



Appeal Decision

Site Visit made on 8 March 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/C1570/W/20/3262329

The Limes, Park Road, Great Chesterford CB10 1RL

- 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 & Mrs Chalmers against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1245/FUL, dated 28 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is proposed single dwelling on residential garden land including covered open bay parking for 2no. cars and integral bicycle and garden store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the rural area; and
 - Whether the appeal site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

Character and appearance

3. The site is for the most part grassed and of open composition. It forms part of the residential garden that serves The Limes. The site is located outside of the defined settlement limits of Great Chesterford, and thus in the countryside as defined in local planning policy terms.
4. Park Road (the road) takes the form of a single-track route of rural character and appearance. Indeed, its surroundings are often well-planted, green, and agricultural in makeup. Instances of development along the road are sporadic, and properties are typically clustered in certain locations. This includes at The Limes (which sits in immediate proximity to The Barn) and to the northeast, at Park Farm, where numerous rural businesses are located.
5. The site's boundary to the road is defined by established planting that is intended to be retained and protected during construction. I observed the roadside planting that is in place to noticeably soften views into the site when experienced from various vantage points. Even so, the buffer of planting that is in place is not particularly thick and, upon inspection, did not provide an impenetrable screen to views.

6. It was also apparent that partial views of The Limes were easily obtainable from a range of road vantage points positioned southwest from the site, where roadside planting could often be observed to be of limited vigour and low height. This offers a clear indication that the proposal, even if to be experienced in the context of existing development at The Limes, would have a distinct urbanising influence when viewed from similar southwestern vantage points.
7. It must also be noted that existing planting, or any supplemental future planting that could be put in place, cannot be relied upon to provide a permanent and substantial buffer to views. This is because planting is ever evolving, is reliant on regular maintenance to retain a consistent form and may be reduced in scale or extent in the future. It is also relevant that any new planting would initially take time to properly establish.
8. On the basis that the site forms part of the residential curtilage of The Limes and is not located in a built-up area, it meets the definition of previously developed land as set out in the National Planning Policy Framework (February 2019) (the Framework). It is indicated within the Framework that as much use as possible should be made from previously developed land and that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.
9. Notwithstanding its previously developed classification, the site has a rural appearance and forms part of an attractive rolling and typically agricultural landscape. Whilst the site has no formal landscape designation and is positioned to the edge of a small cluster of existing development, the proposed two-storey dwelling and associated works would be read and experienced as a noticeable and discordant excursion into the open countryside. This is even though the development has been designed to incorporate an agricultural style and materials reflective of other built form in the local area.
10. Reference has been made to the permitted development rights that would apply within the curtilage of The Limes. However, to benefit from such rights, any incidental building could not exceed a single storey. Various other locational or area-based restrictions would also apply. Thus, any potential for such rights to be utilised does not justify the development of a large dwelling upon the appeal site. This is even when noting the possible potential for boundary fencing to be erected and/or for planting of a domestic/manicured appearance to materialise. For the avoidance of doubt, of greatest relevance here is the current composition of the appeal site and adjoining land.
11. An Officer Report relating to a separate scheme¹ for a dwelling and garage at Whiteways, Great Chesterford has been brought to my attention where it was found that the development of part of a domestic garden would not represent a significant incursion into the surrounding countryside. It is also the case that the garden land composition of a site at Thaxted Road, Debden influenced an Officer in coming to positive conclusions with respect to a scheme² involving the construction of a bungalow and detached garage.
12. However, each proposal must be considered upon its own terms and in accordance with the site-specific circumstances to hand. Indeed, the

¹ UTT/17/3624/OP

² UTT/18/3395/FUL

inherently rural and open makeup of the lands that surround the small cluster of development that comprises The Limes and The Barns, as well as the absence of other built development in the site's immediate vicinity, are important factors in judging the effects of the proposal upon the character and appearance of the area.

13. It is my understanding that a Garden Community for North Uttlesford has in relatively recent times been envisaged, which would have been anticipated to have direct implications for the appeal site and its surroundings. However, the new Local Plan that had been emerging has now been withdrawn. There is nothing before me to clearly indicate that such an approach is still likely to be pursued. This matter is thus of limited relevance to my considerations here.
14. It is apparent from the evidence before me that a significant mixed-use development of strategic scale is anticipated to come forward to the opposite western side of the A11. Importantly however, the lands to the east of the A11 would remain unaffected and would continue to provide expansive rural surroundings to the site. Thus, this matter is also of limited relevance.
15. For the above reasons, the proposal would cause harm to the character and appearance of the rural area. The proposal conflicts with saved Policy S7 of the Uttlesford Local Plan (January 2005) (the Local Plan) and the Framework in so far as these policies state that there will be strict control on new building in the countryside and that the intrinsic character and beauty of the countryside shall be recognised in decision-making.
16. For the avoidance of doubt, I do not find conflict with saved Policy GEN2 (Design) of the Local Plan. Indeed, the proposed dwelling would be compatible with the scale, form, layout, appearance and materials of surrounding buildings. Furthermore, important environmental features (in this case, established planting) would be safeguarded. For the avoidance of doubt, this does not prejudice my finding that the proposal, through the introduction of a sizeable new dwelling, would be harmful to the character and appearance of the rural area.

Facilities and services

17. The appeal site is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. However, it is situated far beyond the defined development limits of Great Chesterford.
18. Great Chesterford is defined as a Selected Key Rural Settlement through the Local Plan and contains a range of facilities and services likely capable of serving the day-to-day needs of future occupiers of the proposed development. These include shops, a primary school, a surgery, public houses, a community centre and bus and rail services.
19. The route that connects the site to the village (via the road and Walden Road) is not pathed nor lit. Not least due to the not insignificant distances involved, these stretches of road would be unlikely to appear as an attractive route to be navigated either on foot or by cycle. A public footpath provides a connection to the northern end of the village from close to where the road meets Walden Road. However, this route is not hard surfaced nor lit and offers little in the way of improved pedestrian connectivity when compared to Walden Road and

its grassed verges. It is also apparent that the site is not served by closely or conveniently located bus stops.

20. I note that several businesses are based at Park Farm, but do not accept that this justifies new residential development in a location sharing similar locational characteristics. Indeed, each proposal must be considered upon its own individual merits with the development plan the starting point for decision-making.
21. Several schemes for small-scale residential development in the local area (and the associated Officer Reports) have been brought to my attention. With respect to a scheme³ at Newmarket Road, Great Chesterford, the site was found to be within walking distance of the village along public footpaths. This is not the case with the appeal proposal, which is remotely located relative to the village. It is also the case that the site at Whiteways (referenced in my reasoning above) has a distinctly closer relationship to the core of the village when compared to the appeal site.
22. With respect to a scheme⁴ at Widdington, it was accepted that future residential occupiers at a site situated outside of the defined village limits would be likely to use private modes of transportation to access facilities and services. Indeed, a narrower range of facilities and services are on offer in that village when compared to Great Chesterford. However, reference was made by the relevant Officer to the potential for bus services to be utilised. Indeed, whilst a location plan (or similar) has not been provided, it would appear from my reading of the Officer Report that the site in question had a relatively close physical relationship to the heart of Widdington. For these reasons, it is a scheme of limited relevance to my considerations.
23. A case⁵ in proximity to Saffron Walden has been referred to where it was found that occupants of proposed dwelling would realistically need to use a car to access most services, facilities and employment. However, it is apparent that the site's proximity to the settlement boundary of Saffron Walden (a market town that offers an extensive range of facilities and services) also factored into the relevant Officer's considerations. That scheme is thus of limited relevance here.
24. I acknowledge that, with respect to the proposal that is now the subject of this appeal, it is identified in the Officer Report that a lack of sustainable transport options cannot represent a major negative factor. In this context I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
25. Nevertheless, when factoring in the particular site circumstances under consideration, the proposal would inevitably increase travel by private modes of transportation, which sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner. Indeed, contrary to the appellants' assertions otherwise, the site is not located very close to the defined limits of Great Chesterford. The scheme would cause material harm by virtue of the site not representing an appropriate

³ UTT/20/0360/FUL

⁴ UTT/18/1806/FUL

⁵ UTT/18/2354/FUL

location for housing, having particular regard to access to surrounding facilities and services.

26. Whilst saved Policy GEN1 of the Local Plan is not referenced in the Council's second reason for refusing planning permission, I find that the proposal conflicts with this policy in so far as it requires that development will only be permitted where it encourages movement by means other than driving a car.

Other Matter

27. It has been demonstrated that suitable access arrangements and associated visibility splays would be achievable. I am thus satisfied that the proposal would have acceptable effects in a highway safety context. Indeed, an improved/reconstructed access⁶ could be secured via condition in the event the appeal be successful.

Planning Balance

28. The Council has confirmed that its latest calculated housing land supply position demonstrates that a 3.11-year supply currently exists across the District, which represents a significant shortfall. The Framework is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
29. I have identified conflict with saved Policy S7 of the Local Plan. However, this policy is not wholly consistent with the Framework in terms of its approach to countryside protection. This is because the Framework does not imply that protection from development be given to the countryside in its totality, rather that recognition be given to the intrinsic character and beauty of the countryside. I apportion only limited weight to the conflict I have identified with Policy S7.
30. The site's location outside of any defined settlement boundary is not determinative in this case. Nevertheless, in the context of the Framework, the proposal would cause harm by virtue of failing to recognise the intrinsic character and beauty of the countryside which, even when noting the limited scale of development under consideration here, attracts significant weight in the planning balance.
31. I have also identified conflict with saved Policy GEN1 of the Local Plan, which is broadly consistent with the Framework in so far as it seeks to encourage movements by means other than via private car. Whilst opportunities to maximise sustainable transport solutions will be limited in rural areas when compared to urban areas and the proposal before me is at small scale, the Framework promotes opportunities for walking, cycling and public transport use to be identified and pursued. I thus apportion considerable weight to the conflict I have identified with Policy GEN1 and to the associated harm.

⁶ in accordance with drawing 1915-D-01, contained within the submitted 'Vehicle Speed Survey, Access Visibility Assessment & Access reconstruction proposal' (October 2020)

32. Turning to the scheme's benefits, it would deliver an additional energy-efficient residential unit in a District where there is currently a significant shortfall in housing land supply. This represents a meaningful contribution in such circumstances. Indeed, small-sized sites can make an important contribution to meeting the housing requirement of an area. Whilst the delivery of only one unit would not make a clear and noticeable difference to the overall housing land supply position in the District, I apportion considerable weight to this benefit of the scheme.
33. The proposal would utilise previously developed land and, in this sense, would make an effective use of land. However, when factoring in the site's countryside location that is distanced from any recognised settlement, I afford this benefit limited weight. The scheme would also generate jobs and investment during the construction phase and expenditure in the local economy and support for local community facilities in the area once occupied, these are benefits that attract limited weight given the modest scale of development under consideration. Furthermore, given the restricted size of the site, any biodiversity benefits brought about through additional landscaping would be limited and would attract commensurate weight in the planning balance.
34. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harm and policy conflict that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply therefore. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

35. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR