



Appeal Decision

Site visit made on 22 March 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/C1570/W/21/3281255

Wyndhams Croft, Whiteditch Lane, Newport, Saffron Walden CB11 3UD

- 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 Younis Hammali against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2757/FUL, dated 26 October 2020, was refused by notice dated 12 July 2021.
 - The development proposed is the demolition of the existing outbuildings and erection of 2 no. dwellings and alterations to existing access and new car parking and turning area for the existing dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Younis Hammali against Uttlesford District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the appeal site would be a suitable location for the scheme, having regard to the planned distribution of development across the area and the proposal's effect on the character and appearance of the area; and
 - The effect of the appeal proposal on highway safety.

Reasons

Location of development

4. The appeal site is an area of garden land to the side and rear of the host dwelling. It holds a garage and a number of single storey outbuildings, which extend along a drive to the rear of the property. Views to the countryside beyond the site are possible down the drive as a result of the limited scale of the structures along it, and these views contribute positively to the character and appearance of the area.
5. Policy S7 of the Uttlesford Local Plan (2005) (the ULP) defines the countryside as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. Policy NQRHA1 of the Newport Quendon &

Rickling Neighbourhood Plan (2021) (the NP) sets development limits which are shown in accompanying maps. The appeal site lies in an area outside the development limit for Newport and consequently it is designated as countryside.

6. Policy S7 of the ULP states that the countryside will be protected for its own sake, and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan.
7. Policy NQRHA1 of the NP sets out that only certain types of development will be supported at locations which lie outside development limits. These include small scale infill proposals within existing clusters of development. The aims of such housing allocation policies include to preserve and promote green areas within the village, to protect the special landscape characteristics of the area and to ensure that the location of new developments is sustainable.
8. The Council considers that the proposal does not accord with the definition of infill within the NP. This is "the development of a relatively small gap between existing buildings", which is also the more generally understood meaning of the term. The NP defines the term "cluster" as "a low density grouping of houses at an individual site, or hamlet, separated from the villages, and comprising a small number of dwellings in a non-linear arrangement".
9. There is residential development on both sides of the appeal site and the scheme proposes the development of a relatively small area. As a result, the appeal scheme would form infill development according to the definition within the NP. Nevertheless, built form between the main body of the village and Whiteditch Lane is uninterrupted by any significant spacing. The lane is consequently not separated from the village, but forms part of it. Thus, the proposal would not lie within an existing cluster of development as required by Policy NQRHA1 of the NP and defined in its glossary. It consequently does not form one of the types of development envisaged by the policy to be acceptable outside development limits.
10. Policy NQRHA2 of the NP sets out that the design and layout of any new development must take into account existing views into and from the countryside and must ensure that the visual connection to the countryside is not lost.
11. Policy NQRHA3 of the NP sets out that development should protect and enhance the historic settlement pattern, especially scale and density.
12. Policy NQRHD2 of the NP states that to be supported a development proposal will be expected, through layout, design and materials, to relate well to its site and surroundings and to make a positive contribution towards the distinctive character of the village as a whole.
13. The proposal would increase the footprint of development at the site and a living room would extend from Unit 2 at the end of the drive, where there is currently an open area which allows for views of the countryside beyond the site. The current built form at the site has an unobtrusive and relatively rural appearance which is in-keeping with the countryside setting. The replacement of these structures with two residential properties would inevitably have an urbanising effect on this appearance. Thus, irrespective of the proposed low

volume and modest roof pitch, the development would lie within and urbanise views of the countryside from the road. The visual connection to the countryside is therefore likely to be lost as a result of the development.

14. Modern higher density residential developments to the other side of Whiteditch Lane have altered the appearance of the area so that it has a more urban appearance than may have been the case until relatively recently. However, the lane's historic settlement pattern, to which Policy NQRHA3 of the NP refers, is one of well-spaced larger properties within substantial grounds. The proposed dwellings would have a smaller scale and plot size than the surrounding older properties along the lane, including the host dwelling, and the development would consequently fail to protect this historic settlement pattern.
15. The materials of the new dwellings would have a rural quality which would contribute acceptably to the appearance of the site and its surroundings. Nevertheless, the proposal's overall urbanising effect and its divergence from the historic settlement pattern which I have identified above would result in a failure by the scheme to relate well to its site and surroundings.
16. Thus, whilst the proposal would form infill development in accordance with Policy S7 of the ULP, the appeal site would not be a suitable location for the scheme, having regard to the planned distribution of development across the area. It consequently conflicts with Policy NQRHA1 of the NP, the aims of which are set out above. Furthermore, it would have a harmful effect on the character and appearance of the area, resulting in conflict with Policies NQRHA2, NQRHA3 and NQRHD2 of the NP, the relevant sections of which are set out above.

Highway Safety

17. Whiteditch Lane is an unadopted byway. It is a single-track lane with relatively frequent passing places in the vicinity of the appeal site. A footway is available for part of the distance between the site and Bury Water Lane, giving access to facilities in the village. It is a vehicular cul-de-sac as one end of the lane adjoins a public right of way through fields. It was subject to low levels of traffic at the time of my visit.
18. The Council provides limited information to clarify its highway safety concerns, stating that it considers that the proposal would increase the likelihood of conflict with users of the byway.
19. The Parish Council raises concerns that the surface of the lane has been damaged by the addition of traffic resulting from recent development. Interested parties consider that the addition of traffic to the lane would harm the safety of other users, including those on horseback and on foot, due to the narrowness of the lane. Concerns are also raised regarding the standard of the road surface.
20. Whilst I acknowledge these concerns, no significant areas of damage to the lane's surface between the appeal site and Bury Water Lane were apparent at the time of my site visit. Furthermore, the number of passing places, the partial provision of a footway and the apparent relatively low levels of traffic would sufficiently mitigate any increase in risk by the proposed addition of traffic to the lane by the development. This is particularly the case as this

would be unlikely to comprise a substantial number of additional trips due to the proposal's small size, as demonstrated by the TRICS vehicular trip generation forecast data. I note also the lack of objection of the highway authority to the proposal.

21. Thus, the development would not cause harm to highway safety. It consequently complies with Policy GEN1 of the ULP, which states that development must not compromise highway safety. Further compliance exists with paragraph 111 of the National Planning Policy Framework (2021) (the Framework), which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Planning Balance

22. As the Council cannot currently demonstrate a 5-year housing land supply and this is an application for the provision of housing, the development policies which are most important for determining the application are considered to be out-of-date in accordance with paragraph 11 d) of the Framework. I am therefore required to consider, as set out in Framework paragraph 11 d) ii, if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. As the presumption at paragraph 11d of the Framework consequently applies to the appeal proposal, and it concerns the provision of housing, it is additionally necessary to consider the effect of paragraph 14 of the Framework. This sets out that in situations where the presumption applies, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, where four criteria all apply.
24. To consider these criteria in turn, the NP was made on 28 June 2021 and consequently became part of the development plan two years or less before the date of this decision. The plan contains housing policies and allocates a site for housing. The Council considers that it has a 3.11 year supply of deliverable housing sites, which is uncontested by the appellant. The latest data (from the Housing Delivery Test results 2021) on the Council's housing delivery shows that it was at least 45% of that required over the previous three years. The four criteria are consequently met, and I have found above that the appeal proposal conflicts with the NP.
25. The Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes in a location with adequate access to services. Whilst one of the homes would be of a smaller size, there is nothing before me to suggest that this would meet a significant local need for such housing, and therefore this consideration would form only a minimal benefit of the scheme. Given the small scale of the proposal, the provision of the additional housing attracts modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
26. Conversely, the location of the proposal beyond the settlement would undermine the Council's plan-led approach to the delivery of housing and in consequence would harm the perceived effectiveness of the neighbourhood planning process. The scheme would additionally have a harmful effect on the

character and appearance of the area. These matters attract significant weight and demonstrably outweigh the modest benefits associated with the proposed development.

27. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR