



Appeal Decision

Site visit made on 1 September 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/C1570/W/22/3312794

Land North of Mayes Place, Monk Street, Thaxted, Essex CM6 2NR

- 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 R Yeldham against the decision of Uttlesford District Council.
 - The application ref: UTT/22/0637/OP, dated 3 March 2022, was refused by notice dated 12 August 2022.
 - The development proposed is an outline application with all matters reserved, apart from access, for the residential development of 5 dwellings with associated vehicular access point from Monk Street, car parking, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is submitted in outline with all detailed matters reserved apart from access. Indicative layout and parameter plans have been submitted as part of the planning application. I have considered them only in so far as determining the principle of erecting five dwellings on the site.

Main Issues

3. The main issues are (i) whether the proposal accords with development plan policies relating to the location of residential development in the area; (ii) the effect of the proposal upon the character and appearance of the area, and (iii) the effect of the proposal upon the setting of designated and non-designated heritage assets.

Reasons

Locational sustainability

4. The appeal site falls outside a defined village envelope in the Uttlesford Local Plan 2005 (LP). Residential development on the appeal site would not accord with the locational and settlement hierarchy requirements for housing development as outlined in policies S7, H1 and H3 of the LP, as well as policies TX LSC4 and TX LSC1 of the Thaxted Neighbourhood Plan 2019 (TNP). This weighs against allowing the proposed development, although, as detailed below, the weight afforded to the proposal's conflict with these policies is diminished owing to the undisputed evidence that the local planning authority (LPA) is unable to demonstrate a five-year supply of deliverable housing sites and as such, policies are a constraint on the supply and delivery of housing in

the area. Furthermore, policy S7 of the LP seeks to protect the countryside for its own sake and so this policy is out of date as, to this extent, it conflicts with the less restrictive chapter 12 of the National Planning Policy Framework 2023 (the Framework) relating to residential development in the countryside.

5. Notwithstanding the above, the evidence before me does not demonstrate that there are very frequent bus services near the site; the evidence is that some services are every two hours and on a 'hail a ride' basis) or that there are a reasonable level of local amenities and services in the settlement to meet day to day requirements. The appellant states that bus route 6 can be accessed by a 15 minute walk to the end of Folly Mill Lane, but I am not persuaded that occupiers of the proposed dwellings would be likely to undertake this journey on a regular day to day basis, particularly as the route is unlit and devoid of footpaths.
6. I acknowledge the appellant's proposal relating to the extension of footway into the highway which would allow a pedestrian crossing point to be provided to a formalised bus stop at Monk Street. This is a matter that could be addressed by condition. Nonetheless, this would not in itself seek to improve bus service provision and would not address the limited range of amenities and services in the local area.
7. The appeal site is about 1.5 miles from amenities and services in Thaxted town. The roads to this settlement are mainly unlit and without footpaths. Taking into account the evidence before me relating to bus service provision, I find that a high level of car dependency would be very likely for occupants of the five dwellings. Overall, I do not find that the site offers a reasonable choice of means of sustainable transport for occupiers of the proposed dwellings.
8. I conclude that the proposal would not accord with the locational requirements for the provision of housing in the area and hence there would be an 'in principle' conflict with the locational requirements of policies S7, H1 and H3 of the LP. In addition, I conclude that the proposal would result in heavy car dependency at odds with the sustainable transport requirements of chapter 9 of the Framework.

Character and appearance

9. The appeal site is undeveloped and is part of a larger agricultural field. There are mature hedges and trees fronting Monk Street and the land is at a higher level to this road. This is a small settlement with the majority of built development located to the west of Monk Street.
10. There is some development to the east of the road including residential development at Mayes Place immediately to the south of the appeal site. To the passer-by, however, there is a noticeable difference between the mainly linear pattern of residential development to the west of Monk Street and the more open and rural character of the land to the eastern part of the street at this point. The latter, and up to the Farmhouse Inn which is a grade II listed building, has a noticeable visual association with the open countryside to the east and that beyond the B184. It is experienced as offering some welcome and characterful relief to the otherwise built form along Monk Street.
11. While the submitted layout plan is indicative, it nevertheless illustrates how the site might be developed for five dwellings with associated garages and

gardens. The development would be positioned on elevated land and I find that it would unacceptably erode the more rural and undeveloped character of Monk Street which adds positive and distinctive character to the settlement. While the harm caused to the character and appearance of the area would be localised, I nevertheless conclude that in principle the proposal would fail to accord with the design, character and appearance requirements of paragraph 174(b) of the Framework and policies TX LSC1, TX HD1 and TX HD10 of the TNP.

Setting of designated and non-designated heritage assets

12. The appeal site is opposite 'Glendale' (in residential use) which is a Grade II listed building and 'The Cottage' and 'Morden Cottage' which are non-designated heritage assets. To the north of the site is the 'Farmhouse Inn' which is a grade II listed building. While the submitted layout plan is indicative, it shows landscaping on the northern boundary of the appeal site. It is proposed to retain existing landscaping along the boundary with Monk Street. Some indicative tree planting is proposed within the residential site.
13. The significance of the listed buildings relates to their architectural appearance and age. The appeal site, in conjunction with the adjacent field, provides a soft, open, and undeveloped edge to these listed buildings. There are hedges/trees which partly interrupt views from these buildings, particularly in the summer months, but to the passer-by the appeal site and adjacent field is devoid of buildings, and hence it does not visually compete with the designated and non-designated heritage assets. The appeal site and other agricultural land adds positively to the significance of the designated and non-designated heritage assets. In respect to them the proposed development would unacceptably sever the link between such assets and the open landscape setting.
14. The Farmhouse Inn is seen in the landscape setting as being visually distinct and secluded from the other built form in Monk Street. Bringing built development closer to this listed building and beyond that existing at Mayes Place would, in my judgment, have the effect of causing harm to the undeveloped and countryside setting that is positively afforded to this listed building.
15. For the above reasons, I find that the proposed development would not preserve the setting of designated and non-designated heritage assets. In respect of the harm caused to the designated heritage assets, it would be less than substantial.
16. There would be public benefits arising from the proposal including the provision of affordable homes and the provision of market housing in the context that the LPA is unable to demonstrate a deliverable five-year supply of housing sites. However, neither this, nor the provision of new or retained landscaping, would outweigh the less than substantial harm caused to the significance of the designated heritage assets. Furthermore, the scale of harm to the setting of the non-designated heritage assets, given the position and proximity of the proposed development, is such that the identified benefits would not outweigh the harm to significance.
17. For the above reasons, I conclude that the proposal would not accord with the conservation and heritage requirements of LP policy ENV2, policies TX HD10, TX LSC4 and TX HD1 of the TNP and chapter 16 of the Framework.

Other Considerations

18. There is no dispute between the main parties that the LPA cannot demonstrate a five-year supply of deliverable housing sites. When the planning application was determined, the LPA stated that it could demonstrate 3.52 years whereas the LPA now states, as part of the appeal, that it is 4.89 years based on a '5 year land supply statement and housing trajectory' statement published in December 2022. The appellant has referred me to an appeal decision¹ where the Inspector indicated that the supply was 2.68 years, but this decision was dated February 2022. At final comments stage, the appellant makes reference to 4.0 years. For this appeal, I have assumed a worst case scenario of 2.68 years supply. In this context, the provision of dwellings would make a positive, albeit modest, contribution to the undersupply position.
19. The appellant has submitted a completed planning obligation that would provide two affordable dwellings on the site. The evidence before me indicates that there is a need for affordable housing in the district. The provision of affordable housing on the site is a benefit to weigh in the overall planning balance, although I note the views of the LPA that there is no specific policy requirement to provide affordable housing on the site, and, furthermore, that affordable housing should also be provided in sustainable locations.
20. In addition to the above, I give some positive economic weight to the fact that residents would support existing facilities and services in villages and settlements in the nearby area. Furthermore, the proposal would result in some construction employment, although this benefit would be short lived.
21. I acknowledge the supportive comments made by other interested parties, but these do not overcome or outweigh the identified conflict with the development plan and the Framework. The appellant has referred me to other appeals for residential development in the wider area. However, these appeal developments are not directly analogous, and, in any event, I have determined this appeal upon its individual planning merits.

Planning Balance and Conclusion

22. I have found that the proposal would not accord with the housing strategy for the area in terms of the location of housing. In this regard, there would be conflict with identified development plan policies. However, these policies are constraining the supply of housing in the context that the LPA cannot demonstrate a deliverable five-year supply of housing sites for the area. Furthermore, policy S7 of the LP is not consistent with the Framework and so it is out of date. Therefore, I afford the proposal's conflict with the housing strategy to be of limited weight in decision making terms.
23. I have concluded that the proposal would be likely to lead to a high level of car dependency and that there would not be a reasonable choice of alternative and sustainable modes of transport for all users. Furthermore, significant harm would be caused to the character and appearance of the area. Less than substantial harm would be caused to the settings of designated heritage assets and harm to the settings of non-designated heritage assets and hence to their significance.

¹ APP/C150/W/21/3276808 dated 25 February 2022

24. On balance, and for the reasons outlined above, I conclude that the proposal would neither accord with the development plan for the area as a whole and nor would it accord with the Framework in so far that it would not deliver sustainable development. None of the other considerations raised outweigh this conclusion. Consequently, the appeal should be dismissed.

25. *S. Hartley*

INSPECTOR