



Appeal Decision

Site visit made on 21 August 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/C1570/W/22/3312936

White House Cottages, Dunmow Road, Stebbing, Essex CM6 3LD

- 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 B and J Moore and Judd against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2157/OP, dated 1 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is the construction of a new dwelling with access to be considered.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access of the development but not for its scale, layout, appearance and landscaping. Drawings have been submitted showing the proposed access along with a layout, floor plans and elevations. I have treated the layout, floor plans and elevations as illustrative.
3. The application form states that the appeal site is Land to south of White House Cottage, whereas the decision notice refers to the site as Land rear of Stane House. The appeal form then refers to the site as Land rear of 1 White House Cottages. I have taken the address from the application form as this is sufficiently precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.

Main Issues

4. The main issues are:
 - whether the site is an appropriate location for the proposed development having regard to the development strategy and accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Appropriate location

5. The proposal seeks outline planning permission for a single dwelling. Policy S7 of the Uttlesford Local Plan (2005) (ULP) restricts new development to that

which needs to take place in the countryside or is appropriate to a rural area, including infilling. ULP Policy S7, which seeks to restrict new building in the countryside to development that needs to take place there, is appropriate to a rural area, or is infilling. In addition, policy HN5 of the Felsted Neighbourhood Plan (FNP) supports residential development in specific circumstances.

6. The appeal site is located outside of the defined settlement boundary of Felsted and is therefore in the countryside. The site is located to the rear of properties fronting Dunmow Road (the B1256) and comprises a triangular parcel of land. The land is unkempt and is separated from the primarily residential nature of the adjacent properties. In addition, the site is devoid of any development and on this basis would not fall within the Framework's definition of previously developed land. Although there are three properties adjacent to the site, they are physically separated and remote from the nearest settlement. Accordingly, the development would result in an isolated dwelling, which the Framework seeks to avoid. Furthermore, the appeal site is not within a built-up frontage and the proposal is therefore not infilling.
7. The site is located a significant distance away from the nearest settlements of Felsted and Rayne. No substantive evidence has been provided as to the extent of services and facilities in these villages and whether these would meet the day-to-day needs of future occupants of the proposed development.
8. Within a previous appeal¹ at the site, the Inspector noted there were some sustainability credentials in respect of its location, by reason of its proximity to bus services to neighbouring towns and the availability of some local facilities, including a small convenience store at a nearby garage, restaurant and post box. However, these limited credentials are tempered by the narrow width of the footpath, which is on the opposite side of Dunmow Road, the lack of streetlighting and the higher speed of vehicles using the road. Therefore, the attractiveness of accessing these facilities and services by foot or bicycle is reduced. Consequently, future occupants would be reliant on private vehicles to access facilities and services in larger settlements.
9. I therefore conclude that given the location of the appeal site in the countryside the proposed development would not be appropriate. The proposal would therefore conflict with ULP policy S7. In addition, the proposal would not comprise any of the exceptional circumstances set out within FNP policy HN5 and would therefore be in conflict with that policy.
10. Furthermore, the proposal would result in an isolated home in the countryside, which the Framework seeks to avoid. The development would not comprise any of the circumstances set out in paragraph 80 and therefore the development would conflict with the Framework.

Character and appearance

11. The appeal site is located to the rear of existing properties fronting Dunmow Road on a parcel of land bounded by a road, which loops around the site. Development in the surrounding area is sporadic and predominantly fronts onto Dunmow Road.
12. The locality is characterised by open fields bordered by native hedgerows and trees, including those adjacent to the appeal site. These features provide a

¹ APP/C1570/W/15/3136597

break in the open views of the surrounding area. The trees and hedges screen the site, particularly in views on the approach from Rayne, however the site is more prominent in views from the direction of Stebbing.

13. The proposal is for a single dwelling and whilst in outline form, the indicative plans show that the dwelling would front onto the road, which loops around the site. Although the existing development, large conifers and cluster of trees would screen the development from Dunmow Road, the proposal would be visible on the approach from Stebbing and would further consolidate the built form in this location. The character of the small scale sporadic nature of existing development, which is typical to the surrounding area, would be eroded by the encroachment of the proposal into the open countryside.
14. I conclude that the proposal would harm the character and appearance of the area and conflict with ULP policies S7 and GEN2, which require proposals to protect or enhance the particular character of the part of the countryside within which it is set, and it is compatible with its surroundings, and paragraph 174 of the Framework that recognises the intrinsic character and beauty of the countryside.

Other Matters

15. The proposed development would deliver a single dwelling, which would provide a boost to the supply of housing. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in surrounding settlements.
16. I have considered the appeal decision at Radwinter Road, Ashdon². It is noted that the Inspector concluded that there would be harm in terms of the location of the development and on the character and appearance of the area. However, they concluded that planning permission should be granted in the particular circumstances of that case, including the benefit of the glassblowing workshop element. Similarly, I will consider the particular circumstances before me in coming to my conclusion.
17. I have also considered the planning permissions granted at Hempstead³, Radwinter⁴, Mill Road, Felsted⁵ and Watch House Farm, Felsted⁶. I have been provided with limited details, such that I am only able to attach limited weight to these. In any event, I need to consider this case on its individual merits.
18. In addition, I have considered the appeal decisions at The Vale, Takeley⁷. I note that the Inspector concluded that planning permission should be granted in the particular circumstances of that case as the harm was outweighed by other factors, as I will. I note that the Inspector considered that the sites were close to the village of Takeley, and were therefore not considered to be isolated, so differ from this case.

² APP/C1570/W/21/3287385

³ UTT/21/2412/OP

⁴ UTT/19/1882/OP

⁵ UTT/22/2200/FUL

⁶ UTT/22/2187/OP

⁷ APP/C1570/2/22/3297855 & APP/C1570/W/22/3297857

Planning Balance

19. I have identified that the proposal would harm the character and appearance of the surrounding area and in respect of the suitability of the location of development. The proposed development would conflict with ULP policies S7 and GEN2 and FNP policy HN5. Although it may not conflict with other policies, there would be a conflict with the development plan as a whole.
20. I have identified that site is not a suitable location for the development proposed and I attribute significant weight to this given the conflict with the development plan and the Framework. The proposal would also harm the character and appearance of the surrounding area, to which I attribute moderate weight.
21. There is no dispute between the parties that the council is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The appellant states that the Council has a 4.89 year supply, which is not substantially below the required level of five years. Paragraph 11 d) of the Framework explains that in these circumstances the policies which are most important for determining the application are out-of-date. In this instance, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposal would conflict with the FNP policy HN5. The FNP was adopted in 2020. As the FNP is over two years old, the balance in respect of paragraph 14 of the Framework does not apply given the conflict with point a).
23. The provision of a single home would boost the supply of housing in the area and would provide social and economic benefits. However, these benefits are minimal and can only be afforded limited weight due to the small scale of the proposal.
24. Consequently, the adverse impacts of the development, in respect of the effect of the proposal on the character and appearance of the surrounding area and the suitability of the location would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR