



Appeal Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2024

Appeal Ref: APP/C1570/W/23/3330332

Rowley Hill Farm, Little Walden Road, Saffron Walden, Essex CB10 1UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Turnbull against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1309/OP.
 - The development proposed is the erection of up to 4 dwellings and associated work.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with approval sought for access and scale. Appearance, layout and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan as illustrative except insofar as it pertains to the scale of development and its access.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the most recent version.

Background and Main Issues

4. The appeal is submitted further to a relatively recent appeal decision on the same site¹ in December 2022 (the 2022 appeal). This scheme was also for up to four dwellings and was dismissed. The Inspector considered that whilst the scale of the four proposed dwellings were not harmful to the character and appearance of the area, the distance to shops and services, lack of transport options, other than the private motor vehicle, and loss of agricultural land was a cause for concern.
5. I therefore consider there are several main issues in this case. These are:
 - a) whether the site represents an appropriate location for housing, having particular regard to access to facilities and services and loss of agricultural land,
 - b) the effect of the proposed development on the character and appearance of the area, and

¹ APP/C1570/W/22/3293647

- c) whether, in the event of harm being identified, material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan.

Reasons

Suitability of location

6. The circumstances of the appeal site have not changed since the Inspector dismissed the 2022 appeal. The site remains in a fairly remote rural location which is not easily accessible by modes of transport other than the private motor vehicle. Whilst the site is approximately 850 metres from the boundary with the town of Saffron Walden, this merely marks the edge of the town. It remains a noteworthy further distance to any shops or services within the town itself which is not reasonable for a weekly shop. Likewise, the bus service provided to this area is minimal.
7. A planning obligation has been provided which nominates a sum of £18,000 to clear the existing footpath that links the site to Saffron Walden. It is argued that this would improve the attractiveness of this route to pedestrians and cyclists. Whilst this would be a welcome benefit to the local infrastructure, it would not alter the sites' location which remains well removed from local facilities. The contribution would be a one-off payment, the benefits of which would not endure for the life of the development. Accordingly, I regard this contribution as being of little benefit as it cannot fundamentally change the remote location of the site or the lack of other transport options.
8. Other permissions granted by the Council in the area since the 2022 appeal were of a smaller scale, were more closely associated with Little Walden or have other mitigating circumstances that justified their location. In any case, each must be considered on its own merits, and I have assessed this scheme based on the evidence before me.
9. The sites proximity to a café and vineyard that stages events contributes little to this location. From the information provided to me, this appears to be a local tourist venue and is unlikely to be of little practical value to any future residents for day-to-day needs.
10. Considering the judgment of *Braintree DC v SSCLG [2018] EWCA Civ. 610* it seems to me that the site is not isolated, being mindful of its proximity to the smattering of other dwellings along Little Walden Road and in reasonable proximity to Little Walden itself, despite the small size of this village. Even so, this does not alter the overall distances to shops and services. It also does not change the fact that the development would remove an area of the Best and Most Versatile agricultural land as was highlighted by the Inspector in the 2022 appeal. I recognise that this field is relatively small in modern agricultural terms and not presently in productive use. Nevertheless, this is not a matter which is insurmountable to bring it into productive use given its rural location and proximity to other fields. Conversely its development for housing would remove it in perpetuity.
11. Therefore, I conclude that the proposal is not in an appropriate location for housing, having particular regard to access to facilities and services and the loss of agricultural land. The proposed development would therefore conflict with policies S7, ENV5 and GEN1(e) of the Uttlesford Local Plan 2005 (ULP) and

policy SW12(1) of the Saffron Walden Neighbourhood Plan (SWNP). These policies, read together, require development to be appropriate to a rural area, avoid development of the best and most versatile agricultural land and encourage movement by means other than driving a car.

Character and appearance

12. The site is located within a rural area between the town of Saffron Walden and village of Little Walden. There are examples of development within the area, mainly these are short rows of homes addressing Little Walden Road, albeit that many of these are quite secluded due to extensive trees and hedgerows enclosing the road and surrounding areas. The site itself also benefits from this degree of seclusion for the same reasons. Overall, however, the area has an undeveloped and rural character.
13. The introduction of four detached dwellings on this site would result in a noteworthy change to this rural character resulting in a built-up appearance. It would not enhance the particular character of the part of the countryside within which it is set contrary to the requirements of ULP policy S7. Although the scale of the buildings would be commensurate with other nearby buildings, this does not dilute the otherwise distinct urbanising effect of the simple positioning of four new dwellings here. Indeed, the Inspector, in relation to the 2022 appeal, considered the scale of the proposed dwellings to be acceptable, as they were commensurate with other dwellings in the locality.
14. I am mindful of this and acknowledge that consistency of decision making is of importance and that there was no objection to the character and appearance of the area in the 2022 appeal. However, I am equally mindful that this assessment was focused on the scale of the proposed buildings. It is clear here that there is the other concern insofar as it relates to the urbanising effect of the proposed development. The development of four detached dwellings in the countryside must have an urbanising effect. This would erode the rural nature of the area and this causes harm to its character and appearance.
15. Therefore, notwithstanding the findings of the previous Inspector in relation to the 2022 appeal, which in any case was also dismissed, I conclude that there is harm to the character and appearance of the area due to the urbanising effect. In this regard the proposal conflicts with the requirements of ULP policy S7 which requires, amongst other things, for development to be appropriate to a rural area.

Planning Balance and Conclusion

16. The Council cannot demonstrate a five-year land supply of deliverable housing sites and this situation has persisted for many years. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied.
17. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. I recognise the age of the ULP and that policy S7 is not wholly consistent with the Framework. Nevertheless, the provisions of policy S7 are still, in effect, directed towards the protection of the countryside due to its intrinsic beauty and in this regard the policy is consistent with paragraph 180 of the Framework. The proposal would not be in an appropriate location for housing having regard to its distance to shops and services and the loss of agricultural

land. I give significant weight to the conflict between the proposal and ULP policies S7, ENV5 and GEN1(e) and SWNP policy SW12(1) in this respect.

18. Set against the identified harm, the proposal would provide four new dwellings and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with four new dwellings would be minimal in the context of the District's overall shortfall. It is only fair too, by this reasoning, to give the harms minimal weight as they would only be caused by four dwellings and their effects thus limited. I give the provision of these new dwellings, in these circumstances, moderate weight.
19. However, overall, I conclude that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should be dismissed.

Nick Bowden

INSPECTOR