



Appeal Decision

Site visit made on 23 November 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/C1570/W/20/3253280

2 Mill End Cottages, Ashdon Road, Radwinter CB10 2UA

- 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 Christian Hillier against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3104/FUL, dated 17 December 2019, was refused by notice dated 9 March 2020.
 - The development proposed is new build single family dwelling with associated landscaping works on a domestic garden plot.
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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 In line with Framework paragraph 11, the policies most important for determining the application are out of date and the weight that can be afforded to them is reduced as a consequence.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, I am satisfied that, whilst not full weight, substantial weight may still be given to the provisions of that policy.

Character and appearance

6. The main body of built development in Radwinter is clustered around the crossroads where Walden Road, Water Lane and Roman Road meet and on land to the north of Walden Road and East of Water Lane. Beyond this, the built form becomes more dispersed, with smaller clusters of housing to the south along Roman Road and eastwards along Walden Road towards the appeal site.
7. The appeal site lies some way beyond the defined settlement boundary, the position of which is agreed by both parties, even if the appellant seeks to rely on a rather optimistically drawn 'on the ground' settlement boundary to argue that the appeal site lies within Radwinter. Rather, what the 'on the ground' plan highlights are the separate clusters of housing and development beyond the settlement boundary. Thus, the frontage housing along Walden Road to the southwest of the appeal site and the housing southeast of the Plough Inn are as appreciable in plan form as they are on the ground as distinct, separate clusters of housing, separated from each other, and from Radwinter itself, by dense and verdant vegetation.
8. The group of houses on Ashdon Road, of which Mill End Cottages are part, are distinctly clear and separate from these other clusters and from Radwinter. Although the appeal site itself extends to Walden Road and has a roadside hedge and road frontage diagonally opposite the Plough Inn, the site's perimeter hedgerows and the low-key nature of the site's use and content do not suggest that the Mill End Cottages cluster of houses, or indeed the appeal site itself, are reasonably visually, physically or functionally related to the Plough Inn and the cluster of houses there, or to Radwinter itself.
9. Thus, despite all of these clusters' relative proximity to Radwinter there is no sense in walking between them that they are fundamentally or intrinsically part of that settlement. There may be some local allegiance or association from local residents in these clusters with Radwinter, but the further east one travels from the centre of Radwinter, the more sporadic and dispersed the clusters, and the houses within them, become.
10. The interior of the appeal site is largely open but the perimeter hedgerows around the site provide reasonably effective screening of the site's existing low-key use. The Old Chapel House is a discrete, almost hidden feature beyond the far corner of the site when viewed from Walden Road, with houses further to the north along Ashdon Road hidden by intervening vegetation.
11. Whilst the Plough Inn has a strident presence on the diagonally opposite leg of the crossroads, the appeal site's character shares more with the open, rural setting of the surrounding rolling countryside than with the pub or its adjacent cluster of houses. Even if the appeal site is used for domestic purposes in connection with Mill End Cottages, that does not prevent it being part of, and contributing towards, the prevailing rural, countryside character of the surrounding area. Nor does the Plough Inn, despite its prominence at the crossroads, materially alter the perception of the appeal site's rural character and countryside location or otherwise imbue it with the village character of Radwinter.
12. ULP policy S7 clarifies that in terms of 'housing appropriate to a rural area', infilling in accordance with paragraph 6.13 of the ULP's housing chapter will be

considered as such. The following paragraph¹ of supporting text goes on to refer to the infilling of small gaps in small groups of houses outside development limits, referring to the sensitive infilling of those gaps in locations outside, but close to, settlements.

13. The appeal proposal would not, in my judgement, satisfy these criteria. For the reasons described above, the appeal site lies adjacent to an existing small group of houses on Ashdon Road. The appeal site, and the busy main road and crossroads junction separate that group of houses, and indeed the appeal site itself, from the cluster of houses to the south of the Plough Inn on Roman Road. The proposal is not therefore the infilling of a small gap in small groups of houses; rather the extension of the built form of one group of houses into the open countryside adjacent to, and beyond, that group. Nor does the appeal site form a small gap between Mill End Cottages / Old Chapel House and the Plough Inn.
14. I note that the Council do not object to the design of the proposed dwelling and, having regard to the explanation set out in the Council's officer report, nor do I. That is not to say that because it is considered to be a modern expression of a traditional vernacular that it is appropriate to the appeal site. The appeal site, despite visual clues regarding its domestic use, has a discrete and unobtrusive presence within the wider countryside and does not dilute the site's, or surrounding area's rural character. The proposed dwelling, however well thought out the vernacular design approach might be, would have a significant physical presence and clearly erode the openness that the site contributes to the surrounding area. Whilst the site, and thus the proposed dwelling, may be partly screened by existing vegetation, that screening is patchy at present and seasonally dependent. Nor is it realistic to expect that a landscaping scheme could completely hide the building from view.
15. In any event, the appeal site lies adjacent to the cluster of houses on Ashdon Road. It does not present as a small gap within a small group of houses. Rather, the development of a dwelling on this site would extend this existing cluster further to the south towards Walden Road. Rather than infilling a small gap, the proposal would perpetuate an outward spread of these small clusters of housing into the surrounding countryside. In this location that would also run the risk of eroding the separation between the clusters and creating an axis of more pronounced built development between the site (and the Mill End Cottages group) and the Plough and group of houses to the south on Hempstead Road. In turn, this would result in a more pronounced form of extended ribbon development encroaching into surrounding open countryside. Both at an individual level with regard to the site, and cumulatively with regard to the area around the crossroads, the proposal would erode the rolling rural setting of the site to the overall detriment of the character and appearance of the surrounding area.
16. The proposal would not therefore constitute infilling in accordance with the relevant paragraph of the Housing chapter of the development plan. Nor, despite the generally well-received design approach to the proposed building itself, would the proposal be sensitive form of development given the context described above. I accept that there is an element of domestication to the site's character, but the site itself is an unobtrusive feature within the

¹ Paragraph 6.14

surrounding countryside, derives much of its character from the surrounding countryside and does not dilute the character of the surrounding area. Despite the opportunities that the enhancement of existing boundary vegetation would provide, it is unlikely that the proposed dwelling would be screened entirely from public views from the local road network, and the seasonality of such vegetation would mean that this would vary to a greater or lesser extent according to the time of year. A substantially scaled dwelling in this location would erode the rural character and appearance of the site notwithstanding its domestic links, and which would, in turn, erode the separation between distinct clusters of buildings beyond Radwinter's development limits. The proposal would fail to protect or enhance the character of the countryside in which the proposal would be set and would therefore be in conflict with ULP policy S7.

Other Matters

17. A number of application sites² are cited by both parties, including three considered by the parties to be particularly pertinent and which are close to the current appeal site. Having viewed these sites, and having considered the commentaries of both main parties, I am satisfied that they display different characteristics and contexts to that of the appeal site and are not therefore directly comparable. Nor do they particularly assist with regard to the matter of infilling of small gaps in small groups of houses.
18. Of the range of further examples referred to in the wider district, I do not have the full details of those proposals before me, nor do I have the details of the circumstances surrounding their assessment. I cannot therefore be certain that they provide direct or meaningful comparison to the appeal proposal and the particular combination of circumstance and context thereof. I have, in any event, determined the appeal before me on its own merits.

Planning Balance

19. Although the Council acknowledge a shortfall in housing supply against a 5-year housing land supply, it has not challenged the appellant's conclusions that the supply only amounts to 2.68 years. This falls considerably below a 5-year supply. For this reason, I do not disagree that paragraph 11(d) is engaged and the policies most important to the determination of the application, notably ULP policy S7 are out of date. Furthermore, for reasons set out above in respect of ULP policy S7's consistency with the Framework, the weight that I give that policy's provisions is reduced, albeit that it still attracts substantial weight in seeking to protect and enhance the character of the countryside.
20. The proposal would add one dwelling to the Council's housing supply and would work towards the government's aim, expressed in the Framework, or significantly boosting the supply of homes. However, the benefits arising from the development of a single dwelling in economic and social terms in the context of such a significant shortfall would be heavily tempered by the limited scale of the proposal. The dwelling would also provide social and economic benefits during both the construction period and also from their subsequent occupation. Those benefits would, for the same reasons, be limited and only attract limited weight.

² Section 08 – Appellant's Full Statement of Case and Section 4 – Appellant's Final Comments

21. It may well be possible to design the proposed dwellings in such a manner that they would demonstrate good design, but such matters are reserved and not therefore before me at this stage. On the basis of the indicative site layout, dwellings located within the main body of the site may not be widely visible from Causeway End Road, but that would not overcome the harm that would arise to character and appearance from the introduction of built development in this location.
22. Although I have noted the differing views of the various parties of the site as being previously developed land, this does not justify the development of this piece of land for reasons I have set out above. The proposed development would cause unacceptable harm to the pleasant, rural character of the appeal site and would not, for reasons I have set out above, amount to the infilling of a small gap between houses.
23. Furthermore, whilst the proposed dwelling's design would provide a modern response to local vernacular design, it would be a building of substantial scale and presence and would not, as a consequence, provide a sensitive response in terms of its scale and siting to the site and its relationship with the surrounding area. The absence of objection to the proposal on other grounds by the Council, as set out in the officer report, are neutral factors and weigh neither in support of, nor against, the proposal. The adverse impact arising from the harm I have identified significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole and, whilst Framework paragraph 11(d) is engaged I conclude that the exception to the tilted balance provided for by paragraph 11(d)(ii) also applies in this instance.

Conclusion

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

Graeme Robbie

INSPECTOR