
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: 6 February 2023

Appeal Ref: APP/C1570/W/22/3301627

The Grange, Stortford Road, Clavering, Saffron Walden, Essex CB11 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr M Evans against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0451/PIP, dated 9 February 2022, was refused by notice dated 24 March 2022.
 - The development proposed is residential development with new access road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposal is assessed. The appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined this appeal accordingly.
4. I regard the submitted layout included on 20116-P005-1st as for illustrative purposes only.

Main Issue

5. The main issues are whether or not the site is suitable for residential development, having regard to its location and the amount of development.

Reasons

6. The appeal site comprises a single detached residential property and rear garden in a row of similar properties lying on the west side of Stortford Road. The site can be distinguished from the adjacent properties by its extensive rear garden with mature hedgerow boundaries. The site lies along the southern

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- edge of a housing site currently being built out. Beyond the site's western and southern boundaries is arable farmland.
7. The scheme would involve the retention of the 'parent property', the Grange, with the development of an access road which extends through the rear garden to service the proposed dwellings.
 8. Clavering's settlement boundary runs across the site. Accordingly, Policy S7 of the Uttlesford Local Plan 2005 applies to the area of the site which lies in the countryside and is protected from development. Housing would only be allowed on the whole site if it enhances that part of the countryside within which it is located.
 9. Whilst the appellant cites the site to the north as a precedent for the appeal scheme, it is surrounded on three sides by existing development and includes a landscape buffer on its western side designed to reduce views of the site from surrounding receptors. Whilst this permitted scheme represents an incursion into the rural area its visual impacts are therefore limited. This contrasts with the appeal scheme which would be surrounded on 2 sides by arable fields and would be a stark incursion into the rural area being highly visible from both the south and west. It would not protect or enhance the area.
 10. Policy H4 seeks to prevent backland development. This is defined by the policy as land without a road frontage. However, the site includes a narrow frontage to Stortford Road. For this reason, this policy does not apply to this site and I find that the appeal scheme does not conflict with it.
 11. Policy GEN1 requires that the provision of vehicular access should not compromise highway safety. The site would not involve a new access point and the Highway Authority has not objected to the scheme. I do not find conflict between the appeal scheme and this policy.
 12. Of the three policies included in the Council's reason for refusal I conclude that the appeal scheme conflicts with Policy S7 given its encroachment into the countryside and impact on its rural character. Furthermore, I find that the scheme design would involve development along the site's boundaries which would erode its rural character.

Planning balance and conclusions

13. Both parties acknowledge that the Council cannot demonstrate a 5 year housing land supply (5YHLS); this is despite a recent improvement recorded by the Council. 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) and footnote 8 of the Framework.
14. The fact that policies are 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, state that the closer that they 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.

15. For the purposes of this appeal the most important policies are those identified by the Council in its reason for refusal. However, I find no conflict between the appeal scheme and Policies GEN1 and H4.
16. Policy S7 seeks to protect the countryside for its own sake with development allowed where it supports the rural economy. Recreational uses and affordable housing are identified in supporting text as falling within this policy as long as they protect rural character. I regard the policy as inconsistent with Paragraph 174b) of the Framework in its blanket restriction on market housing. For this reason, I accord its conflict with the appeal scheme moderate weight.
17. The appeal scheme includes nine dwellings which could in part address the shortfall in housing land supply. The site is well located to shops and services and that if I were minded to allow this appeal could be an important windfall site as the appellant suggests. Furthermore, the scheme would result in the creation of additional employment during construction and 9 additional households could benefit the local economy through increased spend in shops and services.
18. Whilst the Framework requires the effective use of land for the development of new homes it places a clear emphasis on good design as a key aspect of sustainable development to make development acceptable to communities. In this regard I have taken into account the comments from interested parties.
19. Whilst I accord only moderate weight to Policy S7 other policies in the Framework do not support the appeal scheme. The modest benefits of the scheme are not outweighed by the harm to the character and appearance of the local area.
20. When considered overall, in the planning balance the benefits of the scheme do not outweigh the harm which would arise by the introduction of housing on this restricted site. The amount of development is not appropriate for its proposed location.
21. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR