



Appeal Decision

Site visit made on 9 July 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/C1570/W/23/3333823

1 Tile House Bungalow, Stebbing Green, Stebbing, Essex CM6 3TE

- 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 Mark Hanna against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1133/FUL.
 - The development proposed is described as “construction of 3 no dwellings”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024 the Government published a consultation on “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation”. A Written Ministerial Statement entitled “Building the homes we need” was also published on 30 July 2024. I have had regard to these publications in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on the area in terms of flood risk; whether the proposal would preserve or enhance the setting, character or appearance of heritage assets and the surrounding area; and the effect of the proposal on highway safety in terms of access.

Reasons

Flood risk

4. The proposal is for the construction of 3no dwellings. A Flood Risk Assessment (FRA) dated June 2020 has been submitted, however, this FRA relates to a development for a single dwelling, with plans attached showing a different red line boundary plan to that which has been submitted with this appeal.
5. The FRA concludes that the site is within Flood Zone 1 with moderate groundwater flood risk and low to very low surface water flood risk. The FRA also states that a Water Exclusion Strategy for the foundations is required as mitigation along with a requirement for a warning and evacuation strategy as part of a Family Flood Plan.
6. An email¹ details that the findings of the FRA hasn’t changed as the buildings will be set outside of the flood extent. Nevertheless, there is insufficient

¹ Appendix MH7 of the appellants statement of case

information which details the effect a scheme of 3no. dwellings would have on matters such as groundwater and surface water flood risk, and whether the full appeal site lies within a Flood Zone 1 area. There is no evidence detailing whether a scheme of 3no. dwellings would require any mitigation in terms of water exclusion strategies for the housing foundations or any requirements for a warning and evacuation strategy. Given the lack of information in relation to a scheme for 3no. dwellings, I do not consider a planning condition relating to flood measures would be satisfactory. From the evidence before me, insufficient information has been provided which assesses the effect a development of 3no dwellings would have on flood risk.

7. Accordingly, I am not satisfied that the proposed development would not have a harmful effect on the area in terms of flood risk. The proposal would be contrary to Policy GEN3 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework (the Framework) which seeks flood risk assessments to demonstrate an adequate standard of flood protection and no increased risk of flooding.

Heritage assets and surrounding area

8. There are grade II listed buildings located adjacent to the appeal site and these are named "Byways Sunnyside", "Old Leas" and "Tilehouse Farmhouse".
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Moreover, the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The listed building known as Byways Sunnyside consists of two adjoining cottages constructed 17th century or earlier. These buildings have level two thatched roofs with four eyebrow dormers, five window range horizontal sliding sashes and small paned casements. Old Leas is a 17th century or earlier cottage that has a thatched roof with two flat head dormers, three window range of various small paned casements and horizontal sliding sashes and a plain board door with pentice board over. Tilehouse Farmhouse is described as a house and crosswing dating from mid 16th century or earlier. This building has a red plain tile roof being of two storey. These listed buildings have historical and architectural significance within the area.
11. The area surrounding the appeal site is characterised predominantly by residential properties in a linear form to the north of Stebbing Green Road (SGR) with a scattering of residential properties to the south of SGR and the open countryside set beyond. The built development in the area is mixed with varying scale of buildings, design, materials and plot sizes. It is this variation in the style of the built development set within a linear form that contributes positively to the character of the area.
12. The proposed layout of the properties would be a linear form and therefore in keeping with the surrounding pattern of development. The proposed properties would be large and detached, surrounded by plenty amenity space and car

parking which would not be at odds with the residential character of the surrounding properties, which would include domestic paraphernalia.

13. The design and styles of the properties are unique and include varying features such as Juliet balconies however, given the mix of architectural styles of the surrounding buildings, the proposal would not look out of place or detract from the local character and distinctiveness.
14. Due to the design, scale and proximity to the surrounding buildings including the nearby listed buildings, the proposed development would not be a dominating presence and would not have a harmful effect on nearby heritage assets or the surrounding street scene. The proposed development would preserve the setting, character and appearance of the grade II listed buildings and the surrounding area.

Highway safety

15. The proposed development would be accessed via two existing access tracks that meet SGR. SGR is straight at the section adjacent to the appeal site with visibility from both access points being sound in both directions for some distance. With the exception of a telegraph pole, there are no physical obstructions that would obstruct visibility to a vehicle exiting or entering the appeal site. The telegraph pole itself is set back from the highway and given its width, it would not compromise visibility from the proposed access points.
16. The proposal would not lead to substandard accesses and it would not result in an unacceptable degree of hazard to road users that would be detrimental to highway safety. The proposal would not be harmful to highway safety with regards to access.

Other Matters

17. The proposed development would contribute to the local economy and support local services during and after construction and it is noted that the agricultural land has no intrinsic economic value. The proposal would not have a detrimental effect on the living conditions of neighbouring occupiers, biodiversity or environmental health matters. Given the scale of the development, I attribute minimal weight to these benefits.

Conclusion

18. I have found that the proposal would not have an adverse effect on the setting, character and appearance of heritage assets and surrounding area, or on highway safety with regards to access. However, these matters and the benefits described above would not outweigh the significant harm I have identified regarding the effect the scheme would have on flood risk in the area.
19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweighs this finding.
20. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR