



Appeal Decision

Site visit made on 1 November 2023

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/C1570/W/23/3316166

Pond Farm, Dunmow Road, Duck End, Stebbing, Essex CM6 3BS

- 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 Haigh of Indigo Ventures Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2409/OP, dated 30 August 2022, was refused by notice dated 25 October 2022.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is for outline permission with details of means of access submitted for consideration. An indicative layout plan was submitted with the application, and I shall consider that plan on this basis.

Main Issue

3. The main issue is the acceptability of the proposed dwelling in the countryside, including its effect on the character and appearance of the area.

Reasons

4. The appeal site is an area of open scrubland which is adjacent to a farmhouse and small group of barns at Poplar Farm which have been converted to dwellings. It is in the open countryside outside any settlement. Access to the site is via a drive extending from the B1057 road.
5. Policy S7 of the Uttlesford Local Plan (2005) (LP) resists development in the countryside outside settlements but allows for infilling. Policy STEB9 of the Stebbing Neighbourhood Plan (2022) (NP) similarly allows for infill development in the countryside.
6. There are paddocks and a riding arena on two sides of the site and a field on the third side. The access drive and parking area of the adjacent dwelling, together with its garden, is on the fourth side of the site. The land surrounding the site is open notwithstanding its use on three sides in association with adjacent dwellings. The site does not lie within the group of buildings at Poplar Farm but is adjacent to that group. The proposal would not therefore infill any gap in that group of buildings. The proposal would not accord with Policy S7 of the LP or Policy STEB9 of the NP.

7. The appellant advises that the Council's *Housing Trajectory and 5-Year Land Supply Statement (December 2022)* identifies that the Council has a 4.89-year housing land supply. Because this is less than five years, Policy S7 is deemed to be out of date and the presumption in favour of sustainable development in paragraph 11(d) of the National Planning Policy Framework (the Framework) applies.
8. Policy S7 is also not fully consistent with the Framework in that it requires protection of the countryside for its own sake and takes a more restrictive approach to development in the countryside than that in national policy. Only limited weight can be given to the conflict with that policy.
9. Policy STEB9 of the NP is up to date, the plan having been made in July 2022. It includes policies and allocations to meet its identified housing requirement. The Housing Delivery Test result for the Council measured in 2021 was 99%. Given the level of housing land supply, and having regard to paragraph 14 of the Framework, the conflict with Policy STEB9 of the NP weighs significantly against the proposal.
10. The site is set back from the road and views from the road are screened by trees and vegetation. However, I saw on my visit that the site occupies high ground and that it is generally visible across the wider landscape. Although the dwelling would be adjacent to the existing group of buildings at Poplar Farm it would result in an extension of built form into the open countryside. In the wider setting, the dwelling would be visually intrusive and out of character.
11. The Framework states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The supporting text to Policy S7 of the LP states that open elevated areas with long views to ancient woodland are typical of Uttlesford and particularly sensitive. The development would not accord with the Framework and would result in unacceptable harm to the character and appearance of the area.
12. Policy GEN2 of the LP sets out design requirements which include ensuring development is compatible with surrounding buildings, safeguarding of environmental features and reducing visual impact. Because details of the appearance, landscaping, layout and scale of the development are not part of the application I do not find that the proposal would necessarily conflict with that policy.
13. The farmhouse and farm buildings at Poplar Farm are listed at Grade II. I noted that those buildings are not visible from the site because of intervening vegetation and the adjacent dwelling. For this reason, their settings would not be affected by the proposal and there would be no harm to those heritage assets.
14. There is sporadic development along the B1057 which is known as Duck End. Because of the extent of open land between the site and the nearest development on the road, the site does not fall within any recognisable settlement. It is about 1.6km or more from the village of Stebbing. The appellant has pointed out that there is a footpath which joins the B1057 a short distance from the site entrance and which connects with Lindsell Lane, giving access to a farm shop which is about 1.2km away. There is also a bus stop further along the B1057 at its junction with Lindsell Lane.

15. The B1057 does not include any facility for pedestrians or any street lighting. It is subject to the national speed limit. This would not provide a safe or suitable pedestrian route. For these reasons, travel to access services and facilities on foot or by public transport would not be safe or convenient. It may be possible to access services and facilities by bicycle, and transport is available to Stebbing Primary School, but it is likely that the occupiers of the proposed dwelling would be highly reliant on the private car for transport for the majority of journeys.
16. I have found that the proposed dwelling would be unacceptably harmful to the character and appearance of the area. It would also be an unsustainable form of development in terms of its lack of accessibility by sustainable means. For these reasons the proposal would be an unacceptable form of development in the countryside.
17. The development would be of limited social benefit in providing a single dwelling which would make a limited contribution to housing land supply. It would contribute to the economy in terms of providing employment during construction and through expenditure by its occupiers. I give limited weight to those benefits. It is intended to provide for a net gain in biodiversity but no details in this respect have been provided and I cannot give material weight in this regard.
18. On the other hand, the development would result in unacceptable harm to the character and appearance of the area and in terms of its lack of accessibility to services and facilities by sustainable means. I give significant weight to those harms. The conflict with Policy STEB9 of the NP also weighs significantly against the proposal.
19. The appellant has referred to other decisions made by the Council and by Inspectors at appeal. Because the site-specific circumstances of individual applications vary, those other decisions do not alter my conclusions.
20. I have taken into account the limited use of the site for agriculture, but this does not alter my conclusion. I conclude that the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

21. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR