



Appeal Decision

Site visit made on 13 June 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/C1570/W/22/3312330

Elm Cottage, Stebbing Green, Stebbing, Essex CM6 3TE

- 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 Matthew Sowter against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2112/OP, dated 27 July 2022, was refused by notice dated 25 October 2022.
 - The development proposed is an outline application for the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is submitted in outline with all matters other than access reserved for a subsequent reserved matters application. The plans that accompanied the planning application include an indicative proposed site plan and street scene for the proposed dwelling. I have taken these indicative details into account only in so far as establishing whether it would be possible, in principle, to erect a new dwelling on the site.
3. The site adjacent to the appeal site is currently being developed for two new detached houses granted permission under applications UTT/20/3369/OP and UTT/22/1994/DFO. That site is also the subject of site allocation STEB H6 in the Stebbing Neighbourhood Development Plan 2019-2033 (SNDP).

Background and Main Issues

4. The appeal site is within the hamlet of Stebbing Green but outside the development limits of a defined settlement. It is therefore in a countryside location. However, given the proposed house would be part of a group of dwellings, I agree with the Council that it would not constitute an isolated home in the countryside for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework).
5. The main issues are therefore:
 - i. The effect of the proposal on the character and appearance of Stebbing Green and the surrounding countryside.
 - ii. Whether the unallocated site would be appropriate in principle for residential development.

Reasons

Character and appearance

6. The Council refers to Policies STEB H9 and STEB H6 of the SNDP. The SNDP does not include a Policy STEB H9 but does include a Policy STEB 9. It is clear from the Council's decision report that they have considered Policy STEB 9 of the SNDP in relation to character and appearance. Policy STEB H6 relates specifically to the adjacent site, so is not directly relevant to the effect of the appeal proposal on character and appearance. Consequently, I have considered this main issue in relation to Policy STEB 9 of the SNDP, in addition to saved Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (ULP) referred to by the Council.
7. The houses at Stebbing Green are located either side of Stebbing Green Road. Like Elm Cottage, they are generally detached and set in generous gardens that provide views between hedges and shrubs from the public realm to the open countryside beyond. Elm Cottage and other houses on the same side of Stebbing Green Road are accessed from widely spaced driveways that cross a broad grassy verge and a narrow river. The spaciousness, dispersed pattern of development, rural views and visibility of the river make a positive contribution to the character and appearance of Stebbing Green and the surrounding countryside.
8. By reducing the size of Elm Cottage's garden and filling the gap between the host property and the new houses next door, the proposal would result in a dense grouping of dwellings. This layout would be more typical of an urban setting than the rural context of the site, contrasting significantly with the prevailing pattern of development. The new access would be very close to the existing access routes to Elm Cottage and near the one formed for the new dwellings nearby. The resulting cluster of driveways would reduce the open appearance of the river and grassy verge at this end of Stebbing Green. If two-storey, the new building would also limit views of the countryside between the houses to a greater extent than the current single-storey outbuilding that occupies part of the site. These changes would detract significantly from the spaciousness and rural character of Stebbing Green in its countryside setting.
9. I note the appellant's intention to provide high quality design on the site in keeping with the building line and appearance of nearby buildings including the host dwelling. Such design details would be a consideration for reserved matters so are not within my remit in determining this appeal. In any case, from the information before me these aspects of design would not mitigate the harm I find to Stebbing Green's dispersed pattern of development and rural character.
10. For the above reasons I conclude the proposal would have a harmful effect on the character and appearance of Stebbing Green and the surrounding countryside. This conflicts with saved Policies S7 and GEN2 of the ULP and Policy STEB 9 of the SNDP, which require development to be in character with its surroundings and have limited impact on the countryside; protect or enhance the particular part of the countryside within which it is set; and be compatible with the form and layout of surrounding buildings.
11. The proposal would also be contrary to the Framework where it seeks development that takes into account the desirability of maintaining an area's

prevailing character and setting (including residential gardens); is sympathetic to local character, including the surrounding built environment and landscape setting; and recognises the intrinsic character and beauty of the countryside.

Principle of residential development

12. The appeal site is part of an existing residential plot. The SNDP includes site allocations to meet its indicative housing requirement, including STEB H6. However, both Policy H9(2) of the SNDP and saved Policy S7 of the ULP give in principle support for development of housing in countryside locations in certain other circumstances and neither policy precludes the development of new housing on non-allocated sites. Policy STEB H6 of the SNDP also does not preclude development on adjacent sites.
13. I therefore conclude the unallocated site would be appropriate in principle for residential development and there would be no conflict with Policy STEB H6 of the SNDP.

Other Matters

14. The proposal would create one dwelling which would make a modest contribution to the supply of housing and to meeting housing need in the area. This would accord with the Framework where it seeks to increase the supply of housing, support development on small sites, make effective use of previously developed land for housing, and address different types of housing need by adding to the variety of supply. However, given the proposal is only for one dwelling, these benefits are of limited weight.
15. The creation of one dwelling would result in a modest economic benefit from construction, future occupiers' use of local services and facilities including tax revenue, and provision of accommodation for local workers. This would accord with the economic aims of the Framework and its support for housing that enhances or maintains the vitality of rural communities. There would also be a slight environmental benefit from the site's access to a range of services and facilities including open space and leisure. However, given the modest scale of the proposal, I attach limited weight to each of these benefits.

Planning Balance

16. For the reasons set out above, the proposal would conflict with Policies S7 and GEN2 of the ULP and Policy STEB 9 of the SNDP. The proposal may comply with other policies in the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
17. The Council states its current five-year housing land supply stands at 4.89 years, which represents a slight shortfall. Therefore, paragraph 11(d) of the Framework is engaged. In addition, the criteria in paragraph 14 of the Framework are met because the SNDP was made within the last two years; it contains policies and allocations to meet its identified housing requirement; and, according to the government's most recent published data, housing delivery in Uttlesford exceeded 45% of that required over the previous three years. In these circumstances, paragraph 14 states the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

18. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, those harms would affect character and appearance including that of the surrounding countryside. I attribute substantial weight to these harms such that they would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. I have found that the proposal conflicts with the development plan, read as whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR