



Appeal Decision

Site Visit made on 20 July 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2021

Appeal Ref: APP/C1570/W/21/3271555

2 Grange Cottages, Upper Green Road, Upper Green, Langley CB11 4RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jason Greenall against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2905/OP, dated 4 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is 1no. detached dwelling with associated curtilage, vehicular access from public highway off street car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 1no. detached dwelling with associated curtilage, vehicular access from public highway off street parking and landscaping at 2 Grange Cottages, Upper Green Road, Upper Green, Langley CB11 4RY in accordance with the terms of the application, Ref UTT/20/2905/OP, dated 4 November 2020 and subject to the conditions contained in the schedule to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.
4. The application which is the subject of this appeal was made as an outline application with all matters (layout, appearance, landscaping and scale), except access, reserved for future consideration. As such I have treated the submitted plans showing the layout of the site and the scale of the dwelling's footprint as indicative as to how the scheme may be developed only.
5. The appellant has submitted amended plans with the appeal. These plans were not considered by the Council in their determination of the planning application. The amendments result in the increase in the width of the access in response to one of the reasons for refusal. Although the amended plans would result in

greater works being carried out, I am satisfied that the Council and interested parties have had the opportunity to comment on these plans through the appeal process and would not be prejudiced by my acceptance of the amended plans. Thus, I have considered the appeal on this basis.

Main Issues

6. The main issues in this appeal are:

- Whether the proposed development would be in an appropriate location for new housing;
- the effect of the proposed development on the character and appearance of the surrounding area; and,
- the effect of the proposed development on highway safety.

Reasons for the Recommendation

Spatial policy considerations

7. The appeal site is located in a rural area with limited facilities nearby and as a consequence is defined for the purposes of land use planning as being within the countryside.
8. The reasons for refusal cite conflict with Policy S7 of the Uttlesford Local Plan 2005 (the LP), which addresses development within the countryside. However, the policy is highlighted as only being partially compliant with the Framework, with a more positive rather than protective approach to appropriate development being taken in the Framework than the LP. Nevertheless, the protection and enhancement of the natural environment remains an important part of the environmental dimension of sustainable development set out in the Framework.
9. The Council acknowledges that the appeal site would not be regarded as an isolated site and I am also satisfied that the proposed development would not be '*isolated*' in accordance with the dictionary definition of the term, and that paragraph 80 of the Framework is not therefore applicable in this instance. Nevertheless, paragraph 79 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby.
10. It is undoubtedly the case that the occupiers of the proposed dwelling would have to travel to access nearby services and facilities, but also that it is undeniable that the recent impact of the pandemic has had both temporary and permanent impacts on working patterns with a greater prevalence for working from home. However, there is no evidence to quantify the level of these impacts and it remains the case that where such travel is required, due to the absence of viable alternatives this will almost certainly be undertaken by private car.
11. Although this may be the case, I note that there is a school bus service in Langley Upper Green in relatively close proximity to the proposed dwelling, which would help to reduce car journeys in this respect. Furthermore, the proposal, albeit limited by quantum, would provide the opportunity to support the services and facilities available in other nearby villages, and any increase in

vehicular movements would be limited. I also accept that the development would appear consistent in spatial terms to similar developments allowed within the area, as cited by the appellant.

12. Although the proposal would provide some limited opportunity for movement other than by private car, there would nevertheless be some limited conflict with Policy GEN1 of the Uttlesford Local Plan (2005). However, this must be balanced against the policies of the Framework which are a significant material consideration, and in particular paragraph 79. I therefore find that the proposed development would comply with the relevant sections of the Framework, in this regard.

Character and appearance

13. The appeal site is a plot of land located between the existing dwellings at Grange Cottages and the recently developed cul-de-sac known as 'Sparrows'. It is currently a grassed area surrounded by a timber fence with access from Sparrows. The surrounding area is rural in nature and sits on the edge of a cluster of dwellings known as Langley Upper Green. The proposed development is one detached dwelling with a new access from the main road to be shared by both the new dwelling and 2 Grange Cottages.
14. The appeal site is not within any development boundary and therefore is located within the countryside. Policy S7 of the LP 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. It goes on to state that this includes infilling and that development will only be permitted if its appearance protects the particular character of the part of the countryside within which it is set.
15. Due to the location of the proposal between Grange Cottages and the dwellings within Sparrows, I am satisfied that the proposal would not contribute to a sporadic form of development and could be considered as infill development. Although the surrounding area is rural in nature, due to the existing development, a residential character has been established in this immediate vicinity. Nevertheless, a single dwelling on this site would not be out of keeping with its surroundings and would still largely preserve the open and loose knit pattern of development which is characteristic of the rural area.
16. The appeal site is set back from the road and is partially screened by existing landscaping, reducing the impact of the proposal on the character and appearance of the area. Therefore, as the proposal would have a limited impact on the countryside in the context of existing development, it would be appropriate to the rural area and in accordance with the stipulations of Policy S7.
17. In conclusion, the proposed development would not harm the character and appearance of the surrounding area and would not conflict with Policy S7 of the LP as discussed above. Policy H4 is not relevant to the appeal before me as it relates to backland development, along with Policy GEN2 which relates to the design of the proposal that will be considered under reserved matters. There would also not be conflict with paragraph 130 or the design chapter of the Framework, which seeks to achieve well-designed places and ensure development is sympathetic to local character, including the surrounding built environment and landscape setting.

Highway Safety

18. The Council's objection relates to the width of the proposed access, intended to serve both the proposed dwelling and 2 Grange Cottages. To overcome this objection the appellant has submitted amended plans to show an access with an increased width of 5.5 metres for the first 6 metres from the highway. The appellant has included correspondence from the Highways Authority on 28 January 2021 confirming that they deem the amended access acceptable, in terms of highway safety.
19. The Council have not submitted any comment on the amended access, however the proposal would appear to overcome the Council's initial reason for refusal and would allow vehicles to enter and exit at the same time thereby preventing vehicles being unable to clear the highway safely.
20. Consequently, the proposal would not harm highway safety and would not conflict with Policy GEN1 of the Uttlesford Local Plan (2005) which states that access to the main road network must be capable of carrying the traffic generated by the development safely. The proposed development would also accord with paragraphs 110 and 111 of the Framework as a safe and suitable access to the site can be achieved and there would not be an unacceptable impact on highway safety.

Other Matters

21. A third-party representation regarding the impact upon the living conditions of neighbouring occupiers, relating to outlook, privacy and noise, is noted. However, these relate to the design of the proposed dwelling which can be considered at the reserved matters stage.
22. In determining the appeal, I have also had regard to the Council's acceptance that it is unable to demonstrate a deliverable 5-year supply of housing land, with the submitted evidence citing a 2.68 year supply and therefore a substantial shortfall. In such a circumstance the presumption in favour of sustainable development and the 'tilted balance' addressed by paragraph 11(d) of the Framework, would be engaged and the policies most important for determining the application are out-of-date. However, whilst this would be a significant material consideration which would add substantial weight in support of the proposed development, in this instance I have not found there to be harm in respect of the main issues, and my determination of the appeal has not therefore turned on this matter.

Conditions

23. The Council have provided a list of suggested conditions should the appeal be successful. Conditions relating to the approval of reserved matters have been included, along with a requirement for the development to accord with the approved plans, as this provides certainty. Conditions regarding hard and soft landscaping and use of materials are also necessary to ensure an appropriate appearance for the development. Conditions relating to land contamination and highways have been implemented in the interests of environmental health and highway safety. Lastly, conditions regarding biodiversity and the submitted ecological survey were suggested by the Council's ecological consultant and have been included to accord with environmental requirements.

24. A condition requiring the proposed dwelling to be built in accordance with building regulations has not been included, as this is not relevant to planning. A condition requiring a programme of archaeological trial trenching and excavation has also not been included, as no evidence has been provided to show that this is necessary. Furthermore, a condition regarding the width of the access has been omitted as this is indicated on the amended plans submitted as part of the appeal.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, the proposal would not conflict with the development plan taken as a whole, and I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR

Schedule of Conditions

1. Approval of the details of layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the approved plans insofar as they relate to the location of the site and the access: G/4493/19/LO-10 rev C and G/4493/19/PL-01 rev D.
5. Prior to commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) Proposed finished levels
 - b) Means of enclosure
 - c) Car parking layout
 - d) Vehicle and pedestrian access and circulation areas
 - e) Hard surfacing, other hard landscape features and materials
 - f) Existing trees, hedges or other soft features to be retained (unless since removed)
 - g) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) Details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) Location of service runs
 - k) Management and maintenance details
6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

7. Prior to the commencement of the development hereby approved details of the materials to be used in the construction of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials, unless otherwise agreed in writing by the local planning authority.
8. No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
10. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes due diligence for nesting birds, Hedgehog and Common Toad.
12. A Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020). The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
13. Prior to first occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.