
Appeal Decision

Site visit made on 8 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/C1570/W/21/3278376

Monk Street Stables, Monk Street, Thaxted CM6 2NR

- 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 J. Taylor against the decision of Uttlesford District Council.
 - The application Ref UTT/20/3425/FUL, dated 23 December 2020, was refused by notice dated 21 June 2021.
 - The development proposed is the construction of one single-storey dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of one single-storey dwelling at Monk Street Stables, Monk Street, Thaxted CM6 2NR in accordance with the terms of the application, Ref: UTT/20/3425/FUL, dated 23 December 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the suitability of the site as a location for a residential development.

Reasons

3. The appeal site is in a small hamlet which predominantly contains dwellings. The proposed development is accessed from Monk Street. This is broadly horseshoe in shape and runs from two parts of the nearby B184.
4. The proposed development would be sited in a small settlement with limited services, community facilities and businesses, owing to the predominant use in the settlement being residential accommodation. In result, it can be reasonably anticipated that residents would need to travel to other settlements on a relatively frequent basis in order to access the facilities and services that they are likely to require.
5. This causes concern as the surrounding area features a limited public transport provision and in result residents are therefore likely to be required to use private means of travel.
6. In addition, the surroundings of the appeal site in Monk Street are generally relatively narrow, unlit, and lacking in separate infrastructure for pedestrians outside of the settlement itself. Furthermore, the B184 does not feature street lighting or pavements. This means there is an increased risk of conflict between vehicles and pedestrians.

7. In addition, vehicles on the B184 are likely to be travelling at higher speeds, which increases the likelihood of such conflict occurring. This is likely to deter the residents of the development from using bicycles or foot as a means of travel.
8. In result, occupiers of the proposed development are likely to be reliant upon private cars as a means of travel owing to the absence of suitable alternatives. This would not comply with the Development Plan which seeks to ensure that new developments are located in areas that are accessible. Furthermore, the proposed development would conflict with the Development Plan given that it seeks to ensure that new dwellings within the countryside fulfil a specific purpose. The evidence before me is not indicative that this objective has been met.
9. In consequence, these points mean that the proposal would conflict with the development plan and from this breach some harm would emanate.
10. I recognise that owing to the scale of the proposed development, the dwelling is unlikely to be occupied by many people given that it includes two bedrooms. This would therefore reduce the number of journeys that are likely to be made in the future as there would be a reduced need for such journeys.
11. Furthermore, owing to the general proximity of other larger settlements to Monk Street, such journeys being made by private cars are unlikely to be made over a significant duration as there is a likelihood that residents are likely, in the interests of convenience, to choose to access the nearest settlements.
12. My attention has been drawn to a previous appeal decision on this site. The scheme before me is for less dwellings. Therefore, the number of journeys that can be anticipated is likely to be lower than the previously considered scheme. In result, the harm arising from this appeal scheme would be lower. However, this does not forego the previous matters.
13. Whilst these factors would reduce the harm from the proposed development, they do not completely overcome it. Therefore, some harm would remain. I therefore conclude that the proposed dwelling would be sited within an inappropriate location. The development, in this regard, would conflict with Policy S7 of the Uttlesford Local Plan (2005). Amongst other matters, this seeks to ensure 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.

Other Matter

14. The appeal site is located near to Monk Street Farmhouse and barns in Monk Street, which are Grade II Listed Buildings. For the purposes of this appeal, the significance of these is derived from their traditional styles of architecture that harmonise with the rural surroundings. Owing to the scale of the proposed development, the siting of the proposed dwelling and the layout of the scheme, these matters would be maintained. I therefore do not find that the proposed development would affect the significance of these Listed Buildings.

Planning Balance

15. The evidence before me indicates that the council cannot currently demonstrate a five-year housing land supply. In consequence, the provisions of

Paragraph 11(d) of the National Planning Policy Framework (the Framework) is invoked. In broad summary, this states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is referred to as the 'tilted balance'.

16. Although the proposed development would comprise a single dwelling only, the evidence before me indicates that the Council's current housing land supply is 3.11 years. Therefore, the increase in local housing supply would be a single dwelling and, therefore, I attribute it a limited amount of weight.
17. In addition, the proposed development would enable some support of local facilities to take place. However, owing to the scale of the settlement, such benefits are unlikely to be of a large scale and therefore can only be attributed a small amount of weight. The construction process is likely to generate some economic benefits. However, such benefits would be smaller in scale due to the size of the development and also time-limited in duration. This means that it can only be attributed a limited amount of weight.
18. However, the proposed development is unlikely to generate significant harm arising from the reliance upon private vehicles as a means of travel owing to the likely number of residents within the proposed development and the general proximity of the appeal site to other, larger, settlements. Therefore, the amount of harm can also only be given a limited amount of weight.
19. In result, the benefits of the proposal can be attributed a limited amount of weight and that a similar amount of weight can be given to the adverse effects of granting planning permission. I therefore conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits. In consequence, I find that the proposed development is acceptable.

Conditions

20. In addition to the standard implementation condition, a condition that specifies the approved plans is necessary in the interest of precision.
21. A condition requiring the agreement, and implementation, of building materials and landscaping are necessary to ensure that the development harmonises with its surroundings. In the interests of ensuring that the development is constructed from materials that harmonise with its surroundings, a condition covering rainwater goods is appropriate.
22. Owing to the historical development of Monk Street, conditions requiring the agreement of an archaeological scheme is necessary. This is particularly relevant given that the site is currently undeveloped. Conditions are also required to ensure that the scheme is carried out and that a post-excavation assessment is undertaken. Owing to the stage in the development process that these works need to be undertaken, these need to be pre-commencement conditions.
23. The Council has suggested conditions pertaining to the surfacing of the site's access and the provision of gates. However, the proposed development would result in a limited increase in the use of the existing access due to its scale. In light of this limited increase, I do not believe that the development would lead

to erosion of highway safety, and in consequence, such conditions would be unreasonable.

24. Where appropriate, in the interests of precision, I have removed from the Council's suggested conditions mechanisms by which alternative details might be agreed.

Conclusion

25. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5604 01; 5604 03; 5604 04; 5604 05; 5604 06; and Tree Protection Plan (Dated 2 December 2020).
- 3) Prior to any above works taking place, a schedule of the types and colour of the materials to be used in the external finishes of the development must be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) All rainwater goods shall be of black coated metal and permanently maintained as such.
- 5) Prior to the first occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the Local Planning Authority:
 - Retained features
 - New planting
 - Hard surfaces
 - Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must 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 must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards.

- 6) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing, by the Local Planning Authority.
- 7) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work and prior to the commencement of development.
- 8) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.
- 9) The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report. The submitted post-excavation assessment shall be agreed in writing by the Local Planning Authority.