



Appeal Decision

Site visit made on 22 August 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/C1570/W/23/3314506

The Lodge, Elsenham Road, Stansted CM24 8SS

- 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 Jan Medwell against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2861/OP, dated 13 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the erection of a single detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with all matters reserved. I have dealt with the appeal on this basis and treated any additional information as being indicative only.

Main Issues

3. The main issues are i) whether future occupiers of the proposed dwelling would have adequate access to services and facilities without undue reliance on private car use; and ii) the effect of the development on the character and appearance of the countryside.

Reasons

Location

4. The site is located in the open countryside and is detached from any built-up area. The centre of the nearest settlement of Stansted Mountfitchet is approximately a 10–15-minute walk from the site. It has a good range of facilities, including public transport to larger nearby settlements and major employment sites.
5. Whilst I acknowledge that 10–15 minutes is not an unreasonable walking distance, it is also important to consider the nature of the route. The B1051 Elsenham Road, which runs between Stansted Mountfitchet and Elsenham, has a 60mph speed limit. It has no street lighting, and no bus stops within the vicinity of the site. Although there is a footpath along one side of the road, it is too narrow to accommodate both pedestrians and cyclists. The route to and from Stansted Mountfitchet, is also steep and narrow in parts, which is likely to further deter walking and cycling.
6. Although I am advised that numerous public rights of way exist nearby, I have not been provided with any information to identify where these are, if they

provide a shorter or more convenient route to services and facilities, or whether they would be suitable and accessible to all users, at all times. I also note that the appellant walks to Stansted Mountfitchet and I do not dispute that it is feasible to do so. However, this does not alter the fact that walking or cycling along a busy unlit road would be undesirable, and it is therefore more likely that most journeys to and from the site would be made by private car.

7. I have limited evidence before me regarding the availability of door-to-door school transport and the eligibility requirements relating to it. The link provided suggests only those children living over 2 or 3 miles from school (depending upon age) would qualify. In any event, the availability of this would not outweigh the fact that new dwellings should be located within or adjoining existing settlements, close to schools and other services and where such facilities can be safely accessed on foot. Whilst the availability of school transport may negate the need for additional private car journeys by the occupiers of the dwelling, this is somewhat counterproductive in terms of reducing emissions if it increases the number of dwellings requiring private home to school transport.
8. Despite recent increases in home working, there is no guarantee that all future occupiers of the proposal would work from home or that this would significantly reduce the number of times they would use their cars to access other services such as shopping, education, leisure and health care, which may previously have been linked with journeys to work.
9. Whilst I acknowledge that paragraph 105 of the Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I have not been provided with any evidence of any regular public bus services that can be accessed without first walking along the narrow unlit footpath into Stansted Mountfitchet.
10. I therefore conclude that future occupiers of the proposed dwelling would not have adequate access to services and facilities without undue reliance on private car use. The proposal is therefore contrary to policy GEN1(e) of the Uttlesford Local Plan (January 2005) (the local plan), which seeks to encourage movement by means other than driving a car.

Character and appearance

11. The site lies within an area that is characterised primarily by open fields and areas of woodland. It falls within a designated important woodland area, within the open countryside. Where dwellings do exist, they sit within large spacious plots, located sporadically along Elsenham Road and the wider area. The site itself, forms part of an open and undeveloped grassed area surrounded by trees.
12. The application was submitted in outline form with all matters reserved. However, the supporting information advises that the dwelling is likely to be a two-storey, four-bedroom, family home of traditional design in keeping with The Lodge and other nearby dwellings.
13. The existing dwelling sits in extensive grounds, and the proposal would not infill a gap between existing properties. It would instead extend the line of dwellings located along Elsenham Road.

14. Whilst I acknowledge that the site could potentially fall within the definition of previously developed land, I afford this very limited weight given its current appearance and the absence of any existing buildings or structures within it. Large gardens are an important part of the rural character of this area and the site would not in my view constitute underutilised land.
15. The proposed new dwelling would be set well back from the public highway and would be partially screened by the surrounding trees, which would reduce its visual impact to some extent. However, the long-term future of the trees cannot be guaranteed, and any new landscaping would take some time to mature and become effective.
16. I am aware that the Framework encourages good design, but in this case, I am considering the principle of a dwelling in this location as opposed to considering its design, which is reserved.
17. The change in character from an undeveloped area of informal garden land to a new dwelling together with associated hardstanding, would not positively contribute to the largely open and undeveloped character of the site and its surroundings.
18. I therefore conclude that a new dwelling in this location would harmfully detract from the character and appearance of the woodland area and surrounding largely undeveloped countryside. The proposal is therefore contrary to Policy S7 of the local plan, which seeks to restrict development in the countryside to that which needs to be located there, and to ensure that it protects or enhances the character of the countryside within which it is set.
19. The proposal also conflicts with paragraphs 130 and 174 of the Framework in so far as they relate to ensuring new development is sympathetic to local character and its landscape setting, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Other Matters

20. My attention has been drawn to other appeal decisions and other approvals by the Council. However, from the information provided I am unable to compare those proposals to the one currently before me, in terms of accessibility to services and facilities, or their effect on the character and appearance of the area. I have therefore dealt with this appeal on its own merits. I acknowledge that the site is not isolated, and I note that the reason for refusal does not suggest this, although the Council's report does.
21. I have had regard to paragraphs 78 and 79 of the Framework, however, the proposal would not provide affordable housing to meet an identified local need and given its location, which is not within or adjoining a village or settlement, it would not enhance or maintain the vitality of a rural community.
22. The appellant has pointed out that if the land is residential curtilage, it would benefit from permitted development rights. Whilst this may be the case, there is nothing before me to suggest that the appellant requires or is likely to erect a large incidental outbuilding on the site. In any event the size and use of such a building would be restricted by legislation and would not be subject to planning policy considerations. I therefore give this very limited weight.

23. The Council accepts that it has less than a five-year supply of housing land. Consequently, paragraph 11(d) of the Framework, is engaged. This advises that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
24. The proposal would generate localised employment benefits associated with its construction and ongoing maintenance. Future occupiers of the dwelling may also utilise services and facilities in nearby settlements, which would contribute to their vitality and viability. However, as such benefits for a development of this scale would be very modest, I afford this limited weight.
25. The proposal would create a new dwelling a short distance from Stansted Mountfitchet. However, given its poor accessibility to the settlement, along a narrow unlit footpath adjacent to a busy main road, I afford the social benefits of a single dwelling in this location limited weight.
26. The application was supported by an Ecological Appraisal, Tree Report and Tree Protection Plan to demonstrate that the proposal would not result in harm to any existing trees or wildlife and that biodiversity enhancements could be provided. I also note that no heritage assets would be affected. As these are requirements of any new development, they are neutral matters and do not weigh in favour of the proposal.
27. The site may well fall within the definition of previously developed land and the proposal could be built out quickly. However, there would be little, if any, sustainability benefits to developing this windfall garden site, which is not within an existing settlement, and the contribution of a single dwelling to the housing land supply would be minimal. As such I afford these matters limited weight.
28. When assessed against the policies in the Framework taken as a whole, the adverse impacts of the development in terms of its location and effect on the character and appearance of the area, would significantly and demonstrably outweigh the modest benefits of the proposal.

Conclusion

29. I conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR