific and bespoke considerations and judgements to be made.
14. Having done so, the proposal would cause harm to the character and appearance of the area and would conflict with Policy GEN2 of the LP insofar as it would not be compatible with the scale, form and layout and appearance of surrounding buildings.

Housing mix

15. In order to achieve mixed and balanced communities within smaller village settlements, Policy H10 of the LP requires for all developments on sites of 0.1 hectares and above or of 3 or more dwellings, a significant proportion of market housing to comprise small properties. The site area exceeds 0.1 hectares and the dwellings would each have 4 bedrooms. Although not referred to in pre-application discussions it is requirement of the LP and a reason for refusal and I must consider it.
16. There is nothing substantive before me concerning whether such dwellings would count as 'small' properties but the local parish council object on these grounds. The appellant refers to pre-application advice to justify this along with changes to the mix but for the purposes of this appeal I do not consider them to be 'small' properties. The proposed housing mix would not therefore be acceptable and would conflict with Policy H10 of the LP in such terms.

Other considerations

17. The proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services and from during the construction period. Two dwellings would also provide a small contribution to housing in this rural area and result in a more efficient use of

² UTT/18/2523/FUL.

PDL. The fallback position³ for conversion of the existing barn does not weigh determinatively in favour given that scheme was for the conversion of a single storey building and would have significantly lesser effects than the scheme before me.

Other Matters

18. I acknowledge that pre-application advice was given and that this is a revised proposal. However, that pre-application advice is not binding, and no elevational details appear to have been included in that request. It is clear that the Council do not object in principle to residential development⁴ and the considerations involved require a degree of subjectivity. Each case must be determined on its own merits and the Council's administration and determination of the application ultimately has no bearing on the planning merits of the proposal before me.
19. I have taken into account the draft conditions which could have been appropriate had a grant of planning permission been appropriate, but do not find that they alter or are necessary to my conclusions on the main issues in this case.

Planning balance and conclusion

20. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, including openness, the harm to the character and appearance of the area and the unacceptable housing mix that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. The officer report refers to Policy H1, a housing delivery being out of date but even if paragraph 11 d was engaged, there are no very special circumstances. The application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed⁵. As such the proposal would not be sustainable development.
23. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

³ LPA ref: UTT/17/2199/PAP3 (UTT/18/2644/PAP3P).

⁴ LPA email dated 5 March 2020.

⁵ Paragraph 11 (d) (i) of the Framework.