



Appeal Decision

Site visit made on 15 April 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/C1570/W/23/3334122

Land adjacent to The Gatehouse, The Street, Great Hallingbury CM22 7TR

- 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 Paul Newsome (Newsome Properties (Coventry) Limited) against the decision of Uttlesford District Council.
 - The application Ref UTT/23/1878/FUL, dated 24 July 2023, was refused by notice dated 18 September 2023.
 - The development proposed is a detached house, cart lodge/store and related works, including an upgraded access.
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Decision

1. The appeal is allowed and planning permission is granted for a detached house, cart lodge/store and related works, including an upgraded access, at land adjacent to The Gatehouse, The Street, Great Hallingbury CM22 7TR in accordance with the terms of the application, Ref: UTT/23/1878/FUL, dated 24 July 2023, subject to the conditions on the attached schedule.

Procedural Matter

2. The revised National Planning Policy Framework was published in December 2023 ('Framework'). Having regard to the main issue in the appeal, there are no material differences between it and the now superseded version. It is therefore the current version that I refer to in my reasoning, rather than the version which was in place at the time of the Council's decision and when the appeal was lodged.

Main Issue

3. The main issue is:
 - Whether or not this is a suitable location for the proposal, having regard to policies which direct housing to existing settlements, the site's accessibility to services and facilities, and to the scheme's impact on the character and appearance of the area.

Reasons

4. In its reason for refusal, the Council states that the scheme would conflict with Policies S7 and GEN1 of the Uttlesford Local Plan (2005) ('ULP'). Policy S7 seeks to protect the countryside for its own sake and states that permission will only be given for development that needs to take place there, or is appropriate for the rural area, including infilling in accordance with its

- paragraph 6.13, and provided that it protects the character and appearance of the area.
5. Amongst other things, Policy GEN1 requires development to encourage movement by means other than the car. Framework paragraphs 108 and 109 set out that transport considerations are integral to planning decisions, and that patterns of growth shall be actively managed in support of more sustainable transport choices. However, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making.
 6. The appeal site is identified as falling within the open countryside, beyond any development limits, in the ULP. I observed that from East Lodge at the junction with Church Road and heading south along The Street, the dwellings are well-scattered and typically separated by areas of woodland, fields, or other spaces largely devoid of buildings, including large gardens. The site comprises a paddock with a wide frontage onto The Street. It is bordered by The Gatehouse to the south, and by an area of trees and garden to the north, with a significant gap in that direction to the next dwelling at Howletts.
 7. Planning permission has recently been granted for a dwelling immediately to the south of The Gatehouse (Ref: UTT/23/0985/FUL), and I observed that there is a cluster of houses and other buildings further to the south from around Spring Cottage. However, having regard to ULP paragraph 6.14, which addresses infilling outside of development limits, and to this site's character and context, I am not persuaded that a house here would constitute the infilling of a small gap in a small group of houses.
 8. That said, The Street is characterised by large dwellings, of an individual appearance, many of which are located on spacious, well-landscaped plots, and which, as evidenced at Photosheet 2, are typically finished in traditional materials. That includes The Gatehouse, which is a substantial dwelling with feature timberwork and a large detached garage/outbuilding, and which is set back from the highway behind a grass verge, hedgerows and trees.
 9. In that context, this proposal, being a substantial property of an individual and coherent design, with appropriate facing materials of render, brick, timber and clay tiles and slates, and with a large outbuilding, would respect the general pattern and typology of housing on The Street. Whilst the Council's delegated officer report states that it would be particularly prominent and would erode the open and verdant character of the area, the proposed buildings would sit on a large plot, behind a heavily vegetated frontage, and well away from the other landscaped boundaries.
 10. Thus, whilst Great Hallingbury Parish Council objects on the grounds that the scheme would spoil the look of a beautiful, peaceful lane, in my view, the site is well-contained, and it would fit in with the character and appearance of the area.
 11. Turning to its accessibility, the site is located close to two clusters of development at Bedlar's Green, and fairly close to Great Hallingbury, which are identified as having development limits in the ULP. Those settlements, and the nearby surrounding area, contain a limited number of services and businesses as described at paragraph 5.58 of the appellant's statement of case, and which

the occupants of the proposed house could walk or cycle to, and thus help to support, in accordance with the stance at paragraph 83 of the Framework.

12. Additionally, as well as a book-a-ride minibus service and school bus services from Great Hallingbury, the nearest bus stop is around 300 metres from the site on Church Road, from where there is a bi-hourly service to the nearby town of Bishop's Stortford, around 2 miles away, and onward connections by train and bus. Whilst The Street is unlit and without a pavement, it is a no-through road, and given the fairly limited volume of traffic that it carries, those characteristics would not significantly deter people from walking or cycling the short distance to that bus stop. In that regard, I note that, as well as providing a study for home-working, and an electric vehicle charging point, the scheme would include space within the proposed cart lodge for secure bicycle storage.
13. In the context of the rural area, where there is often a need to travel by car to access day-to-day services, this site is in a relatively accessible location, and the scheme would enable and encourage movements by alternative means. The level of private vehicular use by a single household would be small, and for all these reasons the scheme would not therefore conflict with ULP Policy GEN1, or with the stance at paragraphs 108 and 109 of the Framework.
14. However, as the site is not within the development limits of a settlement, and the proposal would not constitute infilling within a small group of houses, notwithstanding the absence of harm to the character and appearance of the area, the scheme would conflict with the ULP's spatial strategy, contrary to the general thrust of its Policy S7 and its paragraph 6.14.

Other matters

15. Howletts is a Grade II statutorily listed building. However, it is some distance from this site, with areas of woodland and garden in between. The Council's Historic Environment Team ('HET') has raised no objection, and having regard to the details of the proposal and to the context of Howletts and the intervening land, I agree that the setting of that designated heritage asset would be preserved.
16. According to the application form, foul sewage would be dealt with by means of a package treatment plant. I have no cogent evidence to indicate that suitable means of foul and surface water drainage are unavailable, nor that these matters could not be appropriately addressed through the Building Regulations.

Other considerations

17. Based on the appellant's evidence, including its letter dated 18 March 2024, and the delegated officer report, the Council cannot demonstrate a 5 year housing land supply. Additionally, according to the latest Housing Delivery Test Measurement 2022 (December 2023), it delivered only 58% of the homes needed against its housing requirement for the previous three years.
18. As set out at footnote 8 to paragraph 11 of the Framework, either of these scenarios renders the most important development plan policies for determining the application out-of-date, and triggers the Framework's presumption in favour of sustainable development. Whilst only one dwelling would be delivered, in these circumstances, this carries significant weight in favour of the proposal.

19. There would also be modest economic benefits both during construction and from subsequent occupation of the dwelling; modest social benefits as a result of the occupiers' contribution to community life; and modest environmental benefits arising from biodiversity enhancements as set out in the Preliminary Ecological Appraisal and Preliminary Roosting Feature Assessment by Arbtech.

Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
21. The Framework sets out that in situations, such as here, where the most important development plan policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. In this case, I have found that the proposal would conflict with the ULP spatial strategy as set out in its Policy S7 and its paragraph 6.14. However, for the above reasons, and given its inconsistency with the Framework, as evidenced at Appendices 3 and 5 and paragraphs 5.37 to 5.40 of the appellant's statement of case, I attach only limited weight to that policy.
23. The site is relatively accessible to services and facilities, and the proposal would encourage movement by means other than the car, in accordance with ULP Policy GEN1. Additionally, the proposal would not harm the area's character and appearance.
24. There would be some modest economic, social and environmental benefits. Moreover, the scheme would make a limited, but nonetheless important, contribution to the supply of housing. This carries significant weight in its favour.
25. Overall, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, the presumption in favour of sustainable development is a material consideration which outweighs the limited conflict with the development plan, and a decision should thus be taken otherwise than in accordance with it. The appeal will therefore be allowed.

Conditions and Conclusion

26. No conditions have been suggested by the Council. I have therefore considered this matter against the Framework's tests, having regard to the Council's delegated officer report, the appellant's evidence, and representations by interested parties; making minor adjustments in the interests of clarity and precision.
27. As well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.

28. In the interests of the character and appearance of the area, conditions are necessary requiring the submission of finishing materials, window and door details, and hard and soft landscaping, broadly as suggested by the HET. For the same reason, a condition is necessary requiring that the development be carried out in accordance with the submitted Arboricultural Method Statement and Impact Assessment. Having regard to the site's rural surroundings, and to Stansted Airport safeguarding criteria, if any external lighting is to be installed, details shall be submitted to, and approved in writing by, the local planning authority.
29. As the Council's Environmental Protection Officer ('EPO') states that she has no reason to believe that the site is contaminated, her first suggested condition is unnecessary. Taking account of the small scale of the development and the reasonably spacious setting, I am not persuaded that the suggested condition regarding a construction and demolition method statement is necessary. However, in the interests of encouraging sustainable modes of transport, and having regard to the submitted Design and Access Statement, a condition is necessary requiring the provision of an electric vehicle charging point.
30. Having regard to the proximity to the flightpath at Stansted Airport, and in the interests of the future occupiers' living conditions, a condition is necessary, broadly as suggested by the EPO, requiring that the scheme comply with the recommendations in the submitted Noise Impact Assessment. Given the proximity to Stansted Airport and in order to prevent distraction to pilots, my condition No. 10 is necessary. Finally, my condition No. 11 is necessary in the interests of biodiversity and protected species.
31. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:1250 scale, and drawing nos. PL01_03, PL02_03, PL03_04, PL04_04, PL05_02, PL06_02, PL07_03, PL08_04, PL09_04, PL11_03, PL12_03, PL13_03 and PL14_02.
- 3) Prior to their first use on site, a schedule of all external finishing materials, including their colour, shall be submitted to, and agreed in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and shall be permanently retained as such thereafter.
- 4) Prior to their installation, drawings of the proposed windows and doors in section and elevation, including their materials and colour, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and shall be permanently retained as such thereafter.
- 5) Prior to the commencement of development above ground level, details of hard and soft landscaping, boundary treatments and hardstanding areas, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and shall be retained as such thereafter.
- 6) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Impact Assessment by HTP Architecture LLP dated 21 July 2023.
- 7) Prior to its installation, details of any external lighting to be provided on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and shall be retained as such thereafter.
- 8) Prior to its occupation, the dwelling shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use, and retained as such thereafter.
- 9) Prior to the dwelling's first occupation, the mitigation measures specified at sections 2.3 to 2.9 of the Noise Impact Assessment by HTP Architecture, dated 27 February 2023, shall be installed in accordance with those details, and shall be permanently retained as such thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no reflective materials (including solar PV) other than clear or obscure glass shall be installed on the building other than those expressly authorised by this permission.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations in Arbtech's Preliminary Ecological Appraisal and

Preliminary Roosting Feature Assessment, and Great Crested Newt eDNA Survey, both dated 21 July 2023.