



Appeal Decision

Site visit made on 21 February 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH May 2023

Appeal Ref: APP/J1535/W/22/3301633

Land at Stoneshott, Sedge Green, Roydon, Harlow, CM19 5JR

- 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 J Messina against the decision of Epping Forest District Council.
 - The application Ref EPF/2080/20, dated 16 September 2020, was refused by notice dated 23 December 2021.
 - The development proposed is the erection of new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Epping Forest District Council Local Plan 2011-2033 (Local Plan) was adopted by the Council on 6 March 2023. Therefore, and notwithstanding the Council's decision notice, the principal policies now relevant to the appeal proposal are DM4 and T1 of the Local Plan. The appellant has been given an opportunity to comment on the adopted policies, against which I have assessed the scheme.

Main Issues

3. The appeal site is located within the Green Belt. The main issues are therefore:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - the effect of the proposal on highway safety.

Reasons

Whether inappropriate development

4. The essential characteristics of Green Belts are their openness and their permanence and thus the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The exceptions are set out in Paragraph 149 of the Framework and include (e) limited infilling in villages.

5. Consistent with the Framework, Local Plan Policy DM4 permits limited infilling, however, refers specifically to rural communities, and not villages. Whilst the Framework does not define the term infilling, according to the supporting text to Policy DM4 limited infilling means 'the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage'. It also includes infilling of small gaps within built development.
6. The proposed development relates to the erection of a single dwelling which would be limited in scale. It would occupy a small gap between two existing dwellings which, together with the wider row form a continuous built-up frontage which begins at the nearby road junction and extends past the appeal site, along Sedge Green Road in the direction of Lower Nazeing. Under these circumstances, I am of the view that the proposal would constitute limited infilling. As such, the determinative question in this appeal is whether the appeal site is located within a rural community.
7. The Council's delegated report refers to Sedge Green being semi-rural. However, it does not confirm where it sits within any settlement hierarchy or indeed whether it would be considered a rural community for the purpose of applying Local Plan policy DM4. In any case, I am mindful that case law indicates that the location of a site relative to a settlement boundary in a development plan is not conclusive to determining whether the site is within a village or not. It is for the decision maker, as matter of judgement, to decide whether the site forms part of a village, or in this case a rural community based on the site's physical characteristics, on the ground.
8. During my site visit, I noted that the area surrounding the appeal site is characterised by a mix of land uses including both residential and commercial premises which typically follow a linear pattern along the highway beyond which lies undeveloped, green space. The extent of existing development and the scale of buildings gives the impression of a more built-up area whilst the location of the site amongst existing buildings means that it is not isolated and is distinguishable from the countryside that surrounds the built form. Against this background, and in the absence of any evidence to the contrary, I am satisfied that the appeal site is located within a rural community.
9. Therefore, in concluding this matter, I find that the proposal would constitute limited infilling within a rural community. Consequently, it would not be inappropriate development in the Green Belt under the terms of Local Plan Policy DM4 or the Framework, which collectively seek to prevent urban sprawl and keep land permanently open. It follows that any associated effect on the openness of the Green Belt and purposes of including land in the Green Belt is acceptable.

Highway safety

10. Access to the proposed dwelling would be provided via a shared access off Sedge Green Road, the speed limit of which is restricted to a maximum of 40 mph. Provision would be made within the boundary of the site for the parking and turning of vehicles. The appellant's submission indicates that the proposed development, in combination with the neighbouring dwelling would likely generate 10 vehicular movements per day.

11. The Council's objection appears to rest on the consultation response from Essex Highways which indicates that the proposal would result in the intensification of an access with substandard visibility on a stretch of secondary distributor highway, the principal function of which is to carry traffic freely and safely between centres of population. The Council state that visibility splays of 2.4 m x 120 m would be required. No mention however is made of the policy or guidance which stipulates the requirement for this distance.
12. Automatic Traffic Count (ATC) surveys were undertaken outside the appeal site and recorded classified vehicle volumes and speeds in both directions. The speed surveys recorded 85th percentile speeds of 36.595 mph for northbound traffic (towards Hamlet Hill) and 38.625 mph for southbound traffic (towards Lower Nazeing). The survey findings indicate approximately 450/500 two-way flows in the morning and afternoon peak hours (10.00 to 12.00 and 14.00 to 16.00).
13. I note the appellant's suggestion regarding a 2 m and 2.2 m X distance. However, I am mindful that Manual for Streets 1 (MfS1) states that these distances should only be used in very lightly trafficked and slow speed situations. The ATC survey confirms a 'moderate' traffic flow whilst the 85th percentile speeds indicate that vehicles predominantly travel at speeds close to the 40 mph restriction. For these reasons and given the advice at paragraph 10.2.5 of Manual for Streets 2 (MfS2), I consider that the X distance of 2.4 m is more appropriate in this instance. I have therefore assessed the appeal on this basis.
14. Manual for Streets 2 (MfS2) indicates that the Stopping Sight Distances (SSD) can be applied in situations where the 85th percentile speeds are up to 37 mph. Based upon the ATC survey findings, and applying the MfS2 SSD methodology, visibility splays of 57.28 m and 62.10 m would be required in the direction of Lower Nazeing and Hamlet Hill respectively. However, the submitted drawing demonstrates that a visibility splay of 2.4 m x 55.78 m would be achievable towards Lower Nazeing whilst a 2.4 m x 41.54 m (tangible visibility splay) and a maximum splay of 2.4 m x 120 m can be achieved in the direction of Hamlet Hill.
15. Based on the evidence before me and my own observations on site, I am in no doubt that the visibility towards Hamlet Hill would be adequate. However, the visibility in the opposite direction would fall short of the required distance. Whilst I acknowledge that the demonstrated shortfall is less than 2 m, this would nevertheless reduce driver awareness of vehicles approaching the appeal site from the direction of Lower Nazeing. As such, the ability of motorists to anticipate each other's movements and stop as appropriate would be compromised which in turn would be prejudicial to highway safety. Moreover, I noted on site that there is a telegraph pole located within the verge, adjacent to the site access together with a slight curvature in the road. These factors, combined with the steady flow of vehicles observed in both directions and recorded traffic speeds, would exacerbate the highway safety issues arising from the substandard visibility splay.
16. In coming to this view, I recognise that there have been recorded traffic collisions in the vicinity of the appeal site. I also acknowledge that the proposed access would be similar to existing dwellings along Green Road.

Nevertheless, these factors do not outweigh the harm I have identified above or indeed the conflict with the development plan.

17. For these reasons, I find that the proposed development would result in the intensified use of a substandard access which would be detrimental to highway safety. The proposal is therefore contrary to Local Plan Policy T1 which, amongst other aspects seeks to ensure that development proposals do not compromise highway safety.

Other Matters

18. The appellant's evidence refers to the Council's inability to demonstrate a 5-year housing land supply however pre-dates the adoption of the new Local Plan. Indeed, the newly adopted development plan responds to the need to deliver new housing in the area through a stepped trajectory approach. In doing so, the Council is now able to demonstrate a 5-year housing land supply. Consequently, the appellant's submissions in this regard carry very limited weight. In any case, whilst the proposal would utilise a vacant plot and would be located in an area with good access to services and amenities, the provision of one additional unit whilst contributing to housing supply, would make little meaningful difference to housing supply. Therefore, this would not outweigh the harm that I have identified in respect of highway safety.
19. In reaching my decision, I have had regard to the other matters raised by the appellant, including the fact that the proposal would not affect heritage assets and would retain existing hedgerows. I also note that the Council raise no issue regarding the design of the proposed dwelling or its effect on the living conditions of neighbouring occupiers. These however are neutral factors and do not lead me to a different conclusion.

Conclusion

20. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

H Wilkinson

INSPECTOR