



Appeal Decision

Site Visit made on 16 November 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2021

Appeal Ref: APP/C1570/W/21/3272954

Knowlebury, Gallows Green Road, Great Easton CM6 3QU

- 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 and Mrs Hagan against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1457/FUL, dated 19 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is described as, 'application for full planning permission to erect one detached dwelling, with associated private garden, car parking, and landscaping'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. As part of the Appeal, the Appellant submitted an Access Appraisal which set out the results of a speed survey and visibility splays from the access. The Highway Authority considered the access arrangement to be adequate subject to conditions. On this basis and from the evidence before me I see no reason to disagree.
3. Therefore, the main issue is whether the proposed development would provide a suitable location for housing having regard to the character and appearance of the area.

Reasons

4. The site lies outside defined development limits and is therefore within the countryside in the terms of the Uttlesford Local Plan Adopted January 2005 (LP). LP Policy S7 states that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. The explanatory notes for the Policy also state that examples of development that may be permitted in principle include appropriate re-use of rural buildings, suitable farm diversification, outdoor sport and recreation uses, and affordable housing and other facilities to meet local community needs. Since the proposal is for a market dwelling, it would not be development that needs to take place there, or is appropriate to a rural area.
5. The site lies in a prominent position at a curve in the road in an area characterised by sporadic development. While the site is part of the garden of

Knowlebury, since there is little development on the site, it is in keeping with the spacious rural character of the area.

6. The proposal would introduce a two-storey dwelling, with the accommodation on the first floor within the roof space, to the garden area at the front of Knowlebury. Given the position of the building in relation to Knowlebury as well as its height and massing, it would reduce the sense of spaciousness in the area and further urbanise the site. Therefore, the proposed building would unduly diminish the rural character of the area. Furthermore, since the area is characterised by sporadic development, two dwellings in front of the other in close proximity would depart from the prevailing pattern of development.
7. The form and overall design of the building would be in keeping with other dwellings in the area and would not be isolated in the terms of the National Planning Policy Framework (Framework). I note the evidence regarding landscaping and existing boundaries with the adjacent agricultural land being unchanged. I also acknowledge that planting along the boundary could partially screen the views towards the site from the road. While the proposed building would be located between a dwelling and the road, since it lies adjacent to open countryside on either side, and the other nearest dwellings are some distance away, the proposal would not constitute infilling in my view.
8. However, given its position near the highway at a bend in the road as well as its massing, the dwelling would nevertheless appear dominant in the street scene.
9. I note the other sites that have been granted planning permission by the Council including Colletia and Bell Mills. These sites appear to be sited between other dwellings that front the highway. They are therefore not directly comparable with the appeal scheme which must be determined on its individual merits in any event.
10. Consequently, the proposed development would not provide a suitable location for housing having regard to the character and appearance of the area. Therefore, it would conflict with LP Policy S7 which directs new development to within settlement boundaries. The proposal would also conflict with the aims of LP Policy GEN2 which seeks, among other things, development that is compatible with the layout of surrounding buildings. In addition, the scheme would conflict with the Framework in this respect.

Other Matters

11. I acknowledge the case law noted by the Appellant. However, given the harm identified above, this has not altered my overall decision.

Planning Balance

12. The Council are unable to demonstrate a five-year housing land supply and the figure lies in the region of 3 years. As such the shortfall is significant. In this circumstance the policies which are most important for determining the application are deemed out-of-date and the provisions of paragraph 11(d) of the Framework are engaged.
13. The proposal would contribute a dwelling to the housing supply and future occupiers may provide economic and social benefit to the local community. In addition, there may be temporary economic benefits during the construction

phase. However, given the scale of the development, these benefits can attract limited weight only.

14. The proposal would result in significant harm to the spacious, rural character and appearance of the area. Therefore, while I acknowledge that where there are groups of smaller settlements, development in one village may support services in a village nearby, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

15. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR