



Appeal Decision

Site visit made on 4 July 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/C1570/W/23/3333880

Small wedge shaped field to the edge of High Easter along The Street, High Easter, Chelmsford CM1 4QW

- 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 Mrs & Mrs Hollyman & Buttlings against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0438/FUL.
 - The development proposed is change of use from agricultural grass land to residential with the construction of a new dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided an amended site plan as part of the appeal, which alters the proposed access arrangements. The revised plan seeks to address the Council's concerns about the effect of the proposal on highway safety. However, the procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage.
3. The amendments would fundamentally change the layout of the access arrangements, when compared to those upon which the Council made its decision, and they have not been subject to consultation. Moreover, the Council has not provided comments on the amended plan as part of the appeal process. Therefore, in the interests of fairness, I have not had regard to the amended plan and have determined the appeal having regard to the same proposal that was before the Council when it made its decision.

Main Issues

4. The main issues are:
 - whether the site is suitable for the proposed development, having regard to development boundaries and accessibility to services and facilities;
 - the effect of the development on highway safety, with particular regard to visibility at the proposed site accesses; and

- the effect of the proposal on the character and appearance of the countryside.

Reasons

Whether the site is suitable

5. The appeal site lies adjacent to Belchers, which marks the extent of the built form at this edge of High Easter. It lies immediately adjacent to, but outside of, the development limit of the village as defined in the Uttlesford Local Plan Adopted 20 January 2005 (LP), in the open countryside.
6. Policy S7 of the LP restricts development in the open countryside except where there is a need for a rural location, or the development is otherwise appropriate to the rural area. The development proposed is for market housing and is not being advanced as a rural worker's dwelling or for any other essential rural need. Therefore, there is conflict with Policy S7 of the LP.
7. Although the site lies outside of the defined development boundary, it has a close physical relationship with the village, due to its proximity to Belchers. Therefore, it is not isolated. Indeed, future occupants of the dwelling would be able to access the services and facilities in High Easter by a short distance on foot. However, I have not been directed to evidence to indicate the village could provide for the full needs of its residents, and I did not observe a wide range of services and facilities within the village on my site visit. Consequently, it is likely that future occupants would need to travel further afield to higher order settlements in order to access a full range of goods and services.
8. There are bus services from the village to Great Dunmow and Chelmsford, the latter of which would provide for onward journeys by rail. However, I have not been provided with substantive information to establish the frequency or duration of bus services. Moreover, the Transport Statement submitted with the application notes that public transport access to the village is poor. Therefore, whilst I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I cannot be certain there would be a reasonable choice of travel modes available to future occupiers of the development. Consequently, future occupants would be heavily reliant on the private car to meet their needs. This points to the site being in a location where sustainable travel solutions could not be maximised, contrary to the provisions of the National Planning Policy Framework (the Framework).
9. Overall, I conclude that the appeal site is in an unsuitable location for housing, having regard to development boundaries and accessibility to services and facilities. Therefore, in addition to the conflict with Policy S7 of the LP, the proposal would be contrary to the Framework insofar as it seeks to encourage and prioritise sustainable travel modes.

Highway safety

10. Access to and from the site would be via two separate crossovers from The Street. The speed limit on the road in front of the site is 30 miles per hour. There is a bend in the road to the east, which restricts longer views of the proposed accesses when approaching from the village. Westwards, the road has a straighter alignment heading further into the open countryside, where national speed limits apply.

11. The appellant has not disputed that the proposed visibility splays would not meet the Council's standards. However, it has been put to me that the standards are unreasonable given that there is no accident history on this part of The Street, and the access arrangements for other nearby dwellings are also substandard. I do not have the full circumstances before me to be certain as to how those other developments became established. However, given their age, it is likely that they were constructed at a time when access standards differed from today. Therefore, they are not directly comparable to the appeal scheme. Moreover, the lack of historic accidents does not negate the need to ensure that safe and suitable access to the site could be achieved.
12. Given the alignment of the road, vehicles approaching the site from High Easter would have limited forward visibility of vehicles accessing or egressing the site. Moreover, due to the retained frontage hedgerow, vehicles exiting the appeal site would be required to nose out into the highway to have adequate visibility of approaching vehicles. As a family-sized home which would accommodate multiple vehicles and, given the lack of sustainable transport options from the village, there would be frequent vehicle movements to and from the site. Moreover, in the absence of evidence to suggest otherwise, these vehicle movements would be most likely to occur during the morning and evening peak period when the road would be at its busiest. It follows that there would be an increased risk of vehicle conflict arising from the development proposal.
13. Therefore, I cannot be certain that there would be no unacceptable harm to highway safety arising from the appeal proposal. The harm to highway safety would be unacceptable which, in accordance with Paragraph 115 of the Framework, is justification for the development being refused.
14. I conclude that the proposed development would cause harm to highway safety, with particular regard to visibility at the proposed site access. The proposal would therefore conflict with Policy GEN1 of the LP insofar as it expects that the design of sites must not compromise road safety. There would also be conflict with the Framework, which expects developments to provide safe and suitable access for all users.

Character and appearance

15. The appeal site has a triangular shape, which tapers to a point at its furthest extent from the village. It is laid to grass with landscaped borders; and is sandwiched between The Street and a public footpath, which follows the rear boundaries of nearby houses in High Easter. Open farmland lies to the rear, which is characteristic of the countryside in this part of Uttlesford. The site is not currently used for agriculture, and the evidence indicates it is not actively managed and is therefore at risk of becoming overgrown. Consequently, the character of the site does not align closely with that of the working farmland that is distinctive to the open countryside in this location.
16. The proposed dwelling would encroach modestly onto land designated as open countryside. However, it would not extend onto the working agricultural land to the rear and, therefore, would not interrupt the character of the open fields that surround High Easter. Moreover, the site is currently well-screened from The Street by boundary hedging. Whilst some of the hedgerow would be removed to facilitate the proposed access arrangements, most of it would be retained and could be secured as such through condition. The development would therefore be reasonably well concealed in longer views along The Street.

17. Closer views of the dwelling and driveway, along with associated domestic paraphernalia, would inevitably be visible through the site accesses and hedgerow gaps, particularly during the winter when some trees may not be in leaf. However, unobstructed, close views of existing dwellings are already available from this part of The Street as well as from the footpath behind. No harm has been identified in respect of the design of the dwelling, and there is no substantive evidence to indicate the appearance of the building or associated domestic paraphernalia would be atypical of other homes nearby. The dwelling would therefore be experienced by passers-by as a continuation of the linear development along this part of The Street.
18. Overall, due to the proximity of the site to existing properties in High Easter, and its contained nature between landscaped borders, the road, and a footpath, one additional dwelling would not cause material harm to the character of the countryside in this particular location. Therefore, there would be no conflict with Policy GEN2 of the LP insofar as the dwelling would be compatible with surrounding buildings and would safeguard important environmental features in its setting. In respect of this main issue, there would also be no conflict with Policy S7 of the LP, insofar as it states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.

Other Matters

19. The appeal site lies within the setting of the Grade II* listed High Easterbury, the Grade II listed Wild Oaks, and the Grade II listed Lanterns. The listing descriptions for these buildings indicate their historic interest lies in their architectural features, which reflect the time in which they were constructed. The significance of the buildings is partly derived from this architectural and historic interest. The site also lies within the High Easter Conservation Area (CA), which derives its interest in part from the collection of historical buildings and street patterns within it.
20. The proposed dwelling would be set back within the plot and there would be no direct intervisibility between the appeal site and the nearby listed buildings. Moreover, the dwelling would be sympathetically designed with a traditional appearance to reflect the locality. I note that the Council has not identified any harm would arise to the significance of the listed buildings through development within their settings, or to the character or appearance of the CA. Based on the evidence, the proposal would preserve the character and appearance of the CA, and the settings of the listed buildings.
21. Other than its location within the open countryside, I have not been directed to any other designations that indicate that housing on the site should be precluded as a matter of principle. Moreover, there is no indication the development would place undue pressure on local services. The absence of harm weighs neither for nor against the proposal.
22. I have determined the appeal on its own merits. Therefore, whether or not any future proposals could potentially come forward on land adjacent to the site is not a matter that has been determinative to my decision.
23. I acknowledge the concerns the appellant has raised regarding the Council's handling of the application and the lack of proactive engagement. However, these matters fall outside the scope of this appeal.

Planning Balance

24. The proposal conflicts with the aforementioned policies of the LP, which is sufficient to bring the proposal into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
25. At the time the application was determined, the Council could not demonstrate a five-year supply of deliverable housing sites (HLS). The evidence indicates this position has changed, with the Council stating it has 5.14 years of HLS. However, the 2022 Housing Delivery Test shows the delivery of housing in the District has fallen below 75% of the requirement over the previous 3 years. In this circumstance, and in the absence of any definitive evidence to suggest otherwise, I shall make my determination on the basis that paragraph 11(d)(ii) of the Framework is engaged.
26. The LP dates from 2005. However, weight should be afforded to policies according to their degree of consistency with the Framework, rather than their age. In that regard, the Framework takes a more proactive approach to housing in rural areas than Policy S7 of the LP, particularly where it would meet identified local needs and would enhance or maintain the vitality of rural communities. Consequently, and given that I have found there would be no harm to the character and appearance of the countryside, I reduce the weight attached to the conflict with Policy S7 to moderate.
27. However, the proposal would cause harm to highway safety due to the provision of a sub-standard access with no acceptable justification. This would be contrary to the Framework and carries significant weight.
28. There would be some social, economic and environmental benefits arising from the development. The delivery of an additional dwelling would contribute to local housing requirements, and some jobs would be created during the construction period. Future occupants of the dwelling would also contribute to the local community, and increased spending would help to support the viability of local services and businesses. Moreover, the proposed dwelling would be built to high environmental standards, and the development would also achieve a biodiversity net gain.
29. However, the contributions that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is moderate. Consequently, in the specific circumstances of this case, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole.

Conclusion

30. 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. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside
INSPECTOR