
Appeal Decision

Site visit made on 12 September 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2022

Appeal Ref: APP/C1570/W/21/3279728

Land west of Hill Haven, Canfield Road, High Roding, Essex, CM6 1NJ

- 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 T Kennelly against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1692/FUL, dated 18 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is erection of a three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site represents a suitable location for the proposed dwelling, having regard to access to services and facilities.

Reasons

3. The appeal site comprises a rectangular area of land which is located off Canfield Road which is characterised by a small number of residential dwellings. These are tightly grouped at the junction with Dunmow Road with the pattern of development becoming more dispersed as it continues beyond the main settlement of High Roding.
4. As a result, of its siting between existing residential development the site does not contribute to the open rural nature which is experienced beyond the appeal site, with open fields interspersed with native hedging. Neither does it contribute to the character of the linear development which is evident along Canfield Road due to its overall width and spacing.
5. Paragraph 6.14 of the Uttlesford Local Plan 2005 notes that sensitive infilling of small gaps within small groups of houses outside development limits but close to settlements will be acceptable subject to the development being compatible with the character of the surroundings and having a limited impact on the countryside in the context of existing development.

6. The development of the site would result in the infilling of the existing gap between the existing dwellings, Maddocks and Hill Haven. The proposed dwelling would appear part of the small cluster of development which exists along Canfield Road. However, it does not fully meet the definition of infilling as set out above as I do not consider the gap between the existing dwellings to be small and even if developed a meaningful gap would still remain.
7. The development would result in an increase in the density of development within the locality, which is generally characterised by modest plots closely grouped together before the appeal site and then two slightly larger plots as the road extends into the countryside beyond.
8. However, as a result of the remaining gap that would result, even if developed the appeal site would be viewed somewhat in isolation to the other dwellings within Canfield Road. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would fail to protect or enhance the character of the countryside.
9. Consequently, it would conflict with Policy S7 of the Uttlesford Local Plan 2005 (LP). The policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. I have had regard to the appellants evidence in relation to the weight to be applied to policy S7 from other appeal decisions and I note that Inspectors have come to differing views on the issue of consistency and the subsequent weight to be applied to Policy S7.
10. Whilst Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake, it also seeks to protect and enhance the natural environment, which is an important part of the Framework. Therefore, I consider it should be afforded moderate weight when considering development proposals in the countryside.
11. The introduction of development in this location would not be compatible with the layout of surrounding development. Therefore, the proposed development would have a significantly harmful effect on the character and appearance of the area. The development would conflict with policy S7 of the LP which seeks to protect or enhance the particular character of the countryside.

Suitability of location

12. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. I have taken account that there are a number of dwellings located along Canfield Road and therefore given its grouping with other dwellings the site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework).
13. The site is located off Canfield Road outside of the settlement boundary of High Roding. Even if the occupants of the proposed development were to walk along Canfield Road into the village of High Roding, the village has limited services and facilities. Therefore, I consider that occupiers would be more likely to travel to services and facilities within the nearby towns of Great Dunmow or Bishop Stortford.

14. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school. I have no substantive evidence before me to indicate that the site is well served by public transport. There is a bus stop close to the junction of Canfield Road and Dunmow Road, and whilst this would be an available alternative to the private car, I have not been provided with any details of the frequency of the bus service and the Council's evidence indicates that the service is irregular. Therefore, this leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
15. It has been put to me that the site is well located in terms of cycle routes and evidence has been submitted to demonstrate that the area is served by National Cycle Route 50. Whilst recreational cycling may be popular in the area due to the rural nature of the road network, I am not persuaded that this provides sufficient evidence that cycling would be a realistic mode of transport to access the day to day services and facilities having regard to the distance to the nearest town.
16. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of evidence to demonstrate that there is a regular bus service occupiers are likely to prefer the convenience of a private car. Therefore, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
17. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with policies S7 and GEN1 of the LP which seeks to promote sustainable transport modes and suitably located developments.
18. The development would also conflict with paragraph 104 of the Framework which seeks to maximise sustainable transport solutions. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 79 of the Framework and it would not be the sustainable development that it seeks to promote in rural areas.

Other matters

19. Since the Council made its decision, it has granted temporary planning permission until 30 May 2023 for the siting of a mobile home, container, shed and hardstanding¹ on the appeal site. However, I have not been provided with any further information on the details of the case or any material considerations that have led to this decision. In any event as this is a temporary permission I have given it limited weight in my consideration of this appeal.

¹ UTT/21/3115/FUL Section 73A Retrospective application for retention of existing hardstanding and outbuildings for a period of 18 months.

20. The appellant has also referred me to a number of other appeal decisions within the locality and I have noted the findings in the cases cited. With regard to both APP/C1570/W/21/3266785 (i) and APP/C1570/W/21/3266785 (ii) the main issues centred on whether there was any impact on designated heritage assets. In the planning balance the Inspector in (i) concludes that the access to services, facilities and alternative modes of travel to the car to be a neutral factor, noting that access to services and facilities did not form a reason for refusal in that case. The Council in (ii) did not rely on Policy S7 in their refusal and the Inspector considered that any conflict with the policy was outweighed by the benefit arising from the delivery of 5 homes. In both cases there was no consideration regarding whether the site was to be considered infilling. Therefore, they have only limited similarities to the case before me.
21. A third appeal, APP/C1570/W/21/3281866 was in relation to an application for Planning in Principle (PiP) and the considerations in that case were on the principle of development, rather than the specific characteristics of the appeal scheme. The development was also located near to Thaxted which may have a different range of services and facilities to the settlement of High Roding and therefore I can not be certain that the scheme is comparable to that before me.
22. I have also been referred to a decision by the Council, UTT/21/0067/FUL which was approved for a single dwelling. The plans submitted with the appeal indicated that the plot was part of a small cluster of development and the officers report states that the development would sit within the established layout of development and would not create an incursion into the open countryside, protecting the countryside setting. The layout and setting of the site is different to that before me and in any event the impact on the character and appearance of an area is a matter of planning judgement.

Planning Balance

23. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 3.11 years. Therefore, paragraph 11 of the Framework is engaged, whereby 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.
24. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. However, taking into account the current shortfall one dwelling would provide a limited contribution to housing supply in the area.
25. Nevertheless, there would be unacceptable harm to the local environment in respect of character and appearance and arising from the location in terms of the use of natural resources and the accessibility of local services.
26. Therefore, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

27. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR