
Appeal Decision

Site visit made on 13 May 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/C1570/W/23/3331998

Campsite at Lovecotes Lodge, Chickney Road, Henham, Essex CM22 6BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Davis Gidney against the decision of Uttlesford District Council.
 - The application Ref is UTT/22/3299/FUL.
 - The development proposed is the erection of 2No. detached dwellings and associated detached cart lodges and change of use of land from campsite to residential.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's appeal statement and the appellant's final comments were submitted after the revised National Planning Policy Framework ("the Framework"), was published. Therefore, both parties have had an opportunity to consider the relevance of the revised Framework to this appeal and would not be prejudiced by me not seeking their views on it.
3. The Council indicates that it is set to publish a new Local Plan for Regulation 18¹ consultation. However, I am not aware of the stage that this has reached, whether its policies will be consistent with the Framework, or the extent of any unresolved objections. As such, it has limited weight in determining this appeal.
4. The appellant has submitted a signed and dated Unilateral Undertaking (UU) obligating cessation of the motocross track ("the MX track") beyond the rear of the appeal site. I will return to this matter later in my decision.
5. The Council is no longer defending its second reason for refusal in respect of highway safety. However, as this matter has been raised by others, in the interests of natural justice, it is reflected in the main issues below.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, and
 - highway safety.

¹ Town and Country Planning (Local Planning) (England) Regulations 2012

Reasons

Character and appearance

7. The appeal site is located outside of a settlement boundary and thus forms a part of the countryside to which Policy S7 of the Uttlesford Local Plan 2005 ("the LP") relates. This Policy sets out that only development that needs to take place there or is appropriate to a rural area will be granted planning permission. This includes sensitive infilling of small gaps in small groups of houses, where it protects or enhances the countryside in which it is set.
8. There are large commercial/agricultural style buildings to the north east of the appeal site along with a small number of dwellings that extend further along the road in a somewhat scattered and loose-knit pattern. By comparison, the appeal site is predominantly contiguous with an open rural landscape of fields that extend out towards the south and west, and towards the east on the opposite side of the road. It consists mostly of mown grass and a narrow stone surfaced access track, and is predominantly bordered by planting.
9. Although used by caravans and tents for camping, the evidence indicates that this typically operates under a Caravan Club certification with a small number of caravans, together with pitches for tents. There is nothing before me to suggest that tents and caravans stationed on the appeal site would be anything other than low in height, with limited massing and likely to be set out with spaces between them.
10. Consequently, the existing campsite is a low-key use, not uncommon in rural surroundings. It would be generally well screened and visually contained in most public views by the site boundaries, comprising rows of evergreen and deciduous species of hedgerow and trees. In views through the site access, the general spaciousness of the appeal site and the absence of built development can be readily appreciated.
11. These characteristics give the site a generally verdant and rural appearance. It relates strongly to the open fields and hedgerows in the rural landscape to the south west, as opposed to the cluster of buildings to the north east. As such, it contributes positively to the attractively verdant, rural character and appearance of the area, and the sense that the cluster of buildings to the north east is embedded within a wider rural landscape. It therefore has intrinsic character and beauty as countryside.
12. The proposed development would likely result in comparatively less paraphernalia on the appeal site than the campsite use. However, the proposed dwellings would represent a substantial step-up in scale, height and massing, with an extensive spread across the appeal site. The level of screening provided by the tall deciduous trees along the site frontage would be expected to decrease significantly in effectiveness when the trees are not in leaf.
13. In this scenario, the proposed dwellings' wide roof slopes and the upper parts of the gables and roof dormers in the roofscape, are likely to be readily visible from the road and between the trees' branches. Furthermore, future occupiers may choose to thin or remove the planting along the site frontage, and I have limited evidence of any mechanism to safeguard against this. Even when deciduous trees and hedgerow species are in leaf, the massing of the side elevation and wide front elevation of Plot 1, and to a lesser extent Plot 2, would

be clearly visible through the widened site access. They would also be visible above the lower height boundary hedge to the south west, and through the relatively wide gaps between trees growing within it.

14. In these views the scale and massing of the proposed dwellings would be far more conspicuous than the caravans and tents, particularly given the arrangement of gables and front dormers in the roof scape. The parts of the relatively tall cart lodges, the hard surfaced widened access and the turning and parking areas at the front of the proposed dwellings that would be visible from the road, would also contribute to an urbanising effect on the locality. New planting would take several years to establish, and I have limited evidence that it would be lasting.
15. The proposed dwellings, in isolation to their location, would be well-designed and of a vernacular style, in broad accordance with LP Policy GEN2, criterion a). However, with no other buildings to the south west of the cluster, the proposed development would form a significant incursion of built development into the countryside. They would not comprise the infilling of a gap between houses in the cluster or a 'rounding-off'.
16. Consequently, I conclude that the appeal proposal would erode the attractively verdant character and appearance of the area, resulting in a significant adverse effect on the wider rural landscape, and the intrinsic character and beauty of the countryside. As such, it would be contrary to Policy S7 of the LP, insofar as it seeks to protect or enhance the countryside in which it is set. In recognising the appeal site's positive contribution to the intrinsic character and beauty of the countryside, the proposal would be contrary to Framework Paragraphs 135.c) and 180.b), which require development to be sympathetic to landscape setting, and to contribute to and enhance the natural environment.

Highway safety

17. The evidence indicates that the proposed dwellings would generate fewer vehicle trips than either the campsite land it would be built on, or the nearby MX track use. There is nothing before me to suggest that the site access has not operated safely for those existing uses. My observations, albeit a snapshot in time, reflect the appellant's evidence on vehicle speeds near to the site access. The proposal would ensure that drivers of vehicles exiting the site, drivers within the carriageway and other road users could see each other. Consequently, it would cause no harm to highway safety, consistent with Policy GEN1 of the LP. I note that the Council and the Local Highways Authority no longer have concerns in this regard.

Other Matters

18. There would be no harm to protected species. Proportionate biodiversity enhancement and benefits could be delivered on the appeal site. The additional biodiversity benefit of using the MX track as a wildflower meadow/ecology area has not been quantified. There is limited information on the details of long-term maintenance, management and monitoring of this area, casting significant uncertainty that its benefits would be lasting.
19. There is no substantive evidence before me that the MX track use harms unacceptably the living conditions of nearby residential occupiers or camping tourists at the appeal site, or that it would harm the living conditions of future

occupiers. A second motor racing facility appears to exist nearby at the Stansted Raceway. The proposal would lead to a reduction in vehicle trips and would not harm highway safety. Further reductions through ceasing use of the MX track would be unnecessary to avoid such harm. Accordingly, the benefits of the UU's planning obligation are of limited weight in favour of the appeal proposal and it does not constitute a reason for granting planning permission in accordance with the Framework's tests for obligations, were it acceptable in all other respects.

20. The appeal proposal would make a small but positive contribution to housing supply. It would use land efficiently and could be developed relatively quickly. Construction works would generate short term employment opportunities and economic activity. However, the loss of tourism in the local economy would be expected to counteract the economic benefits of the proposal. Future residents would likely support facilities and services in the nearest settlements, albeit the nature of the roads and the distance of the return journey would be expected to discourage journeys on foot and by less proficient and able cyclists, especially during inclement weather and hours of darkness.
21. Energy consumption could be minimised and travel by low or zero emission vehicles could be encouraged through on-site charging points. Compliance with the Building Regulations and LP Policy GEN2, c) and e), would ensure accessibility by the less able.
22. Taken together, the economic, social and environmental benefits of the appeal proposal would be small given its scale and they attract modest weight in its favour. Furthermore, these objectives are not criteria against which every decision can or should be judged as made clear in Framework Paragraph 9.
23. In terms of the Framework's definition of Previously Developed Land (PDL), the appeal site consists predominantly of closely mown grass. Apart from a narrow stone surfaced access track, it is devoid of built structures. Even if PDL, the benefit of reusing a relatively small area, as encouraged by LP Policy H1, for 2 houses would not outweigh the harm I have identified above.
24. Few details of the approved scheme at the nearby Water Tower are before me and I am unable to determine whether it is comparable to the appeal proposal. I am not bound by a Council decision in any case. The full reference number of the appeal decision referred to in the appellant's statement is not given and the extract quoted refers to it being 'infill' development, which this appeal proposal is not. As such, these decisions have limited relevance and weight to my considerations in this appeal.
25. No harm would be caused to the living conditions of nearby occupiers. Satisfactory living conditions for future occupiers, together with space for cycle and car parking would be provided, consistent with LP Policy GEN2, h) and i). However, these are requirements of nearly all well-designed housing schemes and are not benefits of positive weight in favour of the appeal proposal.
26. The appeal site is separated from the Grade II listed building 'Lovecott Farmhouse' by a number of large storage style buildings and a detached dwellinghouse. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The special heritage interest (significance) of the listed building would appear to be derived from its

architectural qualities and historic functional relationship with agriculture. Given its distance of separation from the appeal site, together with the intervening buildings, it would preserve the setting of this listed building and its significance. The Council had no concerns in this regard either.

Planning Balance and Conclusion

27. LP Policy S7 takes a more restrictive approach to development in the countryside than the Framework. However, in seeking to ensure that the character and appearance of the countryside is not harmed by development, these elements of the Policy S7 are broadly consistent with the objectives in Framework Paragraphs 135.c) and 180.b), as set out above.
28. The appeal site is part of the rural landscape, and it has intrinsic character and beauty that would be significantly harmed by the appeal proposal, contrary to LP Policy S7. In this instance, even if I was to give the same moderate weight to the conflict with LP Policy S7 as the Council, the conflict would be sufficient to bring the proposal into conflict with the development plan when considered as a whole, even accounting for compliance with elements of the other LP Policies referred to above.
29. I have found that modest weight attaches to the social, economic and environmental benefits of the proposal, including through cessation of the MX track use and its conversion to a wildflower meadow/ecology area. Even if PDL, the benefits of using a relatively small area is of limited weight in its favour. Together, the benefits do not outweigh the conflict with the development plan.
30. Taking the worst case scenario from the different housing supply figures before me, Framework Paragraph 11.d)ii., would apply and planning 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.
31. In this scenario delivering 2 dwellings on a small area of PDL would make a small but valuable contribution to boosting housing supply and could be developed quickly. Economic and social benefits would accrue through construction and future occupation, with occupiers using services and facilities in nearby settlements, mostly through private car journeys. There would also be an enhancement in biodiversity, albeit unquantified in extent and with uncertainty of its longevity, together with efficient use of energy, thus generating small environmental benefits. The loss of tourism, however, would dilute the rural economy at odds with the Framework's support for a prosperous rural economy. Consequently, even if not isolated in the terms set out in Framework Paragraph 84, the benefits of the proposal are of modest weight in its favour.
32. The Framework requires decisions on planning applications to contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and being sympathetic to local character, including landscape setting. I have found significant harm in these respects.
33. The appeal proposal's adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework

taken as a whole. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.

34. For the reasons given above, the appeal proposal would conflict with LP Policy S7. Whilst it would comply with elements of other policies in the LP, the extent of the harm identified brings it into conflict with the development plan as a whole. Material considerations, including the benefits of the proposal and the provisions of the Framework, do not carry sufficient weight to outweigh the conflict, nor do they indicate that the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR