

Appeal Decision

Site visit made on 5 January 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20.02.2024

Appeal Reference: APP/C1570/W/23/3324813

Land at 'Midden', Top Road, Wimbish, Essex CB10 2XJ

- 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 Mrs Mawson against the decision of Uttlesford District Council.
 - The application (reference UTT/23/0343/FUL, dated 10 February 2023) was refused by notice dated 12 April 2024.
 - The development proposed is described in the application form as "erection of single storey dwelling and garaging".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings, in the context of planning policies for the area.

Reasons

3. The appeal site is located in a rural part of Essex, to the south-east of Saffron Walden. The surroundings are predominantly rural and agricultural in character, with some scattered development, including both agricultural buildings and dwellings of various types and sizes.
4. Top Road is a fairly busy country road, aligned roughly west to east, with residential development laid out sporadically along both frontages. 'Midden' is a modest bungalow, set well back from the highway, with a large area of grass in front of the dwelling, on a plot that is generally enclosed by mature hedges. Various significant outbuildings are also sited at the property.
5. The land to the west of 'Midden' is occupied by a substantial group of buildings at 'Warners Farm' but otherwise the site is surrounded by open land which is in agricultural use.
6. It is now proposed that a new single storey dwelling and associated garaging should be erected on the open area at the front of the existing bungalow.

7. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. Indeed, it is an underlying aim of the planning system to pursue the objective of contributing to the achievement of sustainable development and it is therefore necessary to consider whether the appeal site is a suitable location for a new dwelling, with adequate accessibility to services.
8. These principles are also established by Policies in the Development Plan. In particular, Policy S7 of the 'Uttlesford Local Plan' is intended to protect areas of the countryside that lie outside settlement boundaries from development, unless that development needs to take place there or is otherwise appropriate to a rural area. Infilling can be allowed in certain circumstances but, in principle, there is a strict control on new building, with the aim of protecting or enhancing the countryside.
9. Although the 'Local Plan' was adopted as long ago as 2005, this approach still accords with national planning policies as set out in the 'National Planning Policy Framework'.
10. The proposed new dwelling would be located on an open area (albeit within the garden of the existing bungalow) and it cannot be regarded as an infill plot. It would be poorly related to existing settlements and would undermine the aim of promoting sustainable development. The detailed design of the proposed new building is not controversial in this appeal and it would be seen as a modest single storey building, constructed in traditional materials to reflect the style of the existing bungalow and echo the agricultural surroundings. Even so, the creation of a new separate dwelling in this location would be contrary to planning policies, in principle.
11. In my opinion, the new dwelling would introduce a significant new building in the countryside and it would harm the rural nature of the surroundings in consequence. In planning terms, harm would be caused to the character and appearance of the countryside that would be contrary to clearly established planning policies, undermining the Council's settlement strategy.
12. I am aware of the personal circumstances that have been put forward in support of this appeal and I am conscious that planning policies might allow for extensions to the existing dwelling if an appropriate scheme were to be devised. Nonetheless, I am convinced that these considerations cannot outweigh the fundamental objection to this appeal proposal to create an entirely separate dwelling in the countryside.
13. I am conscious that a revised version of the National Planning Policy Framework was published in December 2023 and it has been taken into account in this appeal. It encourages the construction of new homes, in principle, subject to other planning policies of course, but I am convinced that the objections to the scheme very significantly and demonstrably outweigh the benefits in this case.
14. In short, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that

have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR