



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: 18th March 2022

Appeal Ref: APP/C1570/W/21/3277858

Eastfield Stables, May Walk, Elsenham Road, Stansted CM24 8SS

- 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 Stuart Richardson and NB Investments UK Limited against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/1299/FUL, dated 14 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is the erection of the second building of three approved under reference UTT/1282/93/FUL and a change of use from agricultural to residential and conversion to 2 no semi-detached single storey dwellings.
-

Decision

1. The appeal is allowed, and planning permission is granted for the use of an existing building to form two semi-detached, single storey dwellings and associated development at Eastfield Stables, May Walk, Elsenham Road, Stansted, Essex, CM24 8SS in accordance with the terms of application UTT/21/1299/FUL, dated 14 April 2021, and subject to the following conditions: -
 - i. The use hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan received by the local planning authority on 14 April 2021; plan ES/RB2/01.
 - iii. Prior to the first occupation of the approved development, a minimum of a single electric vehicle charging point (EVCP) shall be installed in association with each dwelling and shall be retained for the use of their occupants thereafter.
2. The appellant refers to the proposed development as relating to the erection of the second of three agricultural buildings previously approved and extant, and for its change of use and conversion to two semi-detached single storey dwellings. On my site visit, I was able to see that the building has been constructed, though its use for agricultural purposes was not apparent. The local planning authority (LPA) also refers to the proposed development as the erection of 2 no. semi-detached dwellings. As the building has already been

constructed, I have determined the appeal based on its proposed use for two semi-detached, single storey dwellings and associated development.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The site is located on the northern side of the B1051 which runs between Stansted Mountfitchet and Elsenham and is within a small cluster of buildings, several of which have been converted to residential use. The site is well screened by mature vegetation along both May Walk and the B1051.
5. The site is in a countryside location where the surrounding area is primarily open agricultural land and with scattered buildings.
6. The appeal building has been constructed as one of three parallel located, black stained, single storey, clapper board buildings approved for agricultural purposes.¹ On my site visit, I was able to note that the building was not being used for agricultural purposes, though there is no evidence to indicate that such a use would be unacceptable in this location. However, the two other parallel located buildings were in use as residential units, as were two other buildings adjoining it. The appeal building is therefore surrounded on three sides by existing residential development.
7. The LPA considers that the proposed development should be assessed on the basis that it involves the construction of new dwellings. However, as the building has been constructed, lawfully for agricultural purposes, I have determined the appeal not based on its construction but on its use for residential purposes.
8. Policy S7 of the Uttlesford Local Plan, 2005 (ULP) states that the countryside will be '*protected for its own sake*', and that '*development in the countryside will be strictly controlled*'. Furthermore, it states that '*permission will only be given for development that needs to take place there or is appropriate to a rural area*' and that development should '*protect or enhance the particular character of the part of the countryside in which it is set*'.
9. 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, and taking into account paragraph 219 of the Framework, I afford policy S7 only moderate weight in the decision-making process and give more weight to paragraph 174 of the Framework as a material planning consideration.
10. The appeal building already exists and is approved as an agricultural building. While its use for residential purposes might introduce a greater urban element into the countryside with associated domestic paraphernalia, the site is well screened from the public domain, it is surrounded on three sides by approved

¹ UTT/1282/93/FUL

residential development and its proposed residential amenity space would be tight against the existing building. There would be no additional built form.

11. Based upon my site visit observations and the quantum of development proposed, I do not consider that the proposal would give rise to a material increase in vehicular activity or that this would lead to a significant urbanisation of the area to the detriment of its character and appearance. While an agricultural use would be different, it is of course possible that there may have been agricultural vehicles and machinery associated with the implementation of the approved agricultural planning permission.
12. The appeal building is no higher than the surrounding residential buildings and in any event the building already exists with an extant approval, albeit for a different use to what is now proposed.
13. While I find that the proposed development would conflict with ULP policy S7, I have only afforded this moderate weight. I conclude that the proposed development would not cause harm to the character and appearance of this countryside location and would not conflict with the character and appearance requirements of paragraph 174 of the Framework.

Other Considerations

14. The LPA acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites. It states that it can show a 3.11 year's supply for the 2021-2026 period in April 2020. Therefore, paragraph 11d of the Framework is engaged. The proposal would boost the supply of houses in the area, thereby positively addressing an identified supply shortfall. This is a positive consideration to weigh in the planning balance.
15. In its officer report, the LPA refers to the '*close proximity of the site to Elsenham and associated services within the village*'. I consider that it is likely that future occupiers would use private vehicles for a number of journeys. However, there is a bus service along the B1051 and there are also opportunities for cycling and walking to services and facilities. Having regard to paragraph 105 of the Framework, this is not a 'significant development' and I am cognisant of the fact that it states that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making*'. Therefore, on balance, I do not find the site to be in an unsustainable location.
16. Third party representations have been made objecting to the proposed development upon traffic and access grounds, including the amount of traffic on Stansted Road, the suitability of the junction with May Walk, and the suitability and legality of using May Walk. However, the highway authority is not objecting based on any of the above reasons and I have no reason to disagree with its assessment.
17. Further objections are raised regarding the coalescence of Stansted and Elsenham, the pressure which it would have upon the Aubrey Buxton Reserve and Alsa Wood, and upon wildlife. However, the building has already been constructed under an extant planning approval. In addition, I consider that two further dwellings are unlikely to have any significant effect on the above matters.

18. It is alleged that the appeal building has not the same dimensions as the previous building which existed on the site. The LPA does not assert that what has been built is materially different to the extant approval and I have no reason to conclude otherwise.

Planning Conditions

19. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. I have imposed a condition requiring the installation of electric charging points to mitigate any harm to air quality.
20. As the building and its external open space already exists, I see no reason to impose a landscaping condition. Similarly, as the car parking area already exists, I have not imposed a car parking condition.
21. The LPA considers that a noise insulation condition to mitigate the possible noise impact of the M11 and other highways is necessary. However, on my site visit I was able to observe that there was no discernible noise inside the building, while immediately outside, traffic noise could only be heard as a faint background noise and was not intrusive. Therefore, I have not considered it necessary to impose a noise mitigation condition.
22. I have not imposed a construction management condition, as suggested by the LPA, as the building has been constructed, nor a condition relating to the use of external materials for the same reason. I have not imposed a contamination condition, in the absence of any information to indicate the presence of significant or abnormal levels of contamination.

Planning Balance and Conclusion

23. The appeal building already exists, constructed following an extant approval for agricultural purposes. I have concluded that its use for residential purposes would not cause any significant harm to the character and appearance of the area. In this regard, there would be no significant conflict with development plan policies for the area. Furthermore, and taking into account the lack of a 5-year supply of deliverable housing land, there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Therefore, for the above reasons, the appeal should be allowed.

Steven Hartley

INSPECTOR