



Appeal Decision

Site Visit made on 15 November 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/C1570/W/21/3271694

The Downs, Wrights Green Lane, Little Hallingbury CM22 7RL

- 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 Meadowluxe Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0912/FUL, dated 20 April 2020, was refused by notice dated 16 October 2020.
 - The development proposed is the demolition of existing structures on the site and erection of 4 no. dwellings. Creation of new vehicular access and associated car parking and amenity.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to allow the development; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Inappropriateness

3. The appeal site comprises a single storey detached dwelling known as 'The Downs' which is sited between residential properties on either side known as 'Aesculus' and 'Braemar'. The Downs is sited on a large rectangular plot and there are a number of outbuildings within the curtilage set back to the rear of the dwelling. Planning permission has been granted for two dwellings on the frontage of the site (Ref. UTT/20/3182/FUL) which represents a fallback to the proposal before me.
4. The National Planning Policy Framework (NPPF) attaches great importance to Green Belts, and paragraph 149 considers the construction of new buildings to

be inappropriate in the Green Belt subject to exceptions. Paragraph 149(e) of the NPPF allows for limited infilling in villages as one of those exceptions. The appeal development would be located between the adjacent dwellings and whilst the appeal proposal is materially different from the fallback in terms of the number of dwellings proposed and their siting, the dwellings would nonetheless be positioned in between existing residential properties.

5. There is no dispute between the parties that the proposed dwellings would be located within the settlement boundary albeit the rear curtilage of the two rear dwellings would be located within the Green Belt. Whilst the rear garden currently provides a buffer between the existing dwelling and the Green Belt, there are a number of outbuildings already present to the rear. Additional outbuildings to the rear of The Downs could be erected under Permitted Development rights, albeit it is noted that the Council has removed such rights as part of the fallback permission. Although the proposed dwellings would be taller and larger than the outbuildings they are replacing, the extent of built development proposed would nonetheless remain within the settlement boundary.
6. The Council considers the proposal would not result in 'limited' infilling that is referenced at paragraph 149 of the NPPF. However, there is no definition of limited infilling with the NPPF, and as such, due to the positioning of the proposed dwellings close to the location of the existing outbuildings and between existing residential development on either side, I consider the proposal would amount to limited infilling.
7. In light of the above, I therefore conclude the proposal would not be inappropriate development in the Green Belt for the purposes of national planning policy.

Openness

8. The existing dwelling's garden already extends into the Green Belt. As set out above, additional outbuildings could be erected under Permitted Development Rights. Therefore, any potential harm to the openness of the Green Belt resulting from the rear gardens of the proposed development could be controlled through the removal of Permitted Development rights for outbuildings so as to limit any harm to openness.
9. Whilst a new building would have an effect on openness, as the proposal would represent limited infilling within a village under paragraph 149(e) of the NPPF, any impact on openness is implicitly taken into account within this exception. However, the effect on openness could be minimised through the imposition of conditions to restrict Permitted Development rights as above.

Character and appearance

10. The surrounding character of the area comprises a mix of single and two-storey detached properties that follow a linear pattern along this part of Wrights Green Road. The linear pattern of development provides a consistent rhythm to the dwellings and makes a positive contribution to the overall character of the area. From my observations of the site and the surrounding area, there are no other dwellings located in the rear gardens of the dwellings in this area. The appeal proposal would introduce residential dwellings to the rear of the

established pattern of development and would adversely alter the pattern and grain of development, thereby failing to reflect its prevailing character.

11. The two proposed dwellings to the rear of the site would be accessed via a driveway located between the two frontage dwellings. The surrounding area is characterised by frontage development with direct access to the highway, and as such, the introduction of dwellings accessed via a private drive would be at odds with the dwellings in the vicinity. I consider that the introduction of the access drive and rearward dwellings would significantly harm the character of Wrights Green Lane.
12. Although the two rear dwellings would be located within the settlement boundary, policy S3 of the ULP which indicates that within these boundaries, development will be permitted where is it compatible with the settlement's character. Policy S6 states that infilling, limited development or redevelopment compatible with the character of the settlement will be permitted whilst policy H3 states that Infilling with new houses will be permitted on land in specified settlements if the development would be compatible with the character of the settlement. Policy GEN2 goes on to state that development will not be permitted unless its design is, amongst other things, compatible with the scale, form and layout of surrounding buildings. The rear development and accompanying access driveway arrangement would not be compatible with the surrounding area and as a result, the proposal would fail to accord with the aforementioned policies.
13. In light of the above, I consider the proposed development would result in harm to the character and appearance of the area. As such, it would fail to accord with Policies S3, S6, H3 and GEN2 of the Uttlesford Local Plan (2005) (ULP) for the reasons stated above.
14. It would also fail to accord with paragraph 130(c) of the NPPF which seeks to ensure that developments are, amongst other things, sympathetic to local character.

Other Matters

15. The appellant has raised a number of points in respect of the Council's concerns regarding the living conditions of future occupiers of the proposed development. However, as these matters have not formed a reason for refusing planning permission, it is not necessary for me to consider these points further in my decision.

Planning balance and conclusion

16. The Council is currently unable to demonstrate a 5 year supply of housing land as required by the NPPF. As such, paragraph 11d(ii) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, this means granting planning permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
17. The proposed development would result in the net gain of 3 additional dwellings which would make a positive contribution to meeting housing need in the area.

18. The proposal would result in economic benefit through construction of the proposed dwellings and through the accompanying supply of materials. There would also be social benefits as a result of the additional spending of future occupants of the dwellings. The proposal would avoid harm to biodiversity having regard to the findings of the ecological appraisal, albeit the avoidance of harm is not a benefit and this is afforded neutral weight. As the proposal would result in a net gain of three dwellings, the economic and social benefits would be limited.
19. The proposal's rearward development would not be compatible with the settlements' character, and as such, would result in harm to the character and appearance of the area. As such, the proposal would conflict with the development plan when read as a whole as well as the NPPF.
20. I consider that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
21. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR