



Appeal Decision

Site visit made on 20 July 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/C1570/W/21/3287404

Land East of Fairfields, Water End Road, Ashdon, Saffron Walden, Essex

- 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 Barrie Luscombe against the decision of Uttlesford District Council.
 - The application Ref UTT/21/2049/FUL dated 18 June 2021, was refused by notice dated 13 August 2021.
 - The development proposed is described on the application form as "Change of use from agricultural to residential and erection of 1no detached dwelling and associated single-storey garage/hobby room".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development is in an appropriate location, with particular regard to access to shops, services, community facilities and transport choices other than the private car.

Reasons

Appeal site context

3. The appeal site is rectangular in shape and forms part of a larger site heavily overgrown with trees, hedges and scrub, which give it a natural woodland appearance. It lies outside the development limits for the village of Ashdon and within the countryside to the south-west of a small cluster of residential, agricultural and commercial buildings on Radwinter Road. The surrounding area is dominated by the wide open expanse of agricultural fields which give it a clear open-countryside character.

Character and appearance

4. The proposed dwelling has been designed in a traditional architectural style which would not look out of character with other properties in the area. Whilst I share the concerns of the Council in respect of the proposed uPVC windows, there is insufficient evidence before me to ascertain whether those specified

would be acceptable. As a consequence, if I had been minded to allow the scheme, I would have imposed a condition for the submission of detailed drawings of the windows and a sample for further consideration.

5. The submitted details reveal that a considerable area of trees and hedges would have to be removed to make way for the new dwelling and its garden. I recognise that many trees to the site periphery would remain and be reinforced by new landscaping, but this would not be substantial enough to protect the woodland character of the site from further afield or adequately screen the entirety of the new buildings. In any event, even if the boundary landscaping was more substantial, I cannot be certain that it would be retained in perpetuity, which would further expose the scheme. As a consequence, the development would give the site an urban character which would be harmful to its natural woodland appearance and the positive contribution this makes to the character of the countryside and rural area.
6. Set against this context, the appellant has pointed out that the scheme was refused despite the Council's Landscape Officer not raising any objections. However, be that as it may, this does not in itself demonstrate a lack of harm.
7. There are three Grade II listed buildings nearby;- the Barn 35m south-west of Goldstones, the detached house known as Goldstones and another property called Summer Hill. However, these buildings and their setting would not be viewed within same context as the appeal proposal which lies some distance away, with intervisibility between them considerably reduced by existing mature vegetation and other buildings. As a consequence, the scheme would not have any harmful impact on how the listed buildings are experienced visually and their significance.
8. In view of the above, I conclude that the scheme would be harmful to the site's natural woodland appearance and the positive contribution it makes to the character of the countryside and rural area. The proposal would therefore conflict with Policies S7 and GEN2 of the Local Plan¹, which collectively seek, amongst other things, to ensure that new development; (a) protects or enhances the particular character of the part of the countryside within which it is set; and (b) safeguards important environmental features which help to reduce the visual impact of new buildings.
9. I also find that the scheme conflicts with Paragraphs 130 and 174 of the Framework² which collectively seek, amongst other things; (a) development that will add to the overall quality of an area and is sympathetic to local character, including the surrounding landscape setting; and (b) planning decisions that contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Whether the development is in an appropriate location, with particular regard to access to shops, services, community facilities and transport choices other than the private car

10. I recognise that the development would be near to the small cluster of residential, agricultural and commercial buildings on Radwinter Road and not be physically isolated. However, this does not mean that it would be

¹ Uttlesford Local Plan, Adopted 20 January 2005.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.

11. The adjacent cluster contains no day-to-day amenities such as shops, schools, medical facilities or other essential services. As a consequence the proposed dwelling would be wholly reliant on a range of other towns and villages further afield such as Ashdon and Saffron Walden.
12. There is no interconnecting footway of a sufficient width with associated streetlighting that can accommodate a range of pedestrians (such as those with disabilities) between the appeal site and Ashdon and Saffron Walden. I recognise there are various other public rights of way in the surrounding area, but these are primarily across fields with no smooth surfacing or streetlighting. The scheme would not therefore enable or encourage safe-walking by all parties throughout the day and into the evening.
13. There is a bus service available from Ashdon to further afield, but this is limited and sited approximately 1.4km away from the appeal site³. I do not therefore consider it to be close enough or of a sufficient frequency to encourage a shift away from dependence on the private motor car.
14. I do however recognise that there would be reasonable opportunity to cycle to Ashdon, but would only expect a modest number of trips to be made by this form of transport given the extremely limited services and facilities available there. The distance to the larger population centre of Saffron Walden is much greater and hence I would only expect a very limited number of trips by this mode of transport.
15. As a consequence, and when considered as a whole, it is my view that an extremely small proportion of trips would be made via sustainable modes of transport and that future occupiers would be heavily dependent on the private motor car.
16. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
17. I recognise that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for an electric charging point, I consider it unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.
18. In view of the above, I conclude that the scheme conflicts with Policy GEN1 of the Local Plan, which seeks, amongst other things, to ensure that new development encourages movement by means other than driving a car.

³ Paragraph 3.9 of the appellants Transport Statement.

19. I also find that the scheme conflicts with Paragraphs 9, 92 and 105 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; (b) a planning decision not enabling and supporting healthy lifestyles, for example with safe and accessible local shops and sports facilities; and (c) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 104; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Other matters

20. My attention has been drawn by the appellant to Paragraph 6.14 of the Local Plan, which states that in the context of Policy S7, sensitive infilling of small gaps in small groups of houses outside development limits, but close to settlements, will be acceptable if the development is in character with its surroundings and has a limited impact on the countryside in the context of existing development. However, there is a significant distance between the cluster of buildings to the north-east on Radwinter Road and the dwelling known as Fairfields to the south-west. As a consequence, I do not consider the development to fall within a small infill gap and Paragraph 6.14 does not apply. I recognise that there is an appeal on the adjacent site for another dwelling⁴, but even if this was allowed, I would still consider the gap between this and Fairfields to be too large for the appeal site to be considered a small infill gap.
21. The appellant has referred to another appeal decision within the same local authority area for a pair of semi-detached dwellings where the appeal site was further away from the nearest settlement than that before me⁵. However, in that case the Inspector concluded that the scheme did constitute an infill development and hence the prevailing site and policy circumstances were different to that before me.
22. The appellant has also drawn my attention to another appeal some 800m from Ashdon for a single dwelling⁶. However that site is in much closer proximity to the village and positioned on a no-through road with greater potential for safe walking by pedestrians. I do not therefore find that scheme comparable to the one before me.

Planning balance

23. Although the Local Plan is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
24. Policy S7 is not a policy for the supply of housing in that it does not specify housing allocations or numbers; - it's primary purpose is to protect and enhance the natural environment and ensure that planning permission is only given for development that needs to be in the countryside and that the latter will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set, both of which are objectives I consider to be generally consistent with the Framework. I do

⁴ Ref: APP/C1570/W/21/3287385

⁵ Ref: APP/C1570/W/18/3197857

⁶ Ref: APP/C1570/W/19/3238810

nonetheless recognise that the operation of Policy S7 would affect the supply of housing in that it takes a more restrictive approach to development than the Framework. In view of this, I have only given this policy moderate weight in my assessment.

25. I also consider Policies GEN1 and GEN2 of the Local Plan to be generally consistent with the Framework insofar as they relate to the main issues of this case. However, neither of these have the same effect on the supply of housing as Policy S7 and I have as a consequence given them significant weight in my consideration. In view of this, and having regard to the basket of policies before me, I am satisfied that the proposal conflicts with the development plan when taken as a whole.
26. However, the Council and appellant both agree that there is a shortfall in the District's 5-year housing land supply. This means that the Framework's presumption in favour of sustainable development applies.
27. I recognise that the scheme would result in economic, environmental and social benefits from; (a) a quickly deliverable scheme of one dwelling towards the Council's 5-year housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; (c) a net gain in biodiversity levels from new landscaping features; (d) the use of sustainable construction techniques, together with the provision of on-site renewable energy; and (e) local employment during construction.
28. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
29. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

30. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR