
Appeal Decision

Site visit made on 16 November 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/C1570/W/22/3293647

Land adj. Rowley Hill Farm, Little Walden Road, Saffron Walden, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Turnbull against the decision of Uttlesford District Council.
 - The application Ref UTT/21/2348/OP, dated 19 July 2021, was refused by notice dated 7 September 2021.
 - The development proposed is erection of up to four dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is for an outline scheme with only matters of access and scale to be determined at this stage.
3. The appeal scheme includes scaled drawings with references to 'indicative' dimensions and there are inconsistencies in the information submitted. Whilst the information is not definitive, I am satisfied that they provide a general indication of the likely impact of the proposed scheme on the character and appearance of the area.
4. Appendix 4 to the appellants evidence includes a plan detailing the proposed scheme. I do not accept revisions to an application which may re engineer a scheme through the appeal process and therefore do not accept this plan.
5. Finally, the plans included with the application which refer to a suggested layout are to be regarded as illustrative given that layout as a reserved matter is not to be determined at this stage.

Main Issues

6. The appeal raises two issues:
 - whether the location of the proposed development would enable access to services by a range of transport modes, and
 - the effect on the character and appearance of the area.

Reasons

Location

7. The appeal site comprises two paddocks lying alongside Little Walden Road, the B1052. Although there are several small groups of residential and commercial properties in the area these are the exception to what is an area characterised by arable farming. This character prevails despite the recently granted permission for 85 dwellings on a site to the south, a point acknowledged by the appellant.
8. Saffron Walden lies around 850m to the south of the appeal site is the main centre serving the local area with a good range of shops and services. I recognise that Little Walden lies slightly closer but this contains only a single pub.
9. Underpinning this issue is whether the site can be accessed by a choice of transport modes other than the car as required by Policy GEN1e). This is supported by Policies S7 and ENV5 which together focus development primarily in existing urban areas and aim to protect agricultural land from development.
10. The site does not lie on a regular bus route although a pre booked service can be used. The local roads could support access by cycling but cyclists are likely to be deterred by safety concerns because these are are unlit and subject to the national speed limit.
11. I acknowledge that there is a narrow pedestrian footpath on one side of Little Walden Road. However, its limited width would be insufficient to allow easy access by a push chair or wheelchair. The fact that is unlit would also deter pedestrians because of concerns over safety. For the same reason it is unlikely that the footpath network referred to by the appellant would allow alternative access.
12. I acknowledge that Paragraph 105 of the National Planning Policy Framework identifies the opportunities to maximise transport varies between rural and urban areas. However the site could only be accessed by car for the majority of trips likely to be generated from four dwellings and does not offer a genuine choice of transport mode.
13. Furthermore, I find that the site is a paddock used for grazing. This was evident from my site visit and is acknowledged in part by the appellants own submissions¹ on this point. The officer's report identifies the site as having an agricultural land classification of 2; this is defined as Best and Most Versatile land included in the Glossary to the Framework. Paragraph 174b) of the Framework recognise the value of this land.
14. For these reasons, I conclude that the appeal scheme conflicts with Policies S7, ENV5 and GEN1(e) of the Uttlesford Local Plan 2005.

Character and appearance

15. The site is well screened by mature and semi mature vegetation. The appeal scheme is for four detached dwellings located across the whole site with access taken directly from the B1052.
16. The four proposed buildings would be large detached properties of 1.5 storey height. They would each have a large footprint even when compared to the size of the site. Given that the local area has a varied range of housing types, based

¹ Paragraph 8.3

on the limited information before, me the scheme would not adversely affect the character and appearance of the area.

17. Given the extent of mature hedges around the site's boundaries only glimpses of the scheme could be gained around the access into the site by both pedestrians and motorists.
18. For these reasons, I conclude that there would be no conflict between the scheme and Policy GEN2 which seeks to ensure that development reflects the scale of surrounding buildings.

Planning Balance and Conclusions

19. Both parties recognise that there is a severe deficit of housing land as required by the Framework. These circumstances, together with the age of the most important policies deems that they are out of date. The tilted balance is invoked by Paragraph 11d)ii of the Framework which places the focus on granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
20. The fact that policies have to be considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219, which amongst other things, states that the closer that local policies are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight.
21. Policy GEN1e) which requires development to be accessible by transport modes other than the car is consistent with the environmental objectives and Paragraph 105 of the National Planning Policy Framework (the Framework). GEN2 reflects the principles which underpin Paragraph 124 of the Framework.
22. I find that Policy S7 is not entirely consistent with the Framework in that whilst directing development to main centres it seeks to protect the countryside. Policy ENV5 is consistent with Paragraph 174b). Taken together these two policies are broadly consistent with the Framework in seeking to protect the BMV agricultural land from development.
23. For these reasons, where I find conflict between the appeal scheme and adopted policies I accord this conflict significant weight.
24. The appellant has referred me to a recently granted permission for a single dwelling on a site in Little Walden², but the report is clear in that the proposed scheme would respect the existing urban grain and is located on brownfield land. This is not the case for this appeal scheme.
25. Whilst I do not find conflict with the appeal scheme's suggested scale, I find that the determining issue in this appeal, an issue of principle, is the site's location which conflicts with Policies S7, GEN1(e) and ENV5.
26. Although the scheme could be regarded as a windfall site and could make a limited contribution to addressing the overall shortfall in housing supply, I find

² UTT/21/2992/OUT

that the harm which would arise from its location are greater than its benefits given the small number of proposed units.

27. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
28. Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR