



Appeal Decision

Site Visit made on 21 September 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 OCTOBER 2021

Appeal Ref: APP/C1570/W/21/3268974

Former Stable Yard/Paddock, Adjacent to Toad Hall, New Barn Lane, Little Hallingbury, Bishops Stortford CM22 7PR

- 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 Mrs Diane Bearfield against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2949/FUL, dated 12 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is described as 'Full planning application relating to the erection of a new dwelling and carte lodge at Former Stable Yard, New Barn Lane, Little Hallingbury, Bishops Stortford CM22 7PR'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using New Barn Lane;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is a sizeable plot of open land located on the north side of New Barn Lane, a rural lane. To the east it adjoins open fields with a residential property opposite and to its west fronting Latchmore Bank and a detached stable/barn to its rear. Beyond the site boundary to the north there is a single storey stable building. The site lies outside the defined settlement boundary of Little Hallingbury and is within the Metropolitan Green Belt.

Whether inappropriate development in the Green Belt

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of exceptions. Relevant to this appeal is (e) limited infilling in villages and (g) which allows for the partial or complete redevelopment of previously developed land (PDL) in certain specific circumstances.
5. I note the reference to Saved Policy S6 of the Uttlesford Local Plan 2005 (ULP). However, as this relates to development within the settlement boundary it would not apply to this appeal. This is the same conclusion reached by the Inspector in a recent appeal¹ for five dwellings at Land between Green Corners and Silver Birch dwellings, Latchmore Bank.
6. Neither the Framework nor the local plan defines 'limited', 'infilling' or 'villages'. There is no dispute between the parties that Little Hallingbury is a village. Case law² has established that limited infilling is applicable to all villages and not just restricted to sites that fall within settlement boundaries identified in local plans.
7. In order to be infilling, to my mind a proposal must fill a space or gap between two other buildings or structures in an otherwise continuous frontage. The appeal site is located on the edge of the built-up part of the village of Little Hallingbury and would extend the area covered by buildings. With development to one side and open fields to the other, the proposal would not fill a gap or space between buildings within a frontage. It would also not fill a gap between the stable building to the rear and other development.
8. The road separates the appeal site both visually and physically from development on the opposite side of the road. It does not therefore enclose the site. It follows therefore that this could not be counted towards any enclosure of the site which could be 'infilled'.
9. The appellant has suggested the proposed development would be infilling an enclave close to the village nucleus. However, the exceptions set out in the Framework are not tests in respect of the proximity to a village centre or nucleus. This is therefore a neutral factor in assessing whether the proposal would be not inappropriate development.
10. In the recently allowed appeal at Land between Green Corners and Silver Birch dwellings which was within the same village, the Inspector concluded that the proposed development would be not inappropriate development as it would amount to limited infilling within a village. However, in that case the Inspector identified that the site was positioned between built development as well as opposite it and close to nearby dwellings along this road. It would also infill a gap along the stretch of linear development running through the village along the A1060.
11. I find this to be materially different to the circumstances of the appeal before me where the site is not fully enclosed but open to fields beyond on its eastern boundary. To conclude that this would be infilling would lead to the

¹ APP/C1570/W/19/3241822

² Wood v SoS CLG and another [2014] EWHC 683

encroachment of development into the countryside, contrary to one of the five purposes of Green Belt policy, as set out in paragraph 138 of the Framework.

12. The scheme proposed a single dwelling and would therefore be very limited. Due to its position on the edge of Little Hallingbury and opposite development, it could be considered to fall within the village. However, the proposal would not fill a gap between buildings and would not therefore be infilling. This leads me to conclude the proposal would not meet the exception set out in paragraph 149(e) of the Framework.
13. The appellant has stated that a concrete hardstanding extends into part of the site which has now been covered with earth. She contends therefore that the site qualifies as PDL. I have no firm evidence of this, and I note that a number of interested parties have contested this.
14. If the site were to be PDL, it would fall to be considered under paragraph 149(g) of the Framework. Even if the site is considered PDL, its redevelopment would nevertheless have a greater impact on the openness of the Green Belt than the existing development on the site due to its increased size. It would therefore not meet the exception set out in paragraph 149(g).
15. I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with national policy to protect Green Belt. In accordance with the Framework, I attach substantial weight to this harm.

Openness of the Green Belt

16. The Framework sets out in paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.
17. The appeal is an open field, enclosed by a hedgerow running along New Barn Lane and at the rear of properties fronting Latchmore Bank. The proposed house would be two-storeys and positioned towards the front of the site. The cart lodge would be a single storey structure, wide enough to accommodate two vehicles. It would be opposite the site entrance. Together these would occupy a sizeable footprint within the site.
18. Although partially screened by the boundary vegetation both proposed buildings would be visible above this and through the gated entrance. Furthermore, with the eastern boundary of the site largely open, the house would be clearly visible in views from this direction. This would detract from the visual openness of the area.
19. The proposed house and detached garage would be large structures on the site, which in combination with an area of hard surfacing providing a driveway and vehicle parking space would amount to a substantial and urbanised form of development on the site where there is none. This would reduce the spatial openness of the site.

20. In the context of surrounding development which comprises detached houses and garages on the edge of the built-up area, the addition of large domestic buildings would cause moderate harm to the spatial and visual openness of the Green Belt that extends around the built-up area of the village.
21. Consequently, I conclude that the development would result in moderate harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

Highway safety

22. The proposed access would utilise the existing access from the appeal site on to New Barn Lane. It would be positioned some distance back from the junction of New Barn Lane with the A1060, Latchmore Bank, as it enters the village. New Barn Lane is an unclassified, unlit, rural lane subject to the national speed limit. It is relatively straight. At the time of my mid-afternoon site visit, traffic volumes were light and vehicles appeared to travel well below the 60 mph limit.
23. At the time of my site visit, the access was heavily overgrown as were the vegetated boundaries to the site. This restricted views both to the east and west along the lane. The highway authority has provided photographic evidence showing the same. The appellant has not submitted details demonstrating that a visibility splay could be provided either within highway land or land in her control.
24. The appellant has not undertaken a speed survey and therefore actual speeds along this road are not measured. In the absence of this, a visibility splay requirement should be assessed on the basis of the 60-mph speed limit along the road. These should be provided in accordance with the standards found in the Design Manual for Roads and Bridges (DMRB). This sets out a requirement to be able to see approaching vehicles at 215 metres from a minimum set back from the road of 2 metres.
25. Whilst I accept that the DMRB applies to trunk roads and motorways, the Manual for Streets advises that for higher speed roads, that is those with an 85th percentile speed over 60 kmph, it may be appropriate to use longer stopping site distances as set out in the DMRB.
26. The appellant has argued that there is no need for a speed survey as the road is very lightly trafficked and single width which keeps speeds low. It is not a high accident location and due to its proximity to the junction, vehicles would be slowing down. However, interested parties have refuted this, stating that the lane is well-used and busy. In the absence of firm evidence such as could be provided through speed surveys, I am unable to conclude on this point.
27. I have been referred to an appeal decision³ where the use of the DMRB to require a visibility splay of 215 metres on a similar unclassified, unlit country lane for a similar development was criticised by the Inspector. This was on the basis that the DMRB was out of date and that Manual for Streets 2 (MfS2) should be used as the starting point for development in such circumstances. Whilst this point is noted, the appellant has nevertheless not demonstrated how the proposed access would meet any standards set out within MfS2.

³ APP/Q3115/W/17/3179874

28. The Council did not refuse a previous scheme on highway safety grounds for a dwelling on the site which would have used the same access. I have not been provided with the full details of the Council's assessment of that earlier scheme or any information about the highway authority's response in respect of that. In the appeal before me, there is a strong objection to the proposal from the highway authority supported by detailed evidence. Whilst I appreciate this must be frustrating for the appellant, I must deal with the appeal on the basis of the evidence before me which I have done.
29. The imposition of conditions to secure an appropriate access can be appropriate in certain circumstances. However, in this scheme, where there is no information about the visibility splay, its required dimensions based on actual speeds and whether it can be provided on land within the appellant's or highway control, there is no certainty that this could be provided. The imposition of a condition in these circumstances would be unreasonable.
30. The Council has suggested that there does not appear to be a sufficient space for vehicles to turn within the site to enable them to exit the site in forward gear. The appellant has indicated the space would measure 10 metres by 10 metres. This may be sufficient. Had I found the scheme acceptable in other regards, I would have imposed a condition to secure this in accordance with approved details.
31. I conclude that the proposed development would harm highway safety. It would therefore not accord with Policy GEN1 of the ULP which requires development to not compromise road safety. It would also conflict with the Framework which requires development to provide safe and suitable access to the site for all users and to refuse development that would have an unacceptable impact on highway safety.

Character and appearance

32. New Barn Lane has very little built development, limited to Toad Hall directly west of the appeal site and both The Foxes and Green Corners on the opposite side of the road. These properties are two-storey detached houses with detached garages set within generous plots. They have reasonably large footprints, and each is of a different style with considerable variation in roof form. As such, there is little uniformity in their design.
33. Whilst a narrow span with a steeply pitched roof form is advocated in the Essex Design Guide, this is not a strong characteristic within the immediate vicinity of the appeal site.
34. The proposed house would be of a traditional two-storey design with a pitched roof with a smaller rear projection. It would be similar in scale to the two-storey houses surrounding it. Whilst it would have a wide front elevation and relatively shallow pitched roof, its span would not be dissimilar to that of The Foxes opposite. Furthermore, with significant variation in the design of roofs to nearby properties, the pitched roof would not appear particularly out of character. The design would also be reflective of George Green House, a listed building a short distance from the appeal site on Latchmore Bank.
35. Beyond this development, the lane is characterised by agricultural fields. The modest extension of development along this lane would align with the domestic curtilage of The Foxes opposite. The design, scale and form would be

appropriate for the plot size, having a similar footprint and height to this property. The extension of the built form further along New Barn Lane would reduce the open and rural character on the edge of the village. However, it would be viewed in the context of The Foxes and the harm to character and appearance arising from an additional dwelling in this location would not be severe.

36. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore accord with Policy GEN2 of the ULP which requires development to be compatible in scale, form and layout to surrounding buildings and safeguards important environmental features in its setting. It would also comply with the Framework which requires development to be sympathetic to local character. I have found no conflict with Policy S7 of the ULP as this relates to land beyond the Green Belt and does not apply in this location.

Other considerations

37. The Council cannot demonstrate a five-year housing land supply of deliverable sites. Based on a housing land supply update provided by the Council, it has 3.11 years supply as of April 2020. This represents a significant shortfall in supply. The provision of a single dwelling would make a very limited contribution to housing supply. I attach moderate weight to this benefit.
38. Little Hallingbury is identified as a settlement where growth may occur. This is both set out in the ULP and is also identified within the emerging local plan. Small sites such as the appeal site can make an important contribution to housing needs. These are factors that weigh in favour of the proposal to which I also attach moderate weight.
39. There would be some economic and social benefits associated with the construction and subsequent occupation of the proposed development. However, the extent of this would be limited by the small size of the development, and I therefore only attached limited weight to this.

The Green Belt Balance

40. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.
41. In addition to my finding that the proposed development would be inappropriate development I have identified that it would harm highway safety. This weighs very heavily against the development.
42. The proposal would make a limited contribution to housing supply adjacent to a village identified for growth. There would be some limited economic and social benefits from the construction and occupation of the dwelling. Together these would carry moderate weight and would not outweigh the substantial harm to the Green Belt I have identified. Whilst I have found no harm to character and appearance, this would be a neutral factor. Consequently, the very special circumstances necessary to justify the development do not exist.

43. As such the proposed development would be contrary to the Framework which sets out that the Green Belt should be protected against inappropriate development.

Conclusion

44. As no very special circumstances exist to justify inappropriate development in the Green Belt this provides a clear reason for refusing the proposed development. Therefore, although the Council cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development does not apply.
45. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR