



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/20/3265674

Former sand quarry, Moor End off B1053, Great Sampford, Saffron Walden CB10 2NY

- 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 Julian Bickerton against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0300/FUL, dated 7 February 2020, was refused by notice dated 3 September 2020.
 - The development proposed is Construction of five dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Accompanying the appeal documents are a submission in respect highway matters dated 10 September 2020 and three related plans. I am advised these were before the Council and the Highway Authority despite not being referred to on the decision notice. The Council and the Highway Authority have had the opportunity to consider this information through the appeal process and I have had regard to it in determining this appeal.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the area;
 - whether the development would be in a suitable location having regard to the accessibility of services and facilities; and,
 - whether the development could achieve a safe and suitable access and the effect of the development upon highway safety.

Reasons

Character and Appearance

4. The appeal site is in open countryside approximately 240m north west of Great Sampford. Policy S7 of the Uttlesford Local Plan (2005) (the Local Plan) seeks to protect the countryside for its own sake. Development is only permitted

where it needs to take place within and is appropriate to a rural area, and if its appearance protects or enhances the character of the part of the countryside in which it would be sited. The evidence does not demonstrate this scheme of five dwellings is appropriate to or can only take place in the rural area.

5. The appeal site comprises grassland, ruderal vegetation, shrubs, and trees, lying significantly lower than the surrounding field from which it is fenced at the top of steep banks. The banks and verge to the east form part of the Great Sampford Bank Local Wildlife Site (LWS) which includes significant tree and shrub cover along the verge cutting providing in a verdant, rural, and informal feel. The site land levels and a section of verge with limited shrub cover results in discernibility from the verge and B1053. Even though it may be formerly quarried and could be considered to be previously developed land not capable of being farmed, the verdant banks, trees and vegetated appearance make a positive contribution to the character and appearance of the area.
6. The site is surrounded by open countryside and is approximately 240m from the village and other buildings, so it is not in proximity of or viewed in the context of other buildings. As a consequence, it feels separated and isolated from a settlement. The height and scale of the dwellings and associated access, circulation and parking would result in a significant amount of new built development. There would be an increased intensity of vehicular activity, parking, boundary treatments and residential paraphernalia. The evidence does not demonstrate that small groups of roadside cottages as proposed are typical of this part of the District. However, even if they were, this development would have a significant and harmful urbanising effect upon the character and appearance of the area. Even if it was not visible from the wider landscape, the dwellings would be between 8.9 – 9.8m high and the development would be significantly visible to passing traffic.
7. The creation of visibility splays and a footway would require significant vegetation clearance and re-grading of the verge. Although the full extent of these works is not detailed, assuming they would be similar to the appellant's highway drawings, the clearance, regrading, and hard surfaced footway would have an inherently negative and urbanising effect upon this section of the lane. It is also likely to make the sizeable dwellings more visible. The evidence before me does not demonstrate that the proposed habitat creation works, landscaping and any other conditional requirements would adequately mitigate this harm.
8. For the reasons set out above the development would be significantly harmful to the character and appearance of the area, in conflict with Policies S7 and GEN2 of the Local Plan. Amongst other things they require development protects and enhances the character and appearance of the countryside and safeguards important environmental features within its setting. It would also conflict with paragraph 170 b) of the National Planning Policy Framework (2019) (the Framework) which expects decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Access to services and facilities

9. Great Sampford is understood to be a category A settlement which includes a primary school, two churches and some sporting facilities, providing a limited range of facilities for day to day living. The walk or cycle to these would be up

- to approximately 1km. Such a journey may be beneficial to the health of future residents. However, given the distance, limited facilities and walk alongside a national speed limit highway with cars travelling at speed for part of the journey, it would not be attractive or convenient for future occupiers, and not all occupiers may be capable of making this journey. There is a bus stop in the village, but I have no substantive evidence of the frequency and duration of trips, so I have concerns about its attractiveness or convenience.
10. Thaxted approximately 6.2km to the south provides a still limited but wider range of facilities including a doctor's surgery, pharmacy, takeaways, convenience store, butcher's, post office and pubs. Given the distance, national speed limit road, absence of lighting and intermittent footway and wide verges, walking or cycling would not be attractive or convenient. It is likely that most trips would be made by private motor vehicle. The limited nature of services, facilities and employment opportunities suggests it is highly likely future occupiers would need to make trips to larger centres. Saffron Walden, Great Dunmow, the M11 and railway links to London, are significantly further afield so trips by walking, cycling and public transport are highly unlikely. Therefore, future occupiers of the dwellings would be heavily reliant upon a motor vehicle for accessing many services and facilities.
 11. Increased homeworking may limit car travel. If some goods are ordered online this might reduce trips by future occupiers, but some deliveries are also likely to generate significant vehicular miles from providers which may not necessarily be located in the nearest settlements, and so this won't necessarily support local services and facilities. These factors would not eliminate the need for trips to all services facilities. The number of trips generated by future occupiers might be relatively limited, but given the distances to many services and facilities, would soon add up to a considerable number of vehicular miles per year.
 12. Impacts from carbon emissions would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, the houses would be likely to be constructed in the short term, so it is not clear that future occupiers would use these vehicles. Accordingly, this cannot be relied upon as a means of mitigating the inaccessible location of the dwellings in the short to medium term. In any event, the poor accessibility to services and facilities as would be the case for the development, would not promote the social and health benefits conducive with convenient and attractive opportunities for walking and cycling.
 13. For the reasons set out above, the development would not be in a suitable location having regard to the accessibility of services and facilities. While car dependency is not necessarily unusual in rural locations, it 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 development 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.
 14. The Council's second reason for refusal refers to Policy S7 and GEN2 of the Local Plan. However, as these primarily relate to the protection of the

countryside and the design of development they are of limited relevance to this main issue.

Highway access and safety

15. The highway boundary encompasses the deep well vegetated verge through which the new access would join the vehicular carriageway, with a 2.4m x 160m visibility splay that could be provided within the highway verge. However, given the steep verges the visibility splay would necessitate a considerable amount of vegetation clearance and engineering works. The provision of an approximately 250m length of footway by means of an informal path on top of the verge suggested would not be suitable for the mobility impaired, so would not meet the requirements of Policy GEN1 of the Local Plan. A 1.5m or 2m wide footway along the carriageway verge would require a significant cutting into the verge and re-contouring works.
16. Behind the highway the land slopes further upwards. The previous mineral extraction suggests a deep fine sandy soil of which the stability is not clear. The cross sections provided are examples that are by no means a comprehensive representation along the length of the works. The evidence does not demonstrate that a scheme could be delivered in a structurally stable form on land within the public highway or under the appellant's control, or the form and position of any retaining structures. However, the Highway Authority has suggested a negatively worded planning condition, that would require and could secure a scheme of works before any development commences.
17. The location of the pedestrian crossing would be well within the 30mph speed limit zone which is clearly signposted. The highway in this location appears to be a street given the existing footway. I am not provided with substantive evidence demonstrating vehicles would be likely to be travelling in excess of 37mph. The drawings indicate a suitable splay is likely to be deliverable with limited vegetation removal and verge cutting, which could be secured by planning conditions.
18. Therefore, subject to the imposition of suitable planning conditions it is likely a safe and suitable access and works not harmful to highway safety could be secured. On this basis, it would meet the requirements of Policy GEN1 c) and d) of the Local Plan which require development must not compromise road safety. It would also not conflict paragraph 109 of the Framework which states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

19. I have been provided with summaries of several appeal decisions. However, the full details, appearance and location of those schemes are not before me. Neither are the full range of material considerations and evidence before the respective Inspectors, including full reference to the range and location of services and facilities. However, based upon what is before me, many were viewed in significantly different visual contexts, for example being located on infill plots, or being subdivisions, or close to clusters of dwellings or settlements, and one was for a significantly larger scheme with 40% affordable housing. Based upon the evidence before me, these developments are not directly comparable to the appeal scheme and do not justify allowing this appeal, which I have considered on its own merits.

Planning Balance

20. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. The Council's delegated report advises it can demonstrate a housing land supply (HLS) of 2.68 years. An updated trajectory at April 2020 (published January 2021) suggests it was 3.11 years. Paragraph 11d) states that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal would result in a modest economic benefit during construction and once complete some small on-going spend in the local economy. It would make a more efficient use of the land, and even if I were to accept the lower HLS figure the social benefit and contribution from these five dwellings to supply is moderate. It would make a small contribution to the vitality of rural communities and services. It is not demonstrated improved forward visibility at this site is a highway safety benefit. Even if it was the evidence before me suggests it would be a small attracting a small amount of weight in favour of the scheme. The substantive evidence does not demonstrate a specific shortage of housing within Great Sampford for villagers and there is no mechanism before me to secure inhabitation by local tenants. The overall social, economic and highway benefits would attract moderate weight in favour of the scheme.
22. Even if I were to agree the ecological survey is up to date and has surveyed and fully assessed all the affected area of the verge, given the absence of proposed contours, extent of new habitat, agreement of the Highway Authority, and a long-term mechanism to secure the success of new grassland, I cannot agree the proposals demonstrate a net ecological benefit would be secured. On-balance, this is likely to be more of a neutral matter attracting neutral weight.
23. If I were to find the development compliant with policies in respect of matters such as detailed design and materials, waste and recycling, flood risk, the living conditions of future occupiers, any land contamination issues, parking provision and highway access and crossings, these are neutral matters attracting neutral weight. The limited evidence in respect of energy and resource efficiency suggests the development would not result in an overall net benefit, and it is a neutral matter. Based upon the evidence before me the new Regulation 19 plan is directed to be withdrawn so its policies attract little weight.
24. While this scheme seeks to address the some of the matters raised in regard to a scheme previously refused by the Council, I have found this development significantly harmful to the character and appearance of the area in conflict with Policies S7 and GEN2 of the Local Plan, and the Framework. Given its blanket approach to protect all countryside, Policy S7 is not compliant with the more positive and nuanced approach of the Framework, so the conflict with it does not attract full weight. However, in seeking to protect and enhance the character and appearance of the area, it is broadly consistent with the design policies of the Framework. Therefore, the conflict attracts moderate weight overall.

25. The development also conflicts with Policy GEN2 and the Framework in this regard, which attracts significant weight against the scheme given the harm I have found. The location of the site, and distance from facilities and services, means the development significantly undermines the sustainable transport and accessibility objectives of the Framework, attracting significant weight against the scheme. Therefore, overall, the harm from the proposal, significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

Conclusion

26. 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