
Appeal Decision

Site visit made on 3 April 2024

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

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Reference: APP/C1570/W/23/3327638

Land at 'Ivy Cottage', Brick End, Broxted, Essex CM6 2BJ

- 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. and Mrs. L. and M. Holt against the decision of Uttlesford District Council.
 - The application (reference UTT/23/0698/OP, dated 15 March 2023) was refused by notice dated 7 June 2023.
 - The development proposed is described in the application form as two "residential dwellings".
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Decision

1. The appeal is dismissed.

Preliminary points

2. The application is made in outline, with all matters reserved.

Main issue

3. 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

4. Although the appeal site is very close to Stansted Airport, it lies in a rural landscape that is set with some scattered development including small villages and hamlets. Brick End is such a location, comprising a relatively small settlement, loosely built up around a primary road junction but set in predominantly agricultural surroundings.
5. The appeal site itself is sited to the south of the junction of two country roads, Woodgates End and Brick End Lane, with a frontage to the former. There is another house to the north ('Walnut Tree Cottage'), between the appeal site and the junction, but the land opposite is undeveloped and the land to the west is a large field that also wraps around most of the southern boundary of the appeal site. Another building, 'The Bungalow', is located some way to the south but the frontage to the south of the appeal site is bounded by a dense

- hedge and 'The Bungalow' does not have a real visual relationship with the settlement.
6. 'Ivy Cottage' itself is an attractive house, with a brickwork front elevation under a slate roof (that also carries an array of solar panels). A gateway to one side of the house gives access to the rear of the property where there are some outbuildings and a vehicle parking area. The house is set back from the highway, behind a modest front garden, but its main garden is located to the south of the building, with a long side frontage to the road. The garden is mainly laid to grass and is bounded by mature hedges; indeed, it is well screened from the road by a dense hedge.
 7. It is now proposed to construct two "residential dwellings" on the appeal site. A drawing has been submitted that shows two traditionally designed homes on the southern part of the existing garden, with frontages to the road, but these are only illustrative designs, since the application was made in outline, with all matters reserved (as noted above).
 8. 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. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
 9. The Uttlesford Local Plan was formally adopted as long ago as January 2005 but it underpins the aims of promoting sustainable development and protecting the countryside. Policies in the Local Plan that have been formally "saved" are relevant to the appeal, including Policy S7 (which is concerned with the countryside) and Policy GEN1 (which encourages "movement by means other than driving a car", among other things).
 10. The proposed development would comprise two dwellings, extending the built-up frontage along Woodgates End away from the main part of the settlement. Even if the site were to be screened by hedges or other planting, the new development would be obvious and intrusive in the countryside, eroding its rural qualities and suburbanising the road frontage. By contrast, the existing use as a garden is in harmony with the character of the surroundings and does not harm the setting.
 11. Hence, I have concluded that the proposal would add very markedly to development on this part of the road frontage and that it would erode the essentially rural character of the immediate setting, even though the appeal site has a current use as a garden. Moreover, the project would not amount to the infilling of a small gap in a built-up frontage, because of the distance between 'Ivy Cottage' and 'The Bungalow' and the very limited level of existing development in this part of Brick End. Thus, it would have a clearly harmful effect on the character and appearance of the surroundings and it would conflict with national and local planning policies that are intended to protect the countryside.
 12. On the other hand, of course, planning policies do support sustainable development. In this case, however, it has been pointed out that the appeal site would not have the benefit of good access to local facilities and services

and I am not persuaded that the available public transport would discourage the use of private cars. I am convinced that the occupants of the new dwellings would rely heavily on the use of motor cars. Thus, the proposed new homes could not realistically be described as "sustainable" in planning policy terms and I have no doubt, therefore, that the scheme would also conflict with planning policies that are intended to promote sustainable development.

13. I have noted that the Officer's Report on the planning application recorded a failure by the Council to meet the housing land supply target for the District, although the appeal submissions confirm that this has now been achieved. In any case, however, I am conscious that two new dwellings would make only a very small contribution to the need for new houses and I have formed the view that the benefits of the project, including the benefits of providing the new homes, are clearly and decisively outweighed by the objections that have been identified.
14. In short, the appeal site lies outside any defined settlement boundary and the proposed development would not be sustainable in planning terms. It would have an adverse impact on the character and appearance of the surroundings. The contribution that the appeal scheme would make to the provision of residential accommodation in the locality weighs in favour of the appeal but, nevertheless, I am convinced that proposed development would conflict with both local and national planning policies and that the objections which I have identified very clearly outweigh the benefits of the project.
15. In reaching my decision, I have taken account of the references that have been made to other sites in the vicinity, notably the redevelopment scheme for the 'Prince of Wales Public House' site, which is nearby. I have limited information about other sites but, nonetheless, I am conscious that each proposal is to be considered on its own merits and that the circumstances of other developments that have been referred to are different from those that apply in this appeal.
16. Hence, I have concluded that the scheme before me ought not to be allowed and, 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