
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/21/3281866

Land to the West side of Stanbrook (Summer Lodge), Stanbrook, Thaxted Dunmow CM6 2NQ

- 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 Noresh Das Gupta against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/1188/PIP, dated 6 April 2021, was refused by notice dated 19 May 2021.
 - The development proposed is a permission in principle for 1 to 3 residential dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for between 1 and 3 dwellings on land to the west side of Stanbrook (Summer Lodge), Stanbrook, Thaxted Dunmow CM6 2NQ, in accordance with the terms of the application Ref. UTT/21/1188/PIP, dated 6 April 2021.

Main Issues

2. There is no dispute between the main parties that the appeal site is physically capable of accommodating between 1 and 3 dwellings. Therefore, the main issue is whether the principle of the proposed development is acceptable with specific regard to its land use and location, and in relation to these matters, its effect upon the character and appearance of the area.

Reasons

3. 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 (TDC), 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.
4. The appeal site is located on the west side of Stanbrook Road immediately to the north of Stanbrook Cottages, about one mile from Thaxted. There are existing residential properties along the road with an equestrian use and a

stable block opposite and agricultural land to the rear. There are other residential properties to the north but separated by a road.

5. The appeal site is a linear area fringed by and containing trees and is largely overgrown but containing small cabins which have a lawful use as holiday lets granted by way of a lawful development certificate in 1993, albeit for limited periods of time in anyone year¹. The cabins have a dilapidated appearance but I have no precise information before me as to the extent of their use, though third parties state that the buildings have not been used for years. However, the local planning authority (LPA) does not make the case that the use has ceased. For this reason, the site can be described as brownfield, at least in part.
6. The LPA concedes that it cannot demonstrate a five-year supply of deliverable housing sites. It considers that the available supply amounts to some 3 years. Paragraph 11d of the National Planning Policy Framework 2021 (the Framework) is therefore engaged.
7. The Thaxted Neighbourhood Plan (TNP) was made in February 2019 and is thus more than 2 years old. Paragraph 14 of the Framework states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to outweigh the benefits significantly and demonstrably but only if the plan is less than 2 years old. Therefore, I only afford limited weight to policies TXLSC 1, TXLSC 2 and TXLSC 4 which are restrictive of development, especially in relation to their impact upon the countryside
8. Policy S7 of the Uttlesford Local Plan 2005 (ULP) states that the countryside will be '*protected for its own sake*'. However, policy S7 is more restrictive than paragraph 174 of 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.
9. The appeal site forms an attractive, bosky area. However, it has no special landscape status or protection, and the LPA does not contest that it already has some residential use. In addition, it forms a discrete area of land defined by the adjoining roads and with properties to the north and south and stables to the east. While I do not consider the site to be infill development, it would nevertheless provide a clear definition to the limits of the settlement at this point.
10. I have considered a previous appeal for a log cabin on the site, dismissed in 2014. However, there is no mention in that decision to indicate a lack of a five-year housing supply at that time.
11. Third parties have referred to the impact upon the settings of listed buildings. I consider that the duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990, including the effect on the setting of listed buildings, does apply at this stage 1. Properties referred to Stanbrook Meade and Brookside are Grade II listed buildings on the north side of the appeal site but separated by the B1051 road. I consider that they are sufficiently removed from the

¹ UTT/0903/03/CL

appeal site such that the proposed development would preserve their settings. The other listed building in the hamlet- Buckingham's Farmhouse – is further away still and its setting would also be preserved by the proposed development.

12. There is a bus service close by, albeit on no more than an hourly service, and whilst future occupiers will no doubt have to rely on private vehicles to access services and facilities, it does provide an alternative to the car and it would also be possible to cycle to such facilities in Thaxted.
13. Therefore, I find that its use for residential purposes would be acceptable in terms of land use and location and that there are no matters which significantly and demonstrably outweigh the advantages of increasing housing supply, even though the amount involved would be limited.
14. Therefore, while I conclude that the proposed development would conflict with ULP policy S7 relating to development in the countryside, I can only afford it limited weight in view of the lack of a 5-year supply of housing land. However, it would not conflict with paragraph 174 of the Framework which demands that development contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes.

Other Matters

15. I have had regard to the various comments of interested parties which have been received in response to the proposed permission in principle. Concerns have been raised regarding access, traffic volumes and highway safety, though the highway authority as raised no objections and I see no reason to disagree. Other objections concern flood risk and drainage, water pressure and ecology. 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 be addressed as part of the technical details consent, the second stage of the process.

Conclusion

16. The Government's Planning Practice Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
17. For the above reasons, I therefore conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR