



Appeal Decision

Site visit made on 10 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/C1570/W/23/3319825

Providence Cottage, Sampford Hall Lane, Little Sampford, Essex CB10 2QG

- 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 and Mrs D Walker against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3363/OP, dated 8 December 2022, was refused by notice dated 31 January 2023.
 - The development proposed is outline application with all matters reserved except access for the erection of 1 no. detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence indicates the Council altered the description of the development in agreement with the appellant. The appellant has not disputed this. I have therefore taken the description of development from the decision notice.
3. The application was submitted in outline with all matters reserved, except for access. The site plan and street scene drawings are marked as indicative, and I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the site is in a suitable location for housing, having regard to settlement boundaries and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

5. The appeal site lies on Sampford Hall Lane, which is a narrow road connecting the villages of Great Sampford and Little Sampford. The host dwelling forms part of a small row of dwellings and is not physically isolated in this respect. However, it lies outside of a defined settlement boundary in the open countryside.
6. Policy S7 of the Uttlesford Local Plan 2005 (ULP) restricts development in the open countryside except where there is a need for a rural location, or it is otherwise appropriate to a rural area. The development proposed is for market

housing. It is not being advanced as a rural worker's dwelling or for any other essential rural need. There is, therefore, clear conflict with policy S7 of the ULP.

7. The site is reasonably close to Great Sampford village, which has a primary school, a church, a pub, recreational facilities and a village hall. The village could therefore provide for some of the needs of future occupants. New residents could, in return, contribute to the vitality of those services and facilities. Other nearby villages include Finchingfield, and Great Bardfield, although these settlements are further from the site than Great Sampford.
8. Great Sampford is around a 22-minute walk or a 6-minute bike ride from the site along an unlit and narrow lane with no footpath. There is very little space along the road for pedestrians or cyclists to take refuge from passing vehicles. Whilst there is also a Public Right of Way that connects the site to the village, it follows a more circuitous route than the road, across fields and along the river Pant. Therefore, whilst future occupants of the dwelling may choose to access the village on foot or by bike during the daytime and in good weather, it is likely that most journeys would be made by car.
9. For a wider range of services and facilities, future occupants would need to travel further to higher order settlements, such as Thaxted or Saffron Walden. These journeys would be frequent, despite the availability of on-line shopping services and home-based employment, which are not universally available.
10. There are only limited bus services available from Great Sampford. The evidence indicates that those that are available are aimed at specific groups such as school children or vulnerable sectors of the community. There is also some evidence of a demand response minibus. However, I have limited definitive information before me to conclude on its status and reliability. Therefore, in all probability, residents would be heavily reliant on the private car to meet their everyday needs.
11. The number of vehicle movements arising from a single dwelling might be modest, and the National Planning Policy Framework (the Framework) notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the site's poor connectivity to goods and services point to it being in a location where sustainable travel modes could not be prioritised.
12. The appellant has provided me with a number of recent planning and appeal decisions where dwellings have been permitted on sites with poor accessibility, including at Templars Farm¹ and Radwinter². In all of these cases, balanced decisions were made, which took account of other factors that were weighed against the site's poor accessibility. I shall come to my own planning balance later in this decision. However, these decisions do not alter my conclusion on the suitability of the site's location for housing.
13. I conclude that the appeal site is in an unsuitable location for housing with poor access to services and facilities. It would be contrary to policy GEN1 of the ULP which, amongst other things, requires development to encourage movement by means other than driving a car. It would also be contrary to the Framework which seeks to encourage and prioritise sustainable travel modes.

¹ Appeal decision APP/C1570/W/20/3251991

² Planning application refs. UTT/21/2412/OP and UTT/22/3395/FUL

Character and appearance

14. The site lies within the curtilage of Providence Cottage, which in turn forms part of a row of three detached dwellings on Sampford Hall Lane. The dwellings have a linear form and are separated by wrap-around gardens and driveways. The site is predominantly laid to grass, although contains some outbuildings and other typical garden items, and is bound by fencing and low-level hedging.
15. Notwithstanding the presence of trees, the site is prominent in views when approaching along the lane in both directions. The topography of the area is undulating, and the elevated position of the site allows for panoramic views across the valley and open farmland to be gained from the road. The landscape is not locally or nationally designated but it has a notably attractive and peaceful quality that has intrinsic value.
16. The indicative drawings provided by the appellant show that there is more than one way in which the proposed dwelling could be delivered on the site. It could feasibly be a modest structure with a relatively low profile that, taking account of the downward gradient, would sit at a lower height than, and be subservient to, Providence Cottage.
17. However, even at single storey, the proposed dwelling would add substantial bulk and mass to the site which would be well in excess of the typical dimensions of garden outbuildings, notwithstanding that some structures may benefit from permitted development rights. It would fill space that is currently relatively open and would block cross-valley views that can currently be enjoyed from Sampford Hall Lane.
18. Moreover, the development of the site would elongate the length of built form along the lane frontage. This would have an urbanising effect on the lane, which would become more enclosed in nature. Notwithstanding the presence of trees and other vegetation, the dwelling would be prominent in views from the street frontage and would disrupt the visual connection between the lane and the wider rural landscape to the rear of the site.
19. Overall, the development would reduce openness which would cause harm to the rural character of the area and local distinctiveness.
20. I have been directed to a number of recent appeal decisions where dwellings have been permitted in the countryside. In most of the cases cited, the Inspectors concluded the proposals would not affect the open character of the countryside, either because of restricted visibility³, the retention of undeveloped space⁴, or the amount and nature of built development in the locality⁵. I do not therefore find these appeals directly comparable to the proposal, which would restrict panoramic views across the river Pant valley and cause harm to the open character of the countryside. I also do not find the appeal decision at Templars Farmhouse⁶ to be directly comparable because, unlike the proposal, it involved replacement dwellings.
21. The proposal would cause harm to the character and appearance of the area. This would be contrary to policy S7 of the ULP, insofar as it expects

³ Appeal decision APP/C1570/W/22/3308569

⁴ Appeal decision APP/C1570/W/19/3230897

⁵ Appeal decision APP/C1570/W/20/3251991

⁶ Appeal decision APP/C1570/W/20/3264890

development to protect and enhance the character of the countryside. It would also conflict with the Framework which, amongst other things, expects development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

Other Matters

22. Given the site lies within the curtilage of a dwelling that is located outside of a built-up area, it falls within the definition of previously developed land (PDL) in the Framework. The Framework favours the development of PDL above greenfield sites and I have had regard to this in my consideration of the appeal.
23. The proposal would make a positive contribution to local housing supply by delivering an additional dwelling. This would be in accordance with the provisions of the Framework, which seeks to significantly boost the supply of homes. The Framework also recognises the contribution small sites can make to meeting housing requirements.
24. There would also be associated economic and social benefits arising, including through construction employment and increased local spending. The development could, therefore, support the vitality of rural communities in Gosfield and other villages nearby. These matters are supported by the Framework.

Planning Balance

25. The proposal conflicts with the aforementioned policies of the ULP, and with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
26. However, the parties agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates the available supply is 4.89 years. This is a minor but nonetheless significant shortfall. Consequently, because of the provisions of footnote 8, paragraph 11(d) of the Framework should be applied.
27. The site does not fall within the definition of areas or assets that are of particular importance as identified in footnote 7 of the Framework, and therefore these designations do not provide a clear reason for dismissing the appeal in accordance with paragraph 11(d)(i). Consequently, I will consider the appeal against paragraph 11(d)(ii).
28. The ULP dates from 2005 but the Framework makes it clear that weight should be afforded to policies according to their degree of consistency with the Framework, rather than their age. In that regard, the Council accepts that the Framework is more proactive in supporting housing in rural areas than policy S7 the ULP, particularly where it would meet identified local needs and would enhance or maintain the vitality of rural communities.
29. However, the Framework also expects planning decisions to contribute to or enhance the intrinsic character and beauty of the countryside, and therefore the conflict with policy S7 remains relevant in my consideration of the appeal and carries significant weight.

30. The Framework also expects development to prioritise pedestrian and cycle movements and to facilitate access to high quality public transport as far as possible. Accordingly, policy GEN1 remains pertinent to this decision, and the conflict with it carries significant weight.
31. As set out above, there would be some social and economic benefits associated with the proposal and it would be sited on previously developed land. However, the benefits arising from a single dwelling would be very modest and therefore I attach limited weight to these benefits in my consideration of the appeal.
32. No harm has been identified in other respects, including to living conditions, highway matters, biodiversity or flooding. From the evidence and my own observations, I have no reason to take a different view on these matters. The absence of harm carries neutral weight in my decision.
33. Consequently, in the particular circumstances of this case, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole.

Conclusion

34. The proposed development would conflict with the development plan when read as a whole. There are no material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified. Therefore, for the reasons given, I conclude that the appeal is dismissed.

E Catcheside

INSPECTOR