



Appeal Decision

Site Visit made on 10 May 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/C1570/W/20/3265660

Plot adjacent Ringers, Debden Road, Newport CB11 3RY

- 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 Gilder against the decision of Uttlesford District Council.
- The application Ref UTT/20/1904/FUL, dated 31 July 2020, was refused by notice dated 25 September 2020.
- The development proposed is a "new 2 bedroom chalet bungalow and new access".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the appellants submitted an amended plan¹. This plan was not seen by the Council or the Highway Authority at the time the planning application was in. At the outset of the appeal the Council had not been provided with a copy of the appellants' statement of case and a transport advice note. However, the Council and the Highway Authority, together with other interested parties, have since been informed and have had the opportunity to comment on the amended plan and the appellants' supporting documents. The amended plan does not change the substance of the proposed development that was considered by the Council, but clarifies the extent of forward visibility to a vehicle turning right into the site access. Having regard to the "Wheatcroft" principles², the Council and interested parties would not be prejudiced by my consideration of the amended plan.

Main Issues

3. The main issues are (i) whether the site would represent a suitable location for housing relative to services and facilities; (ii) the effect of the development proposed on the character and appearance of the area; and (iii) the effect of the development proposed on highway safety, with particular regard to visibility.

Reasons

Location

4. The appeal site is roughly 1.2km away from the nearest settlement of Newport. It is therefore in the countryside. The Local Plan³ sets out, amongst other

¹ Plan ref. SK02, dated 7 May 2021.

² Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

³ Uttlesford Local Plan 2005

things, where development will take place and where it will be restricted. This follows the principles of ensuring it is located sustainably in terms of its access to services. It does so in a hierarchical manner, setting out the largest urban areas, planned expansions, selected key rural settlements and other villages. Saved Policy S7 identifies that development will be permitted in the countryside where, amongst other things, it needs to take place there or is appropriate to a rural area. It states that there will be strict control on new building.

5. Apart from a small number of dwellings nearby and some further along Debden Road, the site is otherwise surrounded by open countryside. Newport has some services and facilities, including schools, a railway station, a surgery, public houses and a small number of shops. However, the main route from the site to that village would be via Debden Road, which is devoid of street lighting and segregated footpaths along much of its length.
6. The appellants have provided details of alternative walking routes from the site to Newport via a number of public footpaths across fields and a bridleway. However, these walking routes would be unlikely to prove an attractive prospect, particularly during the hours of darkness or poor weather. The appellants also refer to a demand response bus service which operates in the area, though in my view this would be unlikely to prove a more convenient option than the use of a private car. This is the least sustainable travel option.
7. With these factors in mind, the development proposed would be in a location with poor accessibility to services and facilities. In regard to the evidence before me, I find no exceptional or overriding circumstances to justify the proposal in this location. As such, the site would not be a suitable location for the development proposed. Accordingly, it would conflict with the aims of the Local Plan as I have set them out above, specifically saved Policy S7.

Character and Appearance

8. The existing property is set back from Debden Road and partly screened by trees, hedgerows and fencing. Within the site there is a detached garage and a large shed type structure which houses poultry. Ringers Farmhouse and associated buildings are situated to the north and there is a farmyard to the west. Ringers Barn and Greenfield are located on the other side of Debden Road to the west. Beyond the curtilage of the property to the east and on the other side of Debden Road to the south, are open fields. The site is therefore set within a landscape of arable farmland, accordingly exuding a pleasant rural and agrarian character which contributes positively to the area.
9. The proposed dwelling would be sited in broadly the same position as the existing shed type structure. The existing shed is a modest, low-lying structure the presence of which is not readily apparent from the road. The proposed dwelling would represent a significant increase on the scale and massing of the existing outbuilding which it would replace.
10. The host property, and the other properties nearby, are situated within large plots resulting in a spacious and loose knit pattern of development, which is typical of this part of the countryside. In contrast to this, the proposal would be situated within a much smaller plot, which would not therefore reflect the pattern of development in the area.

11. Existing trees and established hedgerows on the southern boundary of the site would provide some screening from Debden Road. However, the site is slightly elevated relative to road level and, given the height of the proposed dwelling, it would be clearly visible from Debden Road. In addition, it is proposed to remove trees and vegetation to provide the requisite visibility splays at the site access, which would open up views of the site. Additional planting within the site would not, in my view, adequately mitigate the impact of the development, which would have an urbanising effect and would encroach upon the particular character of the countryside for the reasons I have given.
12. The proposed development would therefore be harmful to the character and appearance of the area. Thus it would conflict with Saved Policy S7, which seeks to strictly control new buildings and to protect the countryside for its own sake. The proposal would also conflict with Local Plan Saved Policy GEN2, where it seeks to ensure that development is compatible with surrounding buildings. There would also be a conflict with paragraph 170 of the Framework, which requires that development should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character of the countryside.

Highway Safety

13. The existing access point to the site from Debden Road is located to the east of an S-bend in the road. It currently serves the existing property only. Debden Road is a classified road and a secondary distributor, part of Essex County Council's Development Management Route Hierarchy Plan, and is subject to a 60mph speed limit at the point of the site access.
14. Visibility to the west from the existing access is significantly constrained. It is proposed to relocate the access to the west of its existing position which would serve both the proposed dwelling and the existing property. A section of vegetation either side of the proposed access would be removed or cut back to below 600mm in height to provide visibility sightlines. The existing access would be permanently closed.
15. The plans indicate that there would be sufficient parking provision within the site to serve the existing property and the proposed development. Manoeuvring space within the site would enable vehicles, including a small delivery van, to enter and egress the site in a forward gear.
16. The submitted plan (and transport advice note) indicate that the available junction visibility from the proposed access from 2.4m behind the carriageway edge would be 54m to the west and 60m to the east. The Highway Authority's concern was that visibility to the east and west of the access would be inadequate bearing in mind the 60mph speed limit on this section of Debden Road.
17. Notwithstanding that speed limit, during my site visit I observed that vehicle speeds were suppressed, reflecting the winding nature of the road. The transport note includes details of traffic count surveys undertaken between 2 and 8 October 2020, which recorded vehicle volumes and speeds in both directions. These surveys recorded 85th percentile eastbound speeds of 31.3mph and westbound speeds of 32.6mph. Based on these speeds, and taking into account guidance in Manual for Streets ('MfS'), the proposed site access should have a visibility splay of 45.6m looking west and 48.3m looking

east. The proposed junction visibility splays would therefore exceed the recommendations of MfS in this regard.

18. As noted, the appellants have provided an amended plan which shows forward visibility for a driver travelling along Debden Road approaching a vehicle turning right into the site. In response to this plan and the transport note, the Highway Authority is now satisfied with the proposed visibility splays and the forward visibility splay, subject to these being provided 'clear to ground'. Although part of the 60m forward visibility appears to cross a narrow strip of land on the south side of the road which is not within the appellants' control, this is a well maintained verge. Based on the evidence before me, and my own observations on site, I consider that adequate visibility splays would be provided.
19. Furthermore, the scale of the development proposed would be unlikely to generate a significant number of additional vehicle movements. I consider that such additional movements could be safely accommodated taking into account the improved position of the access point and provision of appropriate visibility splays.
20. I therefore conclude that the development proposed would not adversely affect highway safety. In this respect, the proposal would not conflict with Saved Policy GEN1 of the Local Plan, which, amongst other things, seeks to ensure that development does not compromise road safety. I also find that there would not be a conflict with paragraph 109 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

21. The appellants have referred to a number of other recently approved residential developments within the District. I do not have the full details of these other cases before me. However, on the basis of the evidence, I can see that the circumstances of each of those cases differed to those of the appeal proposal, which I have determined on its own merits.
22. In the case of the residential development allowed at appeal at Wicken Bonhunt,⁴ the Inspector found that the proposal would be surrounded by houses and their gardens and two roads. Any development on that site would have been seen as a continuation of the existing pattern of development in the immediate area. That is not the case with the appeal proposal, which, apart from Ringers Farmhouse and associated buildings to the north and the host property to the east, is characterised by its open countryside setting.
23. Concerns have been raised regarding the effect of the proposal on the living conditions of neighbouring occupiers, particularly with regard to privacy and overbearing impact. However, taking into account the design of the proposal and the separation distance between it and the neighbouring properties, I share the Council's view that there would be no significantly harmful effect on the living conditions of neighbouring occupiers.

Planning Balance and Conclusion

⁴ Appeal Ref: APP/C1570/W/19/3241983

24. There is no dispute that the Council are only able to demonstrate around 3.11 years' worth of forward supply of deliverable sites for housing, and therefore that paragraph 11. d) of the Framework is engaged. As well as considering the most important policies out of date, this requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. The development proposed would offer potential benefits in terms of providing a new dwelling to the Council's housing shortfall. It would also have economic benefits through employment opportunities created during the construction phase of the development and spending in the local area by future occupants. I have attached some weight to these considerations. However, given the modest scale of the development, the weight attributable to these matters is limited.
26. Although I have found that the proposal would not be harmful to highway safety, this would be a lack of harm and thus neutral in any balance. There would be harm to the character and appearance of the area and harm arising from the principle of the development and its access to services. These harms would be wide ranging and long lasting. This is worthy of significant weight. Therefore, and in this particular case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh its benefits. In these circumstances, the proposal would not therefore be sustainable development for which the presumption in favour applies.
27. The appeal should therefore be dismissed.

Mark Ollerenshaw

INSPECTOR