



Appeal Decision

Site Visit made on 27 July 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/C1570/W/21/3271386

Abbots Manor Bungalow, Thaxted Road, Wimbish, Saffron Walden, CB10 2UT

- 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 Justin Evans against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2958/FUL, dated 12 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is the erection of a single dwelling (amended scheme relating to Plot 2 within application UTT/19/2108/FUL).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

3. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of an undeveloped plot near to the road and in proximity to other dwellings. The site is accessed via a track. There are several trees close to the site's boundaries. The wider area can be characterised as featuring open countryside. Given that the appeal site is located outside of settlement boundaries, the proposed development would be sited within the countryside.
5. Although the proposed development would be sited within the curtilage of a residential development, the character of the site is predominantly rural and open in nature. This is commensurate with the site's immediate surroundings.
6. The proposed development would result in an increase in the overall level of built form at the site. This would therefore erode the more open character of the appeal site. In addition, views of the proposed dwelling would be visible from the public highway; the track that serves the appeal site and the surrounding dwellings; and the neighbouring properties.

7. This means that the increase in built form, and resultant loss of the more open character, would be readily perceptible from a number of different vantage points. This would render the proposed development incongruous and strident. The effect of the proposed development would be exacerbated by the proposed car parking area, which would create a more engineered appearance within the appeal site, in contrast to its current more open and verdant character.
8. In addition, the proposed development would be close to several other buildings. This increase in built form would result in a more visible built mass, which would conflict with the open and rural surroundings of the appeal site.
9. In addition, as a domestic dwelling, the future residents would benefit from permitted development rights to erect extensions and, potentially, out buildings. This means that the general form of the development would possibly become larger over time and therefore more prominent.
10. I note that there are several trees that surround the appeal site. However, the screening ability of these trees is likely to vary depending on health and season. In any event, the presence of these trees would not overcome the adverse effects arising from the erosion of the site's open character.
11. In result, the presence of landscaping does not provide me with sufficient certainty that they would be able to mitigate the visual effects of the proposed dwelling throughout the lifetime of the development.
12. The proposed dwelling would be located near to some other dwellings. However, the existing buildings are located a greater distance away from the road than the appeal proposal would be. Therefore, they are not as prominent as the proposed dwelling would be and do not have the same effects on the character and appearance of the surrounding area. I therefore do not find that the presence of other dwellings in the surrounding area sufficient to overcome my previous concerns.
13. Furthermore, by reason of the different positioning, the proposed development would not be compatible with the scale and layout of the surrounding buildings, which are screened and therefore not as prominent when viewed from the surrounding area.
14. Whilst more trees could be potentially planted on the site, the benefit would be relatively small as the screening effect would not be significant as some views would remain possible from certain vantage points. Furthermore, such trees would take some time to become established and the screening effect would vary depending on health and season. Therefore, this does not overcome my previous concerns.
15. Amongst other policies, I have been directed towards Policy S7 of the Uttlesford Local Plan (2005) (the Local Plan). Amongst other matters, this seeks to ensure that development protects and enhances the character and appearance of the countryside. Whilst the amount of weight that this policy may have reduced, it remains at least, partially compliant with the National Planning Policy Framework (the Framework). Therefore, it can be given some weight in my assessment of the propose development for it seeks to maintain the character of the countryside.
16. I am aware of an appeal decision in Takeley. I do not have the full planning circumstances of this development before me, which lessens the weight that I

can attribute to it. Nonetheless, I note that this development is located within a different location to the scheme before me. Therefore, the effects on the character of its surroundings will be different to the appeal proposal. In consequence, the presence of this appeal decision does not require me to disregard my previous findings.

17. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development would therefore conflict with Policies S7 and GEN2 of the Local Plan. These, amongst other matters, seek to ensure that new developments will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set; and is compatible with the scale, form and layout of surrounding buildings.

Other Matters

18. The proposed development would not have an adverse effect upon protected species and habitats. Whilst this is a matter of note, it is only one of all the matters that must be considered in assessing a proposed development. Therefore, this does not overcome my previous concerns.
19. I understand that the development would not lead to an adverse effect on biodiversity. Whilst this is matter of note, it does not overcome
20. The appellant, in devising the proposal, was attempting to overcome a previous refusal of planning permission. However, this does not outweigh my findings in respect of the main issue.

Planning Balance

21. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. Therefore, the provisions of Paragraph 11(d) of the Framework are invoked. This states that in such cases, planning permission should be granted unless the benefits of the proposal are significantly and demonstrably outweighed. This is referred to as the 'tilted balance'.
22. In this instance, the benefits are limited owing to only a single new dwelling being created. Furthermore, whilst the proposal would result in the re-use of Previously Developed Land, the benefits of this are also small owing to the fact that the site retains an open and more rural character.
23. Furthermore, the economic benefits arising from the occupation of the development are also likely to be small owing to the scale of the proposed development. In addition, the economic benefits arising from the construction process would be of a time-limited duration. Therefore, I attribute these benefits a limited amount of weight.
24. In result, when applying the 'tilted balance', I find that the sizeable harm to the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits of the proposed development.
25. Other appeal decisions within the surrounding area have reached different conclusions in respect of the 'tilted balance'. However, with different proposals, the levels of harm and benefits will naturally vary. In consequence, it is likely

that different conclusions will be reached. Therefore, these decisions do not outweigh my previous conclusions.

Conclusion

26. The proposal would have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR