

Appeal Decision

Site visit made on 19 December 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.01.2024

Appeal Ref: APP/C1570/W/23/3324393

Tarcquita, Braintree Road, Felsted, Essex CM6 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Greathead against the decision of Uttlesford District Council.
 - The application Ref UTT/23/0793/FUL, dated 24 March 2023, was refused by notice dated 9 May 2023.
 - The development proposed is demolition of existing structures and erection of 6 bed family home and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have had an opportunity to comment on the relevance of the revised Framework to the appeal.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the appeal site and the surrounding area.

Reasons

4. The appeal property is a detached bungalow and outbuildings with a frontage on the B1417 Braintree Road. It is located in the small settlement of Gransmore Green, which comprises predominantly residential properties but also some buildings in commercial use.
 5. The site is located outside development limits within the countryside in policy terms and, therefore, Policy S7 of the Uttlesford Local Plan (2005), which addresses development in such locations is relevant. Both main parties assess the extent to which this policy is consistent with the Framework, including by reference to previous appeal decisions.
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6. Policy S7 places restrictions on development outside settlement boundaries and is not consistent with the Framework's more permissive approach, which only applies such restriction to isolated homes. However, the policy includes the requirement for development to protect or enhance the particular character of the part of the countryside within which it is set. The Framework requires decisions to recognise the intrinsic character and beauty of the countryside¹ and for developments to be sympathetic to local character². Consequently, this element of the policy, which reflects the Council's principal concern with regard to the effects of the proposal on character and appearance, is consistent with the Framework.
7. Policy H7 of the Local Plan concerning replacement dwellings requires these to be in scale and character with neighbouring properties; and, outside development limits as in this case, a replacement dwelling should protect or enhance the particular character of the countryside in which it is set. Local Plan Policy GEN2 seeks to ensure that development is of an appropriate design, both in general terms and in relation to its particular setting.
8. The Felsted Neighbourhood Plan (2020) includes Policy FEL/ICH1 concerning high quality design, which requires development to respect and enhance local character. For countryside locations, any replacement dwelling in an area of low density should respond to and respect the setting and should enhance the character of the area. Policy FEL/HN5 requires replacement dwellings outside development limits to comply with Policy H7 of the Local Plan, particularly with regard to size. All these policies are consistent with the Framework, particularly concerning the importance of good design.
9. The majority of the built development in the settlement is on the eastern side of the B1417, concentrated along the main road and particularly Gransmore Green Lane. Residential properties are predominantly relatively large detached two storey dwellings of largely traditional design and appearance. The surrounding open, undeveloped land informs the character of the small rural settlement, despite the presence of the A120 to the north.
10. The appeal property is one of a limited number of buildings on the opposite side of the road to the main body of built development, with its northern and western boundaries directly adjacent to extensive open land. As the Council notes, the settlement edge location of the appeal site is seen from the public rights of way to the north and west of the site. The site currently includes a large detached outbuilding as well as the dwelling itself and a detached garage. However, in contrast to the predominant built form in the settlement, these are single storey buildings and, therefore, despite their coverage across the site, their limited height mitigates their visibility from the surrounding area, including the road frontage. As such, this provides a transition from this more exposed settlement edge location to the main developed part on the opposite side of the road.
11. The replacement dwelling and garage would, as the appellant contends, reduce the extent of coverage of existing buildings across the site. It would also reflect the general design, appearance and palette of materials of other

¹ Paragraph 180b).

² Paragraph 135c).

properties in the surrounding area. However, the large paired gables and central link combined with the two and half storeys to accommodate six bedrooms would result in a dwelling of substantive size. It would be of considerable frontage and rear width, and combined with the height, its overall scale, bulk and mass would be significant. This would be apparent from views to the rear and from the road frontage where, combined with the detached garage, the visual effects of this scale of development would be readily apparent. The contrast between the existing built form and its effects, and the materially greater bulk and size of the replacement dwelling would represent a visually harmful intrusion into the settlement edge location that would not respect or enhance its character or appearance.

12. The site currently has planting around it, which helps to reduce the visual effects of the single storey buildings. However, due to its greater height and overall size, the proposed dwelling could not be screened by existing or additional planting to the extent that the harmful effects found above would be overcome. While the site is larger than many of the other nearby properties, this fact of itself does not overcome the harm that would result from the scale of development proposed in this particular location.
13. I acknowledge that a number of relatively large detached dwellings were permitted at Brook Cottage, initially by the Council and then subsequently through an appeal decision³. However, as noted in that decision, the layout and appearance of these dwellings reflects the linear pattern of existing development along Gransmore Green Lane, despite them being in the setting of a listed building. In contrast, the extensive size of the proposed dwelling in this case would be seen in isolation in a more sensitive countryside edge location, separated from the main part of the settlement. For the same reasons, the proposal is not comparable to the new dwelling of more contemporary design that has been built opposite the Brook Cottage development, or to the other examples referred to.
14. The appellant contends that the proposal would have a number of benefits, including the creation of a larger family home that meets current regulations and standards; and it would be more environmentally sustainable and would enhance landscaping on the site. Moreover, I accept that there would be some short-term economic benefit from the dwelling's construction. While I have had full regard to these benefits, they do not outweigh the harm resulting from the built form of the dwelling proposed in this location.
15. I note also the appellant's contention that it is not possible to obtain a mortgage for the existing property due to its standard of construction. However, a replacement dwelling in this location is not unacceptable in principle, but is subject to assessment against and compliance with the relevant development plan policies referred to above. The fact that the dwelling is reduced in size from an earlier proposal does not have a direct bearing on this appeal, which I am required to determine on its individual merits. The lack of any objections to the proposal from interested parties or statutory consultees is not sufficient basis to set aside the above findings of harm.

³ APP/C1570/W/19/3234837 dated 20 December 2019.

16. Accordingly, for the above reasons, I conclude that the proposed dwelling would have a materially harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policies S7, H7 and GEN2 of the Uttlesford Local Plan; and to Policies FEL/ICH1 and FEL/HN5 of the Felsted Neighbourhood Plan, described above. It is also contrary to the Framework, which promotes good design.

Other Matters

17. The appellant contends that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁴. The level of supply referred to is 4.89 years. No evidence has been provided to suggest that this is not the case, or that the exceptions to this requirement, now included in the Framework, apply⁵. Consequently, in these circumstances, the presumption in favour of sustainable development is engaged⁶.
18. Reference is made to the situation where the presumption applies to applications for housing where there is conflict with the neighbourhood plan, as in this case. The revised Framework says that the adverse impact of allowing development in these circumstances is likely to significantly and demonstrably outweigh the benefits, provided two criteria are met⁷. The first of these is met as the Felsted Neighbourhood Plan became part of the development plan less than five years before the decision in this case. However, I have no evidence before me with regard to the other criterion, concerning whether the plan contains policies and allocations to meet an identified housing requirement. As such, and for the avoidance of doubt, I have considered the proposal against the requirements of paragraph 11d)ii.
19. The shortfall from the requisite five year supply is not significant, but nonetheless important, particularly given the Framework's objective to significantly boost housing supply. The proposal is, however, for a replacement rather than new dwelling, but I acknowledge that it would provide a larger family home instead of the existing poorly-constructed dwelling. Furthermore, there would be a number of environmental and economic benefits as noted above. Nonetheless, given that these relate to a single replacement dwelling, I afford them moderate weight.
20. Conversely, it has been found that the proposal would cause material harm to the character and appearance of the appeal site and surrounding area. As such, as well as it being contrary to the development plan, it is also contrary to the Framework's requirements that development should recognise the intrinsic character and beauty of the countryside and be sympathetic to local character. I give significant weight to the conflict with the Framework in this regard. The benefits outlined above are not of sufficient weight, either individually or as a whole, to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

⁴ Paragraph 77.

⁵ Paragraphs 76, 77 and 226.

⁶ Footnote 8 to paragraph 11d).

⁷ Paragraph 14.

Conclusion

21. I have found that the proposal would result in material harm and so is contrary to the development plan. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR