



Appeal Decision

Site visit made on 18 May 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2021

Appeal Ref: APP/C1570/W/20/3264849

Readers Field, Howe Lane, Great Sampford CB10 2NY

- 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 Mr & Mrs Stephen & Kim Welch against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1758/OP, dated 17 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is Outline application with all matters reserved (except for access and scale) for the erection of 2 no. dwellings with detached garages, creation of access and ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration except for access and scale. Indicative plans have been submitted showing an indicative layout, appearance, and landscaping of the development, which I have had regard to as indicative only.

Main Issues

3. The main issues are:
 - whether the development would be in a suitable location having regard to policies in respect of the location of new development;
 - the effect of the development upon the character of the area; and,
 - whether the development would be in a suitable location having regard to the accessibility of services and facilities.

Reasons

Location of development

4. The appeal site is in open countryside approximately 500m west of Great Sampford. Policy S7 of the Uttlesford Local Plan (2005) (the LP) seeks to protect the countryside for its own sake. Development is only permitted where it needs to take place within or is appropriate to a rural area, and if its

appearance protects or enhances the character of the part of the countryside in which it is set.

5. It is not an infill development as it is to the south of small row of loosely knit dwellings and is not adjoined by any other buildings. The development would comprise two relatively large residential plots with relatively large dwellings and detached garages. It is a sizeable site area that would occupy a sizeable proportion of Readers Field which was under meadow at my visit. Therefore, the development would result in a significant incursion of built development into the open and undeveloped countryside. The appellant's objectives are well intended but, the evidence provided does not demonstrate this scheme of two dwellings is appropriate to or can only take place in the rural area. Therefore, it is in conflict with Policy S7.
6. The collection of buildings to the north comprises a small number of dwellings and farm buildings. Such is its size and composition I do not consider this to be a settlement and I am not provided with substantive evidence or justification to demonstrate why this small cluster of buildings could be judged to form a settlement. It is surrounded by open countryside lying a significant distance from Great Sampford and other villages. Given the distance and surrounding countryside, I am of the view that this development would be physically remote from a settlement and in an isolated location in the terms of paragraph 79 of the National Planning Policy Framework (2019) (the Framework).
7. The development would not meet criteria a) – d) of paragraph 79. The suggested design may be considered compliant with certain aspects of development plan policies, the Framework, and the Essex Design Guide. However, the evidence does not demonstrate a truly outstanding or innovative design and it would not significantly enhance its rural setting. Therefore, the development would result in a conflict with paragraph 79 of the Framework.
8. For the reasons set out above, the development would conflict with Policy S7 of the Local Plan insofar as this states that development will only be permitted where it needs to take place within or is appropriate to a rural area. It would also conflict with paragraph 79 of the Framework insofar as this states that the development of isolated homes in the Countryside should be avoided.

Character of the area

9. The appeal site comprises open meadow lined by trees and hedgerows. The mature hedgerow and trees provide a strongly defined and substantial boundary between the appeal site and the collection of buildings. The site is entirely open on two sides so cannot be considered to be self-contained. It is evidently part of the countryside and its verdant, well vegetated, and undeveloped nature is distinctly rural in character. This is appreciable from the rest of this large open field and glimpsed through and over the hedgerow at points on Howe Lane including as it curves around the south and east of the field. Therefore, the appeal site makes a strong positive contribution to the character of the countryside and rural landscape.
10. These two 1.5 storey dwellings, detached garages, new access, areas of driveway and parking, new highway access and associated vegetation removal on these large plots would introduce a significant amount of new built development into the open undeveloped countryside. There would also be an

increased intensity of vehicular activity, parking, formalisation, residential paraphernalia, and related activity. As a result of these it would have a significantly harmful and urbanising effect upon the character of the site and area.

11. As a consequence of its elevated land level to this part of Howe Lane, its scale, and the provision of the new access, the development would be prominently visible. Therefore, it would be significantly detrimental, thereby not protecting or enhancing the character of the part of the countryside in which it would be sited. I note the suggested form and materials, the appellants suggested landscaping proposals, and the recommended planning conditions. However, these would not mitigate the inherently harmful impacts of the development.
12. The full details, circumstances, visual context, nature and pattern of development and evidence before the Inspectors, for the appeal decision letters that I have been provided with are not clear. Therefore, a direct and fully reasoned comparison is not possible. However, the site for Ref APP/C1570/W/19/3241983 was described as being surrounded by houses. The site for Ref APP/C1570/W/19/3241822 was described as between built development to the north, south and opposite side of the road. The Inspector for Ref APP/C1570/W/19/3242700 found that site not to be visually linked to or part of the wider agricultural landscape. In respect of APP/C1570/W/19/3234837 the Inspector found that development to be well screened and visually contained. Therefore, based upon the evidence before me, their visual context is not directly comparable to this appeal proposal and do not justify allowing this appeal.
13. For the reasons set out above the development would be significantly harmful to the character of the area. Therefore, it would conflict with Policy S7 of the Local Plan, which requires development protects or enhances the particular character of the part of the countryside within which it is set. It would also conflict with paragraphs 127 and 170 b) of the Framework which expect development should be sympathetic to local character including the surrounding landscape setting and contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Access to services and facilities

14. Great Sampford includes a bus stop, primary school, village hall, two churches and some sporting facilities. Therefore, it provides a very limited range of facilities for day to day living, at a distance of approximately 0.7 – 1.3km from the appeal site. The distances are broadly in-line with the preferred maximum recommendations of the Institute of Highways and Transportation. However, the combination of the distances, the route which includes a walk along a narrow lane with a steep embankment with little refuge from vehicles, and the limited facilities, means it would not be a particularly attractive or convenient journey for future occupiers. Furthermore, not all occupiers may be capable of making the journey.
15. Further afield are Wimbish Green, Hempstead and Thaxted. Given the routes I was able to see which included sections of national speed limit road without footways or suitable verges, walking and cycling to these would not be attractive or convenient. Thaxted over 6km south west offers a still limited but wider range of facilities including a doctor's surgery, pharmacy, takeaways,

convenience store, butcher's, post office and pubs. The limited nature of services, facilities and employment opportunities suggests future occupiers would need to make trips to larger centres such as Saffron Walden or Haverhill which are a considerable distance from the appeal site.

16. I am not persuaded the route to the stop and the frequency and duration of bus services in Great Sampford would make an either attractive or convenient transport option for future occupiers. Therefore, future occupiers would be heavily reliant upon a motor vehicle for accessing most services and facilities. The number of trips generated might be limited, but given the distances to many services and facilities, it would soon add up to a considerable number of vehicular miles per year. Given the routes, services, and facilities I have been made aware of, a travel pack for future residents is unlikely make any significant difference to how services, facilities and employment opportunities would be accessed.
17. While car dependency is not necessarily unusual in rural locations, the development conflicts with a core planning principle of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made. The Inspectors found similar in appeal decision Refs APP/E3715/W/19/3235588 and APP/E3715/W/17/3189586 although neither are in the same Council area as this appeal proposal. Furthermore, the former was adjacent to the village boundary and the latter was described as being only a few kilometres from a larger settlement. Therefore, based upon the evidence before me these decisions differ from the appeal proposal, and do not justify allowing this appeal.
18. The proposed development would not be well located for access to services and facilities, in conflict with Policy GEN1 of the Local Plan which requires development encourages movement by means other than private car. It also conflicts with paragraphs 8, 91 and 103 of the Framework which seek to use natural resources prudently, minimise pollution, focus development towards locations that limit the need to travel, offer genuine transport choice, and enable and support healthy lifestyles through developments that encourage walking and cycling.

Other Matters

19. I note the Inspectors findings in appeal decision Refs APP/C1570/W/19/3241983 and APP/C1570/W/19/3238810. However, the full details, circumstances and evidence before those Inspectors is not before me so a fully reasoned comparison is not possible in respect of the weight given to Policy S7 and the planning balance of considerations. However, as the Inspector for Ref 3241983 found the effect of the development minimal and in 3238810 the Inspector concluded that the development was not isolated and within walking distance of the village centre, they are not directly comparable to this appeal development.

Planning Balance

20. An updated trajectory at April 2020 (published January 2021) advises the Council can demonstrate a deliverable housing land supply (HLS) of 3.11 years. It post-dates the findings of the Inspectors in appeal decision letters¹ I have

¹ APP/C1570/W/19/3238810, APP/C1570/W/19/3230897, APP/C1570/W/19/3241822

been referred to in this particular regard, and the appellants' assessment that the supply is 2.55 years. The appellants have had the opportunity to comment upon the Council's updated position and I see no disagreement in respect of the latest trajectory. However, this figure still represents a significant shortfall and the delivery of housing in this context is a benefit of note.

21. The development would result in a modest temporary economic benefit during construction and once complete some small on-going spend in the local economy from future occupants. Appeal decision Refs APP/C1570/W/19/3242700 and APP/C1570/W/19/3234837 were for 3 and 4 dwellings respectively, and although the evidence before those Inspectors is not clear, it is likely greater economic benefits may result from those proposals given the larger number of dwellings and potential future occupiers.
22. The development would make a small contribution to the vitality of rural communities and settlements in the area, and a more efficient use of land. As a small site it is likely to be built out relatively quickly. However, the social benefits and contribution to supply from these two dwellings is modest. The proposal in appeal Ref APP/C1570/W/19/3243727 was for 8 dwellings so provided a greater social benefit and in Ref APP/C1570/W/19/3242700, the Inspector applied the tilted balance and acknowledged those 3 dwellings would provide a social benefit. Although Frenches Farm was for a single dwelling the HLS was only 2.68 years and it is suggested that site was on previously developed land, so the circumstances differ from this proposal.
23. Subject to the imposition of suitably worded planning conditions the development is likely to be able to provide an overall net ecological benefit from a suitable planting and seeding scheme and habitat boxes, but the evidence before me is that this would only be likely to be a small benefit. The overall environmental, economic, and social benefits of the scheme would be modest, attracting limited weight. If it were to be considered compliant with policies in respect of issues such as geotechnical matters, archaeology, energy and resource efficiency, design and materials, accessibility, waste and recycling storage and collection, flood risk and drainage, the living conditions of future occupiers, parking provision and highway access and safety, these would all be neutral matters attracting neutral weight.
24. The Council does not raise objection to the development in respect of Policy H1, or a number of other policies the appellant has listed. Although the appellant has suggested other policies attract reduced weight, the legislative status of the development plan cannot be downgraded.
25. The development would not be compliant with the development plan policy for the location of new development in the countryside and be significantly harmful to the character of the area, which conflicts with Policy S7 and the Framework. The blanket approach to protect all countryside in S7 is not compliant with the more positive and nuanced approach of the Framework, so it is not up to date. However, in seeking to protect and enhance the character of the area it is consistent with the policies of the Framework. I have been provided with multiple appeal decisions by the appellant attributing various weight to the conflict with Policy S7. Based upon the evidence before me in respect of this appeal the conflict with S7 attracts moderate weight overall. Furthermore, the development also conflicts with the Framework in this regard and given the harm I have found the conflicts attract significant weight.

26. Policy GEN1e) may be more restrictive than the Framework in stating development will only be permitted where it encourages movement by means other than private car. However, having regard to the absence of conflict with paragraph 109 of the Framework, that opportunities to maximise sustainable transport will vary, and that the Framework is read as a whole, Policy GEN1e) has a strong degree of consistency with the sustainable transport objectives at paragraphs 8, 91 and 103 of the Framework. Even if I were to agree the conflict with Policy GEN1 does not attract full weight, it still attracts significant weight. The development also conflicts with the Framework in this regard and given the harm I have found, this conflict attracts significant weight.
27. For the reasons set out above, the harm from the development, significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole. Therefore, the appeal should not succeed.

Conclusion

28. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR