



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: 7 October 2022

Appeal Ref: APP/C1570/W/21/3285193

Birds End, Brixton Lane, Rickling Green, CB11 3YW

- 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 & Mrs Jones against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1185/FUL, dated 6 April 2021, was refused by notice dated 29 July 2021.
 - The development proposed is new detached dwelling replacing existing amenity building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the site is suitable for residential development in terms of location with regard to the local development strategy.

Reasons

3. Saved Policy S7 of the Uttlesford Local Plan (ULP) 2005 states that new development within the countryside will only be permitted where it is required to be located there, or is appropriate to a rural area, and seeks to protect the countryside for its own sake. It defines the countryside as being any part of the area that lies beyond the green belt and outside of settlement boundaries. Newport, Querndon and Rickling Neighbourhood Plan (NQRNP) Policy NRHA1 states that new development outside of defined limits will not be supported other than where certain exceptions apply.
4. Rickling Green is a small village focussed around a central public open space, which gives the settlement an open and spacious feel. However, approaches to the settlement, particularly from the south are along relatively narrow country roads, which as a result of existing field hedges, have a much more enclosed character. As a result of this contrasting character, there is a strong definition between settlement and open countryside.
5. The appeal site sits alone on the southern side of Brixton Lane, to the south of Rickling Green with the closest other property being located on the northern side of the road, some distance to the east. Visually, the appeal site, with its large garden has the character of an individual property in a rural setting.
6. This physical separation, along with the prevailing character of the settlement means that although not isolated in the context of Paragraph 80 of the National Planning Policy Framework ('the Framework'), the appeal site is very much

perceived as being separate to, and therefore outside of Rickling Green. It also sits outside of the development limits of Quendon and Rickling as defined within the NQRNP¹.

7. NQRNP Policy NQRHA1 makes provision for new development in certain specific circumstances, including small scale infill development within existing clusters of development. However, the appeal site is not located within an existing cluster, nor would it comprise infill development on the basis of the definitions contained within the NQRNP. As a result, the proposed development would not benefit from this exception, nor would any of the other circumstances cited apply.
8. As a result, the proposed development would comprise new housing in the countryside, and this proposal has not been presented on the basis of any essential need for a countryside location for the purposes of ULP Policy S7 and does not meet any of the exceptions listed within NQRNP Policy NQRHA1.
9. Accordingly, the site would not be suitable for residential development in terms of location with regard to the local development strategy. It would therefore be contrary to ULP Policy S7 and NQRNP Policy NQRHA1, which together state that new development within the countryside will be strictly controlled, and that the countryside will be protected for its own sake, and that development outside of defined development limits will only be supported in certain circumstances.

Other Matters

10. There is no dispute with regards to the effect of the proposed development upon the character and appearance of the area, nor the design of, or access to the proposed development. The proposed development would also incorporate energy efficiency measures. However, even if I were to find the development acceptable in these regards, these would be only neutral factors, and would not weigh in favour of the proposed development.
11. There is a history of applications for a new dwelling on this site following the approval of the existing annexe. I acknowledge that there would be some similarities between the existing annexe and the proposed dwelling in terms of scale and design. However, the proposal is a different form of development, which would include the intensification of residential occupation and the creation of a separate residential dwelling, and raises different considerations as a result. I have therefore considered this appeal having regards to its individual circumstances and the previous approval of the existing annexe does not weigh in favour of this particular proposal.

Conclusion

12. Since the Council is unable to demonstrate the supply of housing sites as required by the Framework, the presumption in favour of development at paragraph 11 d) ii) of the Framework applies.
13. I have found that the proposed development would comprise sporadic new housing within the countryside, not meeting any exception, contrary to ULP Policy S7 and NARNP Policy NRQHA1. NARNP Policy NRQHA1 is consistent with the Paragraphs 78 and 79 of the Framework as it makes provision for

¹ NQRNP Map 14

- sustainable residential development in rural areas, and I afford significant weight to the conflict with it.
14. However, ULP Policy S7 is not wholly consistent with the Framework in terms of its approach to rural housing, where it is advised that exceptional circumstances should only be required in the case of proposed new dwellings in isolated locations. Accordingly, the weight that I afford to the proposal's conflict with ULP Policy S7 is moderate. The proposal would conflict with the development plan as a whole.
 15. Paragraph 14 of the Framework advises that where proposals for the provision of housing are being considered in the context of Paragraph 11 d) ii) of the Framework, that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, where certain circumstances apply, including the Council being able to demonstrate a three-year supply of housing land.
 16. Although the appellant states that the Council cannot demonstrate a three-year supply of housing land, I have not been provided with any evidence to support this assertion. As all of the circumstances set out in Paragraph 14 of the Framework would be met, and the proposed development would be contrary to NARNP Policy NQRHA1, I ascribe the conflict with this paragraph substantial weight.
 17. Due to the modest scale of the proposed development, I afford only moderate weight to the contribution towards boosting housing supply that would result, and only limited weight to the social and economic benefits that would result in terms of supporting local services and facilities in the wider area, providing employment during construction, and the incorporation of energy efficiency measures.
 18. Having regards to the above, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
 19. The proposed development would conflict with the development plan and there are no material considerations, including the Framework that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

C Harding

INSPECTOR