



Appeal Decision

Site visit made on 27 June 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/C1570/W/21/3282399

Hamperden End, Henham Farm, Henham Road, Debden, CB11 3NA

- 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 Hawker against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1005/FUL, dated 23 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is erection of 2no. new residential dwellings within the curtilage of Henham Farm.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within the small settlement of Hamperden End, which is characterised by its linear form, and range of detached dwellings and bungalows which front onto Hamperden Road. The appeal site lies on the northern side of Hamperden Road, adjacent to a new dwelling currently under construction, but within a separate larger open field. This field forms a substantial gap in development on the northern side of Hamperden Road between the new dwelling and Henham Farm.
4. The appellant asserts that the wider open field within which the appeal sits constitutes curtilage, and therefore can be considered previously developed. Nevertheless, the field is currently free from visible built development, is rural in nature, assimilates well with the countryside that is around it and contributes positively to the character of the area.
5. The erection of two dwellings on the appeal site would unacceptably erode this. Although logically located adjacent to existing and under-construction dwellings at the western boundary of the wider field, the proposed development would lead to the expansion of the settlement in both physical and visual terms. Whilst the urbanising effect of two dwellings is likely to be limited in objective terms, the effect of even a small number of additional dwellings in a settlement of the small size and character of Hamperden End would be large.

6. Additionally, the proposed development would not constitute infill. Hamperden End is a settlement without defined form, with sporadic development on both sides of the road both to its eastern and western extents. Henham Farm, with its associated land to the west reads as being beyond, as opposed to within the wider settlement. As a result, and although much of the existing break in built form would be retained, the proposed development would result in the perception of the residential core of Hamperden End extending towards Henham Farm, as opposed to infilling an established gap within the settlement.
7. At present, the continuous length of hedgerow that exists on the southern boundary of the appeal site, and onwards towards Henham Farm also contributes positively to the character of the area and forms a component of the perception of the settlement transitioning back into countryside when travelling in an easterly direction.
8. The proposed development would punch a new opening in this hedgerow, to provide access, and would be of a width sufficient to allow this. Whilst the proposed dwellings would remain located beyond the hedgerow and would not in themselves have a strong road frontage with only limited further vegetation removal likely to be required, this additional opening to provide access would further increase the feeling of settlement expansion.
9. Furthermore, the proposed arrangement of a pair of dwellings being served by a single access, and being set back from the main road, behind the existing hedgerow, would be anomalous within the wider immediate streetscene, where existing properties generally address the road through individual accesses and open front gardens without front boundary treatments.
10. The proposed dwellings would be of a form, scale and design that would be broadly commensurate with adjacent dwelling under construction to the west, and would be in accordance with ULP Policy GEN2 which, amongst other criteria, seeks to ensure that new development is compatible, with the scale, form, layout and appearance and materials of surrounding buildings,
11. Whilst some details of the partially completed development¹ adjacent have been provided to me, I am not wholly aware of the condition of this site prior to the development commencing, nor can I assess the relationship that it previously had with the appeal site. I was however able to see that the boundaries of this site are marked with tall trees that clearly pre-date the property and suggest that this new dwelling may be situated within a separate, smaller plot that previously existed, as opposed to part of larger open site and accordingly different contextual circumstances may have existed. In any case, the presence of this property does not mitigate the visual harm that I have identified.
12. The proposed development would result in harm to the character and appearance of the countryside and area. Accordingly, it would be contrary to ULP Policy S7, which requires new development to protect or enhance the character of the part of the countryside within which it is set.

¹ UTT/17/2229/OUT and UTT/201179/DFO

Other Matters

13. The appellant has indicated that the proposed development would result in biodiversity net gain, and that this would constitute a benefit of the scheme, however the level of net gain which the Ecological Impact Assessment states may be possible is not quantified. The suggested measures could result in biodiversity net gain, however given the nature of the measures potentially proposed, these gains are likely to only be modest in nature.
14. Equally, additional planting is also identified by the appellant as a benefit of the proposal, and whilst these details could be secured by means of a planning condition, without any identified overarching landscape strategy being provided for consideration, the level of weight that can be afforded to this potential benefit is limited.
15. It is common ground that the site does not lie within a defined settlement boundary for the purposes of the Uttlesford Local Plan 2005 (ULP), and that consequently ULP Policy S7 applies in this instance, however the proposed development would not, given what would be around it, be isolated for the purposes of paragraph 80 of the National Planning Policy Framework ('the Framework').
16. The sustainable travel credentials of the appeal site do not, in themselves form a matter of dispute, although the appellant has drawn my attention to alleged inconsistencies with regards to the council's position of this point, and also the level of weight afforded by the council to submitted documents during the consideration of the planning application. Neither matter affects the main issues of the appeal, and I have considered all of the provided evidence in reaching my decision.

Conclusion

17. Since the Council is unable to demonstrate the supply of housing sites as required by the Framework, I would consider the most important policies out of date and be taken, in regard to the specific circumstances of the case, to the mechanisms of paragraph 11 d) ii).
18. I have found that the proposed development would give rise to harm to the character and appearance of the area. It would be contrary to the aims of the Framework which recognise the intrinsic character and beauty of the countryside. I ascribe this harm substantial weight. The provision of two additional dwellings would make a positive, albeit very modest, contribution towards boosting housing supply. This would, in turn, provide employment during construction, albeit this would be time limited. There would also be other social and economic benefits to both Hamperden End and the wider area, as well as potential environmental benefits. These would however also be limited by the scale of the proposed development. For this reason, I would afford them limited weight.
19. With this in mind, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.

20. The proposed development would conflict with the development plan and there are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

C Harding

INSPECTOR