



Appeal Decision

Site visit made on 16 August 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/C1570/W/21/3289501

Lodge Farm, Bardfield End Green, Thaxted, Essex CM6 3PZ

- 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 Tom Magness of David Magness Farms Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1108/FUL, dated 29 March 2021, was refused by notice dated 30 September 2021.
 - The development proposed is demolition of existing hay barn and erection of new farm house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for residential development with regard to the local development strategy and accessibility to services and facilities by means other than the private car.

Reasons

3. The appeal site comprises a collection of farm buildings situated at the end of an access drive which is several hundred metres in length. The farm buildings comprise a mix of metal frame and brick-built storage buildings, workshops and barns. An existing dwelling is located close to the appeal site, however, the evidence indicates that this property is now no longer associated with the farm grouping, although it was originally constructed as farm accommodation.
4. It is common ground that the site sits within open countryside as defined in the Uttlesford Local Plan (ULP) and is surrounded by agricultural land. ULP Saved Policy S7 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. Although not isolated for the purposes of paragraph 80 of the National Planning Policy Framework ('the Framework') due to the proximity of existing buildings and the neighbouring residential property, the site is nevertheless separated from Thaxted and other residential development.
5. Although it is indicated within the evidence that the intention would be for the appellant to occupy the proposed dwelling, and that they are employed within the farm business, the appellant has also stated that the proposed development is not promoted as an agricultural worker's dwelling for the purposes of ULP Saved Policy H12. As a result, no mechanism to secure the occupancy of the proposal by an employee of the farm business has been

presented. Therefore, I have considered the proposal on the basis that it would comprise an open-market dwelling without restriction.

6. Accordingly, for the purposes of ULP Saved Policy S7, the provision of a new dwelling in this location has not been justified.
7. ULP Policy GEN1 states that development will only be permitted, amongst other criteria, where it encourages movement by means other than driving a car, and takes accounts of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
8. On my site visit I did not see, nor have I been made aware of any public transport infrastructure within a reasonable walking distance from the site. Whilst there are bus services in the local area, none appear to be easily accessible from the appeal site. The evidence indicates that both an Essex County Council demand response service and a community travel scheme also operate in the local area. However, no specific details have been provided with regards to how these services operate, for example with regards to the level of notice required for booking.
9. Furthermore, Bardfield Road is unlit and provides no pedestrian footway for much of its length as it heads towards Thaxted, which is the closest settlement and contains a number of local services and businesses. A Public Right of Way passes to the west of the appeal site, however this is a rural path crossing agricultural land, and would be unsuitable for journeys to meet day-to-day needs.
10. Overall, the circumstances would not represent an attractive walking environment and would be unlikely to encourage cycling, in particular at times of darkness or adverse weather conditions, nor would there be convenient access to public transport provision. I therefore conclude that it is likely that most journeys to and from the proposed dwelling would require use of a private car.
11. I acknowledge that the proposed development would enable the appellant to reside at their place of work, and therefore would eliminate the need for commuting. However, this would be offset by the likely need for all other day-to-day journeys to be carried out by private car. In addition, no mechanism is before me that would secure the occupancy of the proposed dwelling solely by the appellant, nor would the imposition of a planning condition to secure this meet the tests set out within Planning Practice Guidance in terms of reasonableness.
12. An electric car charging point would be provided at the proposed dwelling in order to facilitate the use of an electric vehicle, however this would not guarantee the use of such a vehicle, and any planning condition to this effect would not meet the relevant tests with regards to enforceability or reasonableness.
13. Accordingly, the site would not be suitable for residential development with regard to the local development strategy and accessibility to services and facilities by means other than the private car. It would therefore be contrary to ULP Saved Policy S7 which states that new development within the countryside will be strictly controlled, and that the countryside will be protected for its own

sake, and ULP Saved Policy GEN1 which seeks to encourage movement by means other than private car.

14. The Council has referred to a number of Thaxted Neighbourhood Plan (TNP) policies within the reasons for refusal. However, as the proposed development would not lead to loss of agricultural land, and its effect upon the character and beauty of the countryside is not a matter of dispute, I do not find conflict with TNP Policy TX LSC1. Nor would there be conflict with TNP Policy TX HD1 as the proposed development would not adversely affect streetscape, historic or landscape character, or key views of Thaxted.
15. There would also be no conflict with TNP Policy TX LSC2 as the appeal site lies outside of the sensitive rural setting of Thaxted and any of the local parish landscape character areas as identified within the TNP and to which this policy specifically refers.

Other Matters

16. The introduction of a new dwelling onto the site would likely benefit the farm operation with regards to establishing an on-site presence for security, surveillance and animal welfare, and increased operational efficiency. However, and whilst acknowledging the level of support for the proposal that has been indicated within representations on this basis, as the appellant has indicated that a restriction upon occupancy of the proposed dwelling to ensure that it remains related to the agricultural business would not be acceptable, the weight that I attach to these benefits is limited as a result.
17. The current hay barn is large and functional in appearance but does not appear incongruous or especially harmful within its setting within the historic farm grouping and wider rural farming landscape. However, its removal and replacement with a new dwelling would result in a smaller and less visible development, and this is a benefit of the proposal.
18. I acknowledge the historical connections of the farm to the Bachad Farming Institute, and the stated desire of the appellant and the Holocaust Memorial Foundation to create a community museum at the site, however this would be a separate proposal and is not before me as part of this appeal. Accordingly, I cannot afford this weight in coming to my decision with regards to this particular proposal.
19. A grant of planning permission for a new dwelling at a site in the local area has been highlighted to me. Whilst it appears that some similarities may exist between this case and the appeal before me, I have not been provided with sufficient detail in order to enable me to be certain that they are directly comparable. In any event, the evidence that is before me indicates that the Council, in granting planning permission, considered that although most journeys would require the use of a car, that the site was located such that it would be possible to access public transport options. As set out above, this would not be the case with regards to the appeal before me. Consequently, the cited approval is not a determinative factor in this case.
20. Although the appellant has expressed some frustration with the conduct of the Council, the proposal must be considered on its merits, and this has not weighed in my consideration.

Planning Balance and Conclusion

21. 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.
22. I have found that the proposed development would comprise housing within the countryside, which would not meet the exceptions given in the development plan, and which would have insufficient access to services and facilities by means other than the private car, contrary to ULP Saved Policies S7 and GEN1, and the proposal is contrary to the development plan as a whole.
23. ULP Saved Policy GEN1 is broadly consistent with the Framework as it seeks to promote sustainable patterns of travel, and I afford the proposal's conflict with this policy significant weight.
24. However, ULP Saved 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 Saved Policy S7 is moderate.
25. The provision of a single additional dwelling would make a positive, albeit very modest, contribution towards boosting housing supply and I afford this benefit moderate weight.
26. I afford limited weight to the beneficial effect to the character and appearance of the area that would result from the removal of the existing metal-framed hay barn, the benefit of increasing the operational efficiency of the existing farming business, and the benefit of the proposed biodiversity improvements.
27. The proposal would contribute towards housing supply, along with economic and social benefits during the construction and occupation of the property. This would align with the aims of the Framework to boost housing supply and support rural services. However, given the scale of the scheme only attract modest weight.
28. 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. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.
29. I acknowledge the appellant's reference to a fallback position that may exist with regards to converting the hay barn through the exercising of permitted development rights. However, there is no evidence before me with regards to the detail of what such a scheme may comprise, or whether the hay barn would be suitable for conversion using such rights. Therefore, I consider that there is not presently a greater than theoretical prospect of the fallback position being implemented, and I cannot be sure it would be more harmful than the appeal scheme. Consequently, I afford it very limited weight.
30. 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.

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

C Harding

INSPECTOR