



Appeal Decision

Site Visit made on 8 December 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/C1570/W/20/3258899

Land Adjacent to The Old Laundry, Laundry Lane, Little Easton, Great Dunmow, Essex CM6 2JW

- 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 S Sidgwick against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1252/FUL, dated 30 May 2020, was refused by notice dated 6 August 2020.
 - The development proposed is erection of a single dwelling house 1 3/4 storey high.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal is consistent with policies relating to housing in rural areas, with regard to the protection of the countryside and accessibility to local shops, services and facilities.

Reasons

Protection of the countryside

3. The appeal site concerns part of a larger roughly rectangular paddock elevated above Laundry Lane to the west of Little Easton. It is situated within the countryside, as defined by Policy S7 of the Council's Local Plan. The policy suggests that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, which includes infill development. The policy goes on to state that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
4. The houses in the vicinity of Little Easton are relatively scattered, but primarily concentrated in small linear groupings, interspersed amongst the undeveloped paddocks and fields that envelope the village. Along with their plot size and shape, the design of houses varies greatly, but the space around them and the established planting of boundaries provides a transition to the undeveloped paddocks and fields beyond, including those found either side of the site.
5. Taken together these stated features, particularly the undeveloped nature of the land between the groups of houses, gives rise to a clear and distinct pattern of development. This makes a significantly positive contribution to the rural setting and therefore the character and appearance of the area.

6. The proposal has been designed to mimic typical Essex barns, including those previously found within the site and a nearby threshing barn, but the form and appearance of the proposed house would share very few characteristics with a traditional farm building. The historic narrative envisaged unravels as the original use and form of many farm buildings often dictated that the external northern façade was primarily solid to maintain heat within the building and protect it from weather. By contrast, the large areas of glazing found on the northern façade and the overall arrangement of openings would present an overtly domestic exterior. The proposal would therefore offend the appearance of the site and its surroundings.
7. Although existing mature planting around the site could be supplemented by further planting, when this would not be in leaf during autumn and winter, there would be a greater degree of visibility, so this would be unlikely to have a meaningful effect in softening the appearance of the proposed house. Nevertheless, I do not subscribe to the notion that planting should not be relied upon to hide development from view that would otherwise be harmful and, in any event, it would still be prominent through the access into the site.
8. The proposed house would be set apart from the existing houses in Laundry Lane, as a distinct built incursion that could not be said to be infill development. Its physical presence would draw the houses closer together, reducing the space between and the site's undeveloped qualities. The proposal would therefore appear discordant when viewed in relation to the established linear groupings of houses, so would have a significantly detrimental effect on the rural setting and, therefore, the character of the area.
9. The proposed alterations to the access to the site would improve the arrangements for the site and the grazing land around it, particularly in relation to the safety of horses and access for large grass cutting vehicles. However, there is no substantive evidence before me to suggest that this could not be achieved without the proposal. Together with the above, these would not amount to special reasons why the proposal would need to be situated in this location.
10. In light of the above, the proposed development would not accord with the aims of Policy S7 of the Council's Local Plan to protect and strictly control new building in the countryside. Moreover, the proposal would not amount to infill development and would have a significantly harmful effect on the rural setting and, therefore, the character and appearance of the area. This would also be contrary to the design aims of Policy GEN2 of the Council's Local Plan and the National Planning Policy Framework (the Framework).

Accessibility to local shops, services and facilities

11. Whilst the appeal site is situated within an area of countryside, in terms of whether the proposed house would be 'isolated' in the language of the Framework, it is important to have regard to the site's relationship to existing built development as well as accessibility to local shops, services and facilities. Paragraph 78 of the Framework seeks to restrict housing in rural areas to locations where it will enhance or maintain the vitality of rural communities.
12. Taking the physical dimension of isolation first, the proposed house would be located fairly close to others situated to the north and south along Laundry Lane. Although it could not therefore be said to be isolated from other houses,

it would do little more than add to existing development in the open countryside, some distance away from Little Easton, which includes a limited range of services and facilities. The reality is therefore that future residents would be obliged to travel further to other settlements, where there are a greater range of facilities and services available, particularly Great Dunmow.

13. In terms of accessibility, the appeal site is poorly located. Paragraph 103 of the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There are no shops, services or facilities within a reasonable and convenient walking distance of the site, particularly as the local road network lacks street lighting and dedicated footways. Accordingly, the opportunities to walk or cycle to the shops, services and facilities available nearby would not be convenient or realistic ones, particularly after dark or in bad weather.
14. Given its location, future occupants of the proposed house would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. Nevertheless, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made. I also understand that the local bus service is infrequent so I am not able to conclude that it would sufficiently discourage further use of private motorised transport.
15. I therefore conclude that the appeal site would not represent an appropriate location for housing, having regard to access to local shops, services and facilities. Hence, the proposal would conflict with paragraphs 78 and 103 of the Framework.

Other Matters

16. The appellant submitted the proposal following pre-application advice, particularly in relation to the design and detailing of the scheme. However, I have considered the individual merits of the proposal afresh in relation to the relevant policies and evidence before me.

Planning Balance

17. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
18. The development plan for the area includes the Council's Local Plan. While this predates the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
19. The Council has confirmed that it is not able to demonstrate a five-year supply of deliverable housing sites, as required by the Framework. In light of this, the current development plan policies most important for determining the application are out-of-date, including for the supply of housing. In such circumstances, paragraph 11(d)(ii) of the Framework would apply, which requires that permission should be granted, unless any adverse impacts of

- doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
20. In the context of Policy S7 of the LP, development outside of settlement boundaries, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, this does not fundamentally undermine the continued relevance of this approach, as its aim is to protect or enhance the character of the countryside from development that does not need to be there. This differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for development boundaries in order to protect the countryside while focusing growth within designated settlements. In light of this I have regarded the underlying objectives of the policy, as being generally consistent with the current Framework.
21. Policy GEN2 is consistent with the Framework in terms of its aim to achieve well designed places.
22. Overall, whilst there is some inconsistency of Policy S7 with the Framework, taken as a whole these policies are not to be regarded as out-of-date. I have therefore afforded full weight to the conflict of the proposal with the abovementioned policies, as set out in the main issues.
23. In the context of paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. The proposal would provide one 3-bedroom house which would contribute to local and national housing targets. However, this contribution would be minor in its extent so would only be afforded limited weight.
24. I am mindful of the emphasis in the Framework on giving substantial weight to the value of using suitable brownfield land within settlements for homes. In the case of the appeal site, it is not within a settlement and neither its current use for the grazing of horses or its previous occupation by agricultural barns would meet the Framework's definition of Previously Developed Land. Even if this were the case, the Framework is clear that making efficient use of land should include taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.
25. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period but this would be short term. Similarly, future occupiers would also contribute to the vitality and viability of local shops, services and facilities, including those in nearby villages, but would be likely to do so using private means of transport. I therefore afford these benefits limited weight.
26. The proposed house could be built to high environmental standards incorporating renewable energy sources and sustainable construction and habitation techniques, which would amount to environmental benefits. However, given the scale of development these benefits would only carry limited weight.

27. There is agreement between the main parties that the proposal would be compliant with policies of the development plan relevant to highway safety and parking and biodiversity, subject to planning conditions. These matters would therefore neither weigh in favour or against the appeal scheme.
28. In terms of harm, the proposed development would not comply with development plan policy in respect of the protection of the countryside; and the site would not represent an appropriate location for housing, having regard to access to local shops, services and facilities. The proposal would not amount to sustainable development under the terms of the Framework. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
29. The adverse impacts of granting permission identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate the proposal should be determined other than in accordance with the development plan.

Conclusion

30. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR