

Appeal Decision

Site visit made on 11 February 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/C1570/W/21/3276808

Land south of Bury Water Lane, Newport, Essex

- 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 David Hill against the decision of Uttlesford District Council.
 - The application Ref: UTT/20/3039/PIP, dated 18 November 2020, was refused by notice dated 22 December 2020.
 - The development proposed is a permission in principle (PIP) to develop the land south of Bury Water Lane for 3 to 4 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal proposal is for a permission in principle. This consent route has two stages. The first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme based on land use, location and the amount of development proposed.
3. There is no dispute between the main parties that the appeal site is physically capable of accommodating between 3 and 4 dwellings. Therefore, the main issue is whether the principle of the proposed development is acceptable with specific regard to land use and location, regarding (i) the impact upon the character and appearance of the area including landscape character and (ii) the sustainability of the site's location in relation to the main settlement.

Reasons

Impact upon rural character

4. The appeal site lies on the western side of Newport and on the southern side of Bury Water Lane. There is new development on the northern side of the road and where there is a large care home immediately opposite the site. The road itself currently forms a boundary between development to the north and open land to the south. The appeal site comprises a small strip of land bordering the lane and with a mature

woodland belt to the rear of the site away from the lane and with open land beyond. There is an electricity power line running across the length of the site, but despite this, the appeal site affords open, pleasant vistas of the woodland belt and land beyond, all of which is evident from Bury Water Lane.

5. The site is outside the village development limits of Newport as defined in the Uttlesford Local Plan 2005 (ULP) and is in a countryside location.
6. Policy S7 of the ULP states that the countryside will be '*protected for its own sake*'. However, policy S7 is more restrictive than paragraph 174 of the National Planning Policy Framework 2021 (the Framework) which aims to ensure that planning decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. Therefore, I afford policy S7 of the ULP only moderate weight in the decision-making process, taking into account paragraph 219 of the Framework.
7. The Newport Quendon and Rickling Neighbourhood Plan (NQRHP) was made in June 2021. The appeal site is not proposed for development of any kind in the NQRHP. Moreover, policy NQRHA1 states that further development outside the development limits of the plan will not be supported except in limited, specified circumstances and which do not apply in this case.
8. The local planning authority (LPA) concedes that it cannot demonstrate a five-year supply of deliverable housing sites. It considers that the available supply amounts to some 2.68 years. The appellant refers to an LPA update of April 2021 indicating a housing supply figure of 3.52 years. There is dispute between the main parties as to whether the adopted NQRHP makes available sufficient housing land. In this case, and given the dispute between the parties about housing land supply, I have based this decision upon the Council's worst case housing land supply position of 2.68 years. Consequently, and in this regard, I have engaged paragraph 11d of the Framework.
9. The LPA has referred in its officer report to various landscape character assessments including the County and District Landscape Character Assessments 2006 (LCA) and the Newport Historic Settlement Character Assessment 2007 (HSCA).
10. When determining an earlier appeal on land to the south of the current appeal site,¹ the Inspector noted that the '*site and its vicinity exhibit some of the key characteristics identified in the District LCA, including being within a rolling, open landscape of chalky boulder clay with wide views from higher ground, and well vegetated river banks with shrubs and trees and water meadows along the winding narrow river corridor. This assessment suggests that overall the Cam Valley has relatively high sensitivity to change, with new development potentially being visible within panoramic inter and cross-valley views, and sensitive characteristic including the intimate views from lower slopes to the wooded river valley floor*'.
11. I have no reason to disagree with the assessment in terms of the wider context of the appeal site. On my site visit, I was able to observe that the land to the south of Bury Water Lane forms an attractive, undeveloped area, despite the presence of overhead wires running along the appeal site. While the development of the appeal site for between 3 and 4 dwellings might permit glimpses of the area beyond, it would prevent

¹ AP/C1570/W/19/3223694

views of the full vista when seen from the public domain. In addition, the lane provides a crisp and well-defined boundary to existing development.

12. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area, including to landscape character, and therefore there would be conflict with policy S7 of the ULP and paragraphs 130 and 174 of the Framework which requires that development shall be sympathetic to its landscape setting and to recognise the intrinsic character and beauty of the countryside. Neither would it accord with the NQRHP which aims to prevent development inappropriate in a rural area.

Sustainable location

13. The LPA in its officer report states that *'the site is not considered isolated nor unsustainable, due to the proximity of services and facilities within the village of Newport located further down Bury Water Lane'*. I agree with the above comments. The appeal site adjoins recent development immediately to the north of Bury Water Lane. It is within walking and cycling distance of Newport and would not be unsustainably located with reference to access to local services.
14. Therefore, I conclude that there would be no conflict with ULP policy S7 or with chapter two of the Framework in this specific matter.

Other Matters

15. Reference has been made to the effects of the proposed development upon the preservation or enhancement of the Newport Conservation Area. However, I consider that the appeal site is sufficiently divorced visually from the Conservation Area so as to have no such effect.
16. I have had regard to the various other comments, including those of interested parties, in response to the proposed permission in principle. These include the effect with regard to light, noise, water and sewage disposal, flood risk, highway safety (where the Highway Authority raises no objections in principle), ecology, archaeology, water supply and the effect upon infrastructure and local services. However, these are not matters which would fall within the scope of consideration for the first stage of the permission in principle consent route. These are all matters which would need to have been addressed as part of the technical details consent, the second stage of the process.

Planning Balance and Conclusion

17. I have found that the appeal site is not in an unsustainable location. I have also concluded that the LPA cannot demonstrate a five-year supply of deliverable housing sites. For the purposes of this appeal, I have applied paragraph 11d of the Framework, although I would add that even if this was not applied there would be conflict with adopted development plan policies for the area.
18. The provision of between 3 and 4 houses would make a modest contribution towards boosting the supply of homes in the area. There would be benefits from construction employment, albeit likely to be a temporary factor, and from the support which new householders would bring to some local businesses.

19. In this case, the identified adverse impacts relating to the harm to the character and appearance of the area, including landscape character, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. In addition, there would be conflict with policy S7 of the ULP and policy NQRHA1 of the NQRHP. For different reasons, I do not afford the conflict with these policies full weight, but this harm nevertheless adds to the harm that I have identified when the proposal is considered against the policies in the Framework taken as a whole. I therefore conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR