



Appeal Decision

Site visit made on 22 January 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/C1570/W/23/3321595

Wheelwrights, Princes Well, Radwinter, Essex CB10 2TE

- 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 & Mrs Peter & Lesley Nunn & Bolan against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2578/FUL, dated 18 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is new two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence uses alternative names for the main road through Princes Well, including Church Hill and Roman Road. I have referred to the road as Church Hill throughout this decision.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. The parties have been invited to make comments on the revisions to the Framework insofar as they are relevant to the appeal. I have taken the comments received into account in my consideration of the appeal.
4. The government published the 2022 Housing Delivery Test (HDT) results in December 2023. Taken together, the HDT results and the revised Framework have implications for the Council's housing land supply position. I will set out the implications for this appeal in the planning balance section of this decision.

Main Issue

5. The main issue is the effect of the development on highway safety, with particular regard to the use of the existing access from Church Hill.

Reasons

6. The appeal site is in a backland location near to Wheelwrights in Princes Well. Access to the site is via an existing narrow track from Church Hill, which also provides access to Wheelwrights and several other properties. A second junction from Church Hill lies opposite the appeal site access, serving further dwellings.
7. Church Hill itself is a rural lane, connecting Radwinter with Wimbush Green. The road is at its widest to the north of the appeal site access, near to the junction with Walden Road. However, the road is also used for on-street

parking, which reduces the space available for moving vehicles. The road substantially narrows to the south of the appeal site as it bends tightly around The Old Brewery, which lies perpendicular to the carriageway.

8. The existing access does not meet the standard visibility requirements for a 30 miles per hour road as set out in the Manual for Streets. However, the evidence indicates that actual speeds along Church Hill are lower than the speed limit and, on this basis, the appellant has suggested alternative visibility splays. The parties' views are not, however, aligned as to the required visibility splays, and I have not been directed to any development plan policy that is definitive in terms of the visibility requirements for the appeal site access. Consequently, it is a matter of planning judgement as to whether or not the proposed development would be inherently unsafe, taking account of the evidence submitted with the appeal and my own observations of the site and surroundings.
9. At the time of my site visit, Church Hill was heavily parked around the access to the appeal site, and along the length of the road to the north. However, the layout and orientation of the road allows for vehicles exiting the site access onto Church Hill to 'nose out' beyond the line of parked cars, without entering the path of moving vehicles, in order to achieve sufficient intervisibility with the Church Hill/Walden Road junction to the north.
10. However, visibility to the south of the appeal site access is severely restricted due to the position and orientation of The Old Brewery, and the alignment of the carriageway around a tight bend. Consequently, future occupants of the proposed development would be required to 'nose out' across a large part of the main carriageway in order to have any visibility at all of vehicles approaching from the south. This manoeuvre would directly block the path of vehicles travelling towards the site from the north, creating a safety hazard.
11. Moreover, vehicles approaching along Church Hill from the south would have very limited forward visibility of vehicles egressing the appeal site access until they drew level with The Old Brewery, at which point there are multiple other hazards including parked vehicles and other accesses. Therefore, even at low speeds, there would be insufficient visibility and stopping distance, to reduce the risk of vehicle conflict to an acceptable level.
12. The vehicle movements associated with the proposed development would be likely to be low in number, given the modest size of the dwelling. It is also possible that future occupants could work from home, reducing the need for commuting journeys. However, many employment opportunities necessitate the need to travel, therefore it is likely that the proposal could generate some work-based journeys. The site is also well-connected by footpath to the services and facilities in Radwinter, and bus services to other settlements are available within a very short walking distance from the appeal site. Therefore, there would be opportunities for future occupants to travel by sustainable travel modes.
13. However, due to the rural location of the site, future occupants of the development would be likely to travel regularly by car. Other vehicle movements to and from the proposed dwelling would be generated by delivery and service vehicles, which would be in addition to the movements associated with existing dwellings. Overall, the vehicle movements associated with the proposed development are likely to be greater in number than those associated

with the existing use of the site as a paddock given that, on the basis of the evidence before me, I am not persuaded that the paddock is in regular active use. Moreover, from my observations, the access track is not wide enough to facilitate the ease of movement by large agricultural vehicles on a frequent basis. Consequently, in all probability, the development would lead to an increase in vehicle movements using the access from Church Hill.

14. There is no evidence before me of road traffic accidents relating to the existing access and its junction with Church Hill. However, the lack of historic accidents does not negate the need to ensure that safe and suitable access to the site could be achieved for all users. Indeed, Essex County Council's Development Management Policies (2011) document expects, amongst other things, that substandard accesses should be improved or upgraded to current standards if they are to be used to access developments.
15. There is clearly the potential for vehicle conflict at the appeal site entrance given the alignment of the road and the poor visibility, particularly to the south, along with the presence of multiple hazards for approaching vehicles. The risk of accidents of all levels of severity would be exacerbated by any additional vehicle movements using the access to the appeal site. The harm to highway safety would be unacceptable which, in accordance with Paragraph 115 of the Framework, is justification for development being refused.
16. I conclude that the proposed development would cause harm to highway safety, with particular regard to the use of the existing access from Church Hill. The proposal would therefore conflict with Policy GEN1 of the Uttlesford Local Plan (adopted January 2005) (ULP) insofar as it expects that the design of sites must not compromise road safety. There would also be conflict with the Framework, insofar as it expects development to provide safe and suitable access for all users.

Other Matters

17. The appeal site lies adjacent to the Radwinter Conservation Area (CA) and would be accessed from land within the CA. The CA contains a number of non-designated heritage assets including 1-4 The Beeches which front onto the site access to the appeal site. The site also lies within the setting of the Grade II listed G D Murray (shop premises) and Nos 1-4 Church Hill (G D Murray premises) and the Grade II listed the Red Lion Inn.
18. The Council considered the proposal would cause less than substantial harm to the significance of the aforementioned heritage assets, at a low level. However, the harm to the heritage assets did not form a reason for refusal. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must have regard to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest they possess in my own decision.
19. The significance of the CA is derived, in part, from the collection of buildings formed in a linear pattern along roads, leading to a crossroads. The two aforementioned Grade II listed buildings are both historic commercial premises fronting the street. Their significance includes their architectural details as well as their contribution to the collection of historic buildings centred around the crossroads. The significance of 1-4 The Beeches lies, partly, in their group contribution to the CA. The appeal site makes a moderate contribution to the

significance of the heritage assets as it forms part of the wider open countryside setting of Radwinter.

20. The proposed dwelling would be visible from the rear windows of the G D Murray premises, although longer views of the countryside would be retained. The development would be set back behind the street frontage and would not be visible from Church Hill or Walden Road. Consequently, the development would not detract from the experience of the G D Murray premises or the Red Lion Inn as historic commercial buildings fronting streets that lead to the crossroads. The proposed dwelling would form part of an existing group of buildings that have established off the site access, and do not address Church Hill directly. The addition of one dwelling on the site would not, therefore, detract from the primacy of the street frontage as the historical focus of development, or to the experience of Radwinter as a rural settlement. Therefore, in the specific circumstances of this case, no harm would be caused to the significance of the heritage assets as identified above.
21. The development would lead to some social and economic benefits, including through the delivery of a new dwelling, which would contribute towards the government's objective to significantly boost the supply of housing.
22. Further benefits would arise through the creation of construction jobs and increased local spending on goods and services, which could help to enhance or maintain the viability of rural communities, including at Radwinter and other villages nearby.
23. Whilst I cannot be certain, on the basis of the evidence before me, whether or not the site falls within the definition of previously developed land, it would nonetheless provide a use for an under-utilised site. Therefore, even if the site were not previously developed land, the proposal would bring some benefits to the site through its active and managed use.

Planning Balance

24. The proposal is not in accordance with Policy GEN1 of the ULP, and this conflict is sufficient to bring the development into conflict with the development plan when read as a whole. Proposed development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
25. The Council concedes that the delivery of housing within the district has fallen below 75% of the requirement over the past three years. Therefore, and due to the provisions of Paragraph 79(c) of the Framework, the Council has confirmed that it is not currently able to demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the current housing land supply is 4.5 years.
26. In these circumstances, paragraph 11(d) of the Framework says that permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I have not found there would be harm caused to the significance of heritage assets. Therefore, this does not provide a clear reason for refusing the development and I shall consider the proposal against the test in paragraph 11(d)(ii).

27. The proposal would cause harm to highway safety due to the use of an existing sub-standard access, contrary to the Framework to which I attach significant weight.
28. There would be some social and economic benefits arising from the proposal as set out above. However, the contribution that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is moderate.
29. Consequently, in the specific circumstances of this case, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole.

Conclusion

30. 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, which indicate a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Catcheside

INSPECTOR