
Appeal Decision

Site visit made on 15 December 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/C1570/W/20/3257946

Stevens Farm, Wicken Road, Clavering CB11 4QT

- 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 G.W Balaam & Son against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3056/OP, dated 6 December 2019, was refused by notice dated 20 February 2020.
 - The development proposed is for the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal development is for outline planning permission with all matters reserved apart from access. Therefore, apart from access provision I have treated all other information within the appeal plans as indicative only.

Main Issue

3. The main issue is the appropriateness of the rural site location for a new dwelling having regard to i) the character and appearance of the area; and ii) accessibility to local service provision.

Reasons

Character and appearance

4. The appeal site is scrub land situated within the open countryside between a large barn and an existing dwelling house. There are other residential properties further along the road, but they are separated from the barn and existing dwelling by agricultural fields. Properties in the wider vicinity along the road generally have substantial plots. Aside from the existing buildings either side of the appeal site it is surrounded by attractive open countryside as the prevailing characteristic of the area.
5. Although the development would occupy the space between an existing barn and a dwelling it would not constitute infilling which Policy S7 of the Uttlesford Local Plan refers to. This is because the site does not relate to a gap within a row of residential properties. It is merely an existing space between a barn and a dwelling which is a common feature of the open countryside. The barn is not in residential use and open agricultural fields dominate views rather than other properties.

6. The appeal development would be at odds with the open rural character of the area. It would introduce an urbanising form of development which would be harmful to its appearance where the amount of built form in the immediate vicinity is sparse.
7. The layout of the appeal scheme would also result in a new dwelling appearing too closely grouped with the large barn building and existing dwelling. This is because rural buildings in the area have more generous amounts of separation between them as part of local distinctiveness. From roadside vantages the introduction of a new dwelling between the existing buildings would be a noticeable change and erode from local distinctiveness.
8. I therefore conclude that the development would harm the character and appearance of the area which is within the open countryside. The development would conflict with Policy S7 and Policy GEN2 of the Uttlesford Local Plan ULP (2005) which seek to: protect and enhance the character of the open countryside; and to ensure that development is compatible with surrounding buildings as well as safeguarding environmental features in its setting. It would also conflict with Section 12 of the National Planning Policy Framework (Framework) which seeks to achieve well designed places.

Accessibility to services

9. The appeal site lies outside of a defined village boundary. I note that Clavering village contains some limited facilities and services including a village shop and a school. The site is approximately one and a half miles from those. However, the road leading to the village is unlit and there is no pedestrian footway from the site providing a link to the services within the village. The absence of a footway as well as lighting along the road would make options to walk or cycle undesirable to future occupants of the proposed dwelling.
10. I acknowledge that there is evidence of specialist school bus provision which runs in term time for local school children within the village. A bus stop is also referred to by the appellant outside the public house around 550 metres away, but I have no information of the frequency of any public bus service in operation. The absence of a footway to reach any operational bus stop is also a further limitation. As a result, I am not convinced occupants of the development would have realistic alternatives to access day to day services and employment other than by car. Moreover, the appellant refers to scope to install an electric vehicle charging point but that would not overcome the accessibility issues I have identified.
11. I therefore find that the appeal site does not have adequate levels of accessibility to services. This would conflict with Policy GEN1 criterion e) of the ULP which seeks to ensure that development encourages movement by means other than driving a car as well as the social objective set out in Paragraph 8 b) of the Framework which seeks a well-designed built environment with accessible services.

Other Matters

12. The appellant has referred me to other appeal decisions. But the appeal decision before me involves different character and appearance impacts as well as differing levels of accessibility to local service provision. As a result, there is no inconsistency in decision makers applying adopted policy terms in a

particular way in different site circumstances. Therefore, I give comparisons to other appeals no significant weight.

13. I note that the appellant specifically encourages Policy S7 of the ULP to be given limited weight as a restrictive policy for reasons it is only partially compliant with the Framework. This is on the basis that Policy S7 strictly controls new building, whereas the Framework supports well-designed new buildings to support sustainable development. I also acknowledge that the policy addresses character effects and the Framework also seeks similar provisions for achieving well designed places and protecting the natural environment. Although there is some dispute evident on this issue between parties and inconsistencies, I give the terms of the policy reduced weight on the basis it is not entirely compliant with the Framework.

Planning Balance and Conclusion

14. I acknowledge that the Council do not have a 5-year housing land supply. The most up to date figure referred to by parties suggests a supply of 2.68 years. This triggers paragraph 11d of the Framework and renders the most important development plan policies for determining the appeal out of date, and therefore any conflict with those policies attracts reduced weight.
15. In addition to the conflict with the ULP I have identified there is significant conflict with the environmental and social objectives of achieving sustainable development. Thus, the appeal scheme would not constitute a sustainable form of development.
16. The benefits of the scheme referred to by the appellant include boosting local housing land supply; providing employment and reinforcing the vitality of the village. But those benefits are relative to a single dwelling where the site is some distance from the centre of the village and carry limited weight.
17. Overall, I have identified that there is clear conflict evident with the ULP in terms of harm to the character and appearance of the open countryside as well as lack of ready access to local services and employment.
18. Even taking into account the reduced weight to conflict with the out of date policies the adverse impacts of allowing the scheme would demonstrably outweigh the benefits, when assessed against the ULP and the policies of the Framework taken as a whole.
19. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR