



Appeal Decision

Site visit made on 19 September 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2023

Appeal Ref: APP/C1570/W/23/3314757

**Land to the east of 39 Radwinter Road, Swards End, Saffron Walden
CB10 2LR**

Easting 557396 Northing 238440

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by S Sohya, S Bagga, S and F Naeem against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2555/PIP, dated 14 September 2022, was refused by notice dated 19 October 2022.
 - The development proposed is described as 'erection of up to six dwellings'.
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Decision

1. The appeal allowed and permission in principle is granted for residential development comprising a minimum of four dwellings and a maximum of six dwellings at land to the east of 39 Radwinter Road, Swards End, Saffron Walden CB10 2LR (Easting 557396 Northing 238440) in accordance with the terms of the application, Ref UTT/22/2555/PIP, dated 14 September 2022.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. An applicant can apply for permission in principle (PiP) for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, the application forms confirm that PiP has been sought for the erection of a minimum of four dwellings and a maximum of six dwellings. I have had regard to this range in my decision.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
5. The Council concedes that it cannot demonstrate a five-year supply of deliverable housing land. I understand that progress on a new Local Plan is not very far advanced and therefore that an updated housing requirement and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

spatial strategy is several years away. Therefore, progress on a new Local Plan in terms of its potential to address the housing land supply shortfall carries limited weight in my considerations.

Main Issue

6. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location and land use

7. The main parties do not dispute that the site is located outside the settlement boundary for Swards End and in the countryside for decision making purposes. Policy S7 (The Countryside) of the Uttlesford Local Plan (2005) (LP) states that the countryside will be "*protected for its own sake*" and that '*planning permission will only be given for development that needs to take place there, or is appropriate to a rural area...There will be strict control on new building*'.
8. Firstly, Policy S7 it is more restrictive than the National Planning Policy Framework (the Framework) which confirms that in rural area areas decisions should be responsive to local circumstances and support housing developments that reflect local needs. Secondly, my attention has been drawn to a recent decision on a planning application² which was taken directly by the Planning Inspectorate as a result of Uttlesford District Council being in special measures. This indicates that Policy S7 was predicated on an assessment of housing demand which no longer exists. I agree with the Inspector in that instance, that in the absence of a suitable housing land supply the boundaries of settlements next to the countryside should be flexible and not impede the delivery of much needed housing. Therefore, I attach very limited weight to the locational requirements of Policy S7.
9. It is common ground that the site is not isolated given its position adjacent to the ribbon development on Radwinter Road. Occupiers of the proposal would have convenient access to the limited facilities in Swards End which include a church, playing fields and a village hall. I understand that the village hall offers a range of activities including a baby group, village clubs and societies. Use of these facilities would accord with Paragraph 79 of the Framework for housing to be located where it will enhance or maintain the vitality of rural communities.
10. I accept that Swards End does not itself offer a wide range of services and facilities, sufficient to meet the day-to-day needs of its residents. The Council and third-parties have referred me to an appeal decision at Land to the South of Radwinter Road, Swards End in 2021³ (2021 appeal) which was dismissed and took account of this. However, that particular site was on the opposite side of Radwinter Road and did not have the same relationship as the appeal site in terms of its relationship with the existing settlement pattern at Swards End and the public footpath on Radwinter Road. Therefore, I do not find that the balance of considerations in that instance, including matters of character and appearance, were identical to the appeal proposal.

² Ref: S62A/2022/0012

³ Appeal Ref: APP/C1570/W/20/3251713

11. Furthermore, the Inspector that dealt with the 2021 appeal recognised that there would be a reasonable opportunity to cycle to Saffron Walden, albeit this would likely account for a modest level of trips. The evidence before me also indicates that there are bus services operating close to the site as well as a separate school bus service.
12. The limited frequency of bus services and the distances involved for walkers and cyclists to Saffron Walden limits the extent to which the development would respond to criteria e) of Policy GEN1 (Access) of the LP which seeks to encourage movement by means other than driving a car. Even so, any conflict with this policy is tempered as the public bus service, walking and cycling routes nevertheless represent sustainable transport options to Saffron Walden. Indeed, Paragraph 105 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between urban and rural areas.
13. Moreover, my attention has been drawn to more recent approvals for residential development in the District. The appeal decision at Land South of (East of Griffin Place) Radwinter Road⁴ identified the key facilities that Saffron Walden has to offer such as convenience shopping (Tesco superstore) hospital, schools, gym and leisure and fitness facilities. Therefore, there is a good range of facilities at Saffron Walden. Even if the private motor vehicle would be the most convenient mode of transport, Saffron Walden is a short drive and the use of such facilities would resonate with Paragraph 79 of the Framework which recognises that development in one village may support services nearby.
14. Furthermore, in granting planning permission for a dwelling at 13A Walden Road, Swards End⁵ the Council found that the bus and footpath links between Saffron Walden made it satisfactory in accessibility terms. Given the appeal site's location adjacent to the settlement and the footpath on Radwinter Road, as well as its close proximity to a bus stop, I find it is comparable to that planning permission and this further persuades me that the appeal site would also have satisfactory access to services and facilities.
15. In addition, Policy GEN1 does not take into account the requirement at Paragraph 112 of the Framework for development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. In this particular regard, I accept the appellant's point that the TDC stage could consider whether such provisions should be made and this has the potential to add to the site's sustainability and accessibility credentials.
16. Taking all the above matters into consideration, I find that the location of the site and the proposed residential land use would be acceptable in this instance having regard to its position immediately adjacent to the existing settlement and its satisfactory levels of accessibility to the services and facilities that Swards End and Saffron Walden have to offer. Any conflict with the requirement in Policy GEN1 of the LP to encourage movement by means other than driving a car would be limited and I find that the proposal generally accords with the requirements at Paragraphs 79 and 105 of the Framework.

⁴ Appeal Ref: APP/C1570/W/22/3296426

⁵ LPA Ref: UTT/22/2068/FUL

Amount of development

17. Paragraph 174 of the Framework aims to ensure that planning decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. Notwithstanding my concerns that Policy S7 is inconsistent with the locational requirements of the Framework, it is broadly consistent with the Framework insofar as it seeks to protect the character of the countryside and this aspect of the Policy therefore attracts moderate weight in my considerations.
18. The site comprises part of a vegetated field. Its natural appearance is consistent with the prevailing rural surrounds of Swards End. Even so, it is well contained by mature perimeter vegetation to the north. Furthermore, this section and side of the road is heavily influenced by the existing ribbon development on Radwinter Road and the site relates to a limited section of the road frontage between the end of the existing dwellings and a sharp bend in the road. These factors combine to limit the site's scenic quality.
19. The proposal would inevitably change the natural attributes of the site to a developed appearance. However, there would be scope at the TDC stage to minimise any visual effects through the layout, scale and design of each property together with an appropriate landscaping scheme. The location plan provided also indicates that the shape of the site, its relative alignment and the amount of development proposed would likely result in plots which would be reflective of the existing development pattern on Radwinter Road. Consequently, the amount of development proposed would result in a minor and contained incursion into the countryside which could be designed to read as a logical extension to the settlement when experienced within the wider landscape.
20. Accordingly, I find that the amount of development proposed could in principle respond to the existing development pattern and any visual effects would be localised. In these respects, any conflict with the character and appearance requirements of Policy S7 and the Framework would likely be no more than limited.
21. In the context of the maximum six dwellings proposed, the number of private motor vehicle journeys is unlikely to have a severe impact on the capacity of the local road network and the provision of safe means of access is a matter for the TDC stage. I also note that the Highway Authority has raised no in principle objections. Without any objective evidence to suggest otherwise, I therefore find that in principle the amount of development proposed could also meet the access requirements of Policy GEN1 of the LP.

Other Matters

22. Third-parties have raised several concerns, including that local infrastructure such as doctors, dentists, schools, water supply and sewerage have insufficient capacity to cater for the development. Furthermore, there are concerns that the proposal would result in a loss of agricultural land and that it could also have detrimental effects on habitats, trees and levels of pollution. However, the site is not in active agricultural use and there is no objective evidence before me to suggest that the development would have a tangible effect on the supply

of best and most versatile agricultural land. In any case, this and the other matters detailed are for consideration at the TDC stage.

23. Concern has also been raised that the proposal would set a precedent for further residential development outside the settlement boundary and that it would contravene an Article 4 Direction in place in the area. However, each proposal should be considered on its own merits. Furthermore, from what I have seen the Article 4 direction relates to permitted development rights and the Council has confirmed that it does not restrict or prevent the development of permanent housing. On this basis, the existence of the Article 4 Direction has not had a bearing on my assessment of this appeal.
24. The Council has suggested a single condition relating to a timescale for implementation in the event that I was to allow the appeal. The Planning Practice Guidance makes it clear that it is not possible for conditions to be attached to a grant of PiP, whose terms may only include the site location, the type and amount of development.

Planning Balance and Conclusion

25. The Council has conceded that it cannot currently demonstrate a 5-year supply of deliverable housing sites. The evidence before me indicates that this stood at 4.89 years supply as of December 2022. Without any detailed evidence to indicate an alternative level of supply, I have applied this figure for the purposes of my decision. Therefore, Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged.
26. In the context of the Government objective to significantly boost the delivery of housing, up to six dwellings would make a positive contribution towards the provision of housing in the area. There would also be social and economic benefits through the construction of the dwellings and through the future contributions of occupants of the development to the services and facilities in the area. Collectively, these matters attract significant weight in favour of the development.
27. I have concluded that in principle the location, land use and amount of development would be generally acceptable and that any conflict with the requirements of the Framework and Policies S7 and GEN1 of the LP would be no more than limited. This also takes into account the level of consistency of the policies of the LP with the Framework.
28. Applying the tilted balance, the impacts of the proposal would not therefore significantly and demonstrably outweigh the benefits identified. Permission in principle should therefore be granted.
29. For the reasons given above, I conclude that the appeal should be allowed.

M Russell

INSPECTOR