



Appeal Decision

Site visit made on 21 September 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2022

Appeal Ref: APP/C1570/W/21/3281486

Treetops, Bumpstead Road, Hempstead CB10 2PW

- 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 Mrs M Wakefield-Drane against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1300/FUL, dated 12 April 2021, was refused by notice dated 24 June 2021.
 - The development proposed is described as 'to construct a new 3-bedroom detached bungalow. The proposed dwelling is a prefabricated unit which features high levels of energy efficiency through utilising modern construction methods and heating technology.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are the a) the principle of the proposed development with specific regard to its location and the effect of the proposed development on b) the character and appearance of the area; and c) highway safety with specific regard to visibility.

Reasons

Principle of Development

3. The Uttlesford Local Plan 2005 (Local Plan) sets out a spatial strategy identifying, in a hierarchical manner, that development should be directed first to within the largest urban areas, then to identified growth areas, selected key rural settlements and then other villages. Whilst not mentioned within the 'other villages' section, Hempstead is not explicitly identified elsewhere in the strategy as a focus for new development. It has a settlement boundary which the appeal site is situated outside of. The spatial strategy follows a commitment to ensure sustainable patterns of new development, citing the larger areas' access to a range of services, employment and transport options.
4. Other villages, according to the spatial strategy and amongst other things, have some limited potential within boundaries, but on small previously developed sites, including gardens of existing houses. Being outside of the settlement boundary, the appeal site is in the countryside, where Policy S7 strictly controls new development. It states that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. It goes on to state that development will only be permitted if,

amongst other things, there are special reasons why the development in the form proposed needs to be there.

5. Reflected in its place in the Council's spatial strategy, Hempstead does not have a wide variety of services to support much growth. What facilities it does have are located some distance into the settlement from the appeal site, which itself is a noticeable distance to the north of its northerly extent. There are no segregated footways linking the appeal site with the settlement and whilst there are some public transport opportunities which provide links to larger local settlements, they don't appear to be directly or easily accessible from the appeal site. It strikes me therefore that, future occupiers of the proposed dwelling would have to rely, almost exclusively, on the use of the private car to access services, education, healthcare and employment either within the settlement or beyond. This would be the least sustainable travel option.
6. The appeal site might be relatively close the edge of Hempstead but, its locational sustainability would be no better than a more remote or isolated site further away. Journeys to and from the appeal site would not be of a particularly high frequency or great in number but this argument to justify the principle of the proposed development could be used too often and, cumulatively, it would undermine what the spatial strategy seeks to achieve. I am also mindful that not all existing dwellings either locally or further afield will have dedicated footway access to services but, this would not justify the same approach here.
7. The Council refer to the matter of isolation in their evidence and how the National Planning Policy Framework 2021 (the Framework) considers dwellings that would be so, in the countryside. Whilst the proposed dwelling would be in the countryside, it would not be isolated for the purposes of paragraph 80 of the Framework since it would be immediately adjacent another dwelling (Treetops) which itself is close to a cluster of buildings associated with Parsonage Farm.
8. With the above in mind, the proposed development would serve to promote unsustainable patterns thereof, conflicting with the Framework's commitment to ensure the opposite. It would be in the countryside with seemingly no clear justification therefore. It would therefore conflict with the spatial strategy and Policy S7, the aims of which I have set out above. It would also, in regard to this main issue, conflict with Policy GEN1 of the Local Plan which states, amongst other things, that development will only be permitted if it encourages movement by means other than the private car.

Character and Appearance

9. The appeal site is an open and undeveloped field, laid to grass, abutting the back edge of the B1054. Development around it is sparse and limited to that of an agrarian nature and one or two dwellings. A low hedge to the road boundary and a five bar field gate at the access point means views of the field are clear, albeit fleeting, from vehicles entering and exiting Hempstead. Nonetheless, its open and undeveloped nature contributes positively to the pleasant sense of rurality and thus the character and appearance of the area that this edge of settlement location exudes.
10. The proposed development would be a low rise building but given its land take and not insignificantly sized curtilage, access and parking area, it would

subsume a substantial amount of the corner of the field. It would be read alongside and thus against an existing residential curtilage but would nonetheless encroach further into a defined and high quality rural area and thus the countryside. It would erode the pleasant rurality of the field and how it contributes positively to the setting of the settlement.

11. The Council have expressed concerns about the design of the building and how it would not sit well with the more traditional appearance to surrounding development. It would include large areas of glazing on the front along with atypical fenestration more generally. The plot and the building itself would also be much larger than others. Whilst these factors would make the dwelling different to others, I would stop short of agreeing that by being so it would be harmful. There are some more traditional dwellings in the immediate area but not necessarily to the point that there is any form of uniformity or that they are character defining. I agree on the importance of the 'placing of openings' as it is set out by the Essex Design Guide 2018 (EDG) is important but obviously where that is appropriate to the building's design in itself. The dwelling in this case would be a prefabricated design and unique in the area for that reason.
12. This would stop short, for the reasons I have explained above, of making the proposed development acceptable in character and appearance terms. In causing harm thereto, the appeal scheme would conflict with Policies S7 and GEN2 of the Local Plan which seek, amongst other things, to ensure that the character of the countryside is protected, and it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings.

Highway Safety

13. The proposed access would be in close proximity to where the speed limit of the B1054 changes from 40mph to 60mph. The Council's Highways Advisors (Essex County Council) have set out the minimum requirements for visibility in that context. That is to say that splays of 120 metres would be required for the 40mph stretch and 215 metres for the 60mph stretch. Each with a 2.4 metre set back into the site from the carriageway edge.
14. The appellant notes that a 215m splay in the direction of the settlement (where the speed limit drops further to 30mph) would run into an urban speed limit. I appreciate this point albeit the highway advice suggests that only 120 metres would be required in this direction. The appellant has explained that 120 metres would be possible in both directions and, given the straightness of the road and set back hedges, there would be scope to make them longer.
15. Be this as it may, there remains some ambiguity for me. Firstly, the appellant's splays use a 1.8 metre off set from the carriageway edge where a measurement to the nearside edge would be more appropriate so exiting vehicles can more readily see users, such as motorcycles, which are much narrower in their road coverage and in some cases could travel closer to the edge of the surface. Secondly, the splays appear to run across land outside of the appeal site. The splay plan does not identify where the extent of the public highway ends and third party land (including the appeal site itself) begins. There is thus insufficiently certainty in the evidence as to whether all of the land within the splays is either public highway or within the appellant's control. Thirdly, the area around the appeal site's proposed access is a sensitive location where users will be either speeding up to 60mph or slowing down from

it. An accurate picture of measured vehicle speeds, which is not before me, would have offered a clearer indication of required splays in the more precise sense.

16. I am not therefore satisfied that the appeal scheme would be acceptable in highway safety terms. It would thus conflict with Policy GEN1 of the Local Plan which sets out, amongst other things, that development will only be permitted provided that access to the main road network is capable of carrying the traffic generated by the development safely.
17. The proposed development would conflict with the Framework, specifically paragraph 110 which sets out, amongst other things, that safe and suitable access to the site can be achieved for all users. As well as paragraph 111 which explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The appeal scheme would also be contrary to the EDG's advice on visibility which is set out in the interests of new development being acceptable in highway safety terms, for the good of all users.

Other Matters

18. It is common ground that the Council are unable to demonstrate the supply of housing sites as required by the Framework. In this instance, I am taken to the circumstances of paragraph 11, consider the most important policies out of date, and whether the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. There would be multiple harms arising out of the proposed development in regard to its principle, the character and appearance of the area and highway safety. These harms would be wide ranging, long lasting and in the case of those related to highway safety, potentially dangerous. They would conflict with strategic and development specific aims of the Framework. I therefore ascribe them substantial weight.
20. The appeal scheme would provide a dwelling to contribute to the current undersupply but as a single unit such a contribution, and its associated social and economic benefits¹, would be limited. Thus, worthy of equally limited weight. The prefabricated nature of the proposed dwelling and its associated energy efficiency measures are notable and laudable. They would follow the Framework's commitment to the same. They would attract moderate weight.
21. Taking these together however, they would not be sufficient against the weight I have attached to the harms that would arise. Such that, for the purposes of paragraph 11 of the Framework, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.
22. The appellant has provided an example of a dwelling granted planning permission which was located over a mile away from services in Thaxted². This does appear to be a site lacking in its access to services and limited options for

¹ Construction process, future expenditure of occupiers and sustaining of local services

² Council Reference UTT/18/1639

sustainable travel. However, I do not have the full circumstances of that permission before me. In any case, the appeal scheme has been assessed on its own merits and context and has been found to give rise to harm over and above that of the principle of development. I cannot be certain that this example is therefore sufficiently similar to the one before me, such that I would be led to a different conclusion thereon.

Conclusion

23. I have found that the appeal scheme would conflict with the development plan. 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.

John Morrison

INSPECTOR