



Appeal Decision

Site visit made on 3 April 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/C1570/W/22/3293942

Land adjacent to The Chestnuts, White Roding CM6 1RF

- 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 Chris Bullman against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1201/FUL, dated 6 April 2021, was refused by notice dated 3 December 2021.
 - The development proposed is the erection of a two-bedroom bungalow, detached garage and parking
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the development upon the openness of the Green Belt;
 - the effect of the development upon highway safety; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is located in the Metropolitan Green Belt. In considering this appeal, I have been directed towards Policy S6 of the Uttlesford Local Plan (2005) (the Local Plan). Amongst other matters, this sets out the categories of development that might be considered acceptable in the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 148 of the Framework.
4. The proposed development, by reason of its location, would not meet any of the criteria defined by Policy S6 of the Local Plan.

5. However, the proposed development would represent a new self-contained dwelling. Therefore, it cannot be regarded as being a development associated with agriculture, forestry and leisure. In addition, as a new building, the proposed development cannot be regarded as being a replacement or an extension to an existing building.
6. In addition, the site is located outside of the development boundaries of the nearby settlement of White Roding. Furthermore, the vicinity of the appeal site is predominantly open in nature, even allowing for some buildings that have been erected nearby.
7. Therefore, the proposed development would not form part of an established line of buildings. In consequence, the proposed development could not be accurately described as being a limited infill in a village.
8. Therefore, although the proposed development is within the curtilage of an existing dwelling, it would not meet any of the exceptions provided within the Local Plan Policy S6 and the Framework. I therefore conclude that the proposed development represents an inappropriate scheme within the Green Belt.

Effect on openness

9. The proposed development would result in an increase in the overall level of built form at the appeal site. Amongst other matters this would include the proposed development in the form of the proposed dwelling, in addition to a new access, vehicle manoeuvring areas and car parking. In result, the proposed development would result in a notably more engineered appearance than the current generally open form of the appeal site.
10. The appeal site is located near to some other buildings. However, the proposal would result in a notable increase in the overall level of built form arising from the differing elements. Therefore, the proposed development would result in an overall reduction in the spatial sense of openness in the Green Belt
11. Furthermore, the proposal would erode the physical sense of openness that is an intrinsic feature of the Green Belt. This would arise from the fact that the proposed development would be visible, to varying extents from the nearby road and also a public right of way that runs in proximity to the rear of the appeal site. In consequence, the proposed development would be readily perceptible from the surrounding area.
12. Although the appeal site features a notable amount of planting as treatments to the front and side boundaries, any screening effect offered by these may well change owing to the health of the landscaping. In result, the development could become more prominent over time. This would mean that there would be a further erosion of the Green Belt's sense of physical openness.
13. In addition, the usage of the car parking and manoeuvring areas would also result in vehicles being parked at the site. This contrasts with the existing layout of the site, which does not allow for these activities to take place. The parking and moving of vehicles would also contribute to a general erosion of the Green Belt's physical sense of openness.
14. Given that the proposed development would be located near to other open land, it would result in an increase in the physical presence in the surrounding

area and would also create a significant linear form of development that would be readily apparent.

15. In reaching this view, I have had regard to the fact that the proposals include the provision of a new access point. This would allow for greater views into the appeal site, which would render the increase in built form particularly notable. This would contribute to the previously described adverse effects.
16. In result, the proposed development would conflict with the purposes of including land within the Green Belt given that it would result in a more urbanised appearance. Paragraph 138 of the Framework sets out the reason for including land within the Green Belt. Amongst other matters it is required that the Green Belt prevents the encroachment of more urban forms into the countryside. For the preceding reasons this objective would not be met.
17. I therefore conclude that the proposed development would have an adverse effect upon the sense of openness that is an intrinsic feature of the Green Belt. The development, in this regard, would conflict with the requirements of Local Plan Policy S6 and the Framework. Amongst other matters, these seek to ensure that new developments are compatible with the countryside setting and purposes of the Green Belt; and maintain its sense of openness.

Highway safety

18. The proposed development includes provision of a new vehicular access that would serve the proposed dwelling. This would lead directly from the road that runs adjacent to the front boundary of the appeal site. The edge of the highway is marked by a series of grass verges and hedges.
19. Given the fact that it is a road in a rural area, there is a likelihood that approaching vehicles may be travelling relatively quickly. In addition, the presence of hedges and other forms of landscaping features in the immediate vicinity of the site means that the access point would be relatively well screened from the surrounding area.
20. Therefore, there is a likelihood that the drivers of vehicles approaching the appeal site on the neighbouring road would not necessarily have sufficient advanced warning of vehicles looking to leave the proposed development. In result, the proposed development would give rise to an increased risk of collisions between vehicles on the highway and those leaving the appeal site. This means that the proposal would give rise to an adverse effect upon highway safety.
21. I have given consideration as to whether it would be possible to impose a condition requiring the provision and retention of suitable visibility splays. However, it would appear from the evidence before me, that the land required for such visibility splays falls outside of the appeal site. In addition, I note that some of the land that would be required for the visibility splays falls outside of both the red and blue lines as shown on the submitted location plans.
22. Therefore, I cannot impose such a condition given that I would not have certainty that the power to implement such visibility splays rests with the appellant. Therefore, any such condition would fail the statutory test of reasonableness.

23. It has been suggested that the land required for such a visibility display is owned by members of the appellant's family. Although I have no reason to believe that this may not be the case, I do not have any evidence before me that is indicative of there being an agreement in place between the relevant landowner and the appellant in order to deliver the visibility splays.
24. Furthermore, without any mechanism to tie the appeal site and the neighbouring land together, there would be nothing to stop the effective land being disposed of or used for different purposes outside of the required visibility splay. In result, this suggestion does not overcome my previous concerns.
25. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict with the requirements of Policy GEN1 of the Local Plan and the Essex Development Management Policies (2011). Amongst other matters, these require that the design of a site must not compromise road safety.

Other considerations

26. The proposal would add an additional dwelling to the local housing supply. Although I note that the council cannot demonstrate a five-year housing supply at this current juncture, I am mindful that the tilted balance as outlined in Paragraph 11(d) of the Framework does not apply in instances where there would be harm to the openness of the Green Belt.
27. Nonetheless, the provision of an additional dwelling is of some benefits. However, this benefit is tempered by the fact that the development is for a single dwelling only. Therefore, I can only attribute this a limited amount of weight in my considerations. This is the case even though the development would take place within the garden of an existing dwelling.
28. The proposal would generate some economic benefits arising from the construction process and indeed any support to local businesses arising from the occupation of the development. However, any such benefits are likely to be of a small scale owing to the size of the proposed development and, in some instances, are likely to be of a time limited duration only. I therefore attribute them limited amounts of weight.

Planning Balance and Conclusion

29. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
31. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt and highway safety is not clearly outweighed by the other

considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

32. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR