



Appeal Decision

Site visit made on 1 October 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/C1570/W/24/3336850

Land North of The Brickett, West of Broadview, Sheering Road, Hatfield Heath, Bishops Stortford CM22 7LJ

- 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 Harry Anderson against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1737/FUL.
 - The development proposed is "*change of use from previously development land to construction of 1no residential 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 National Planning Policy Framework (the Framework). A Written Ministerial Statement (WMS) entitled "Building the homes we need" was also published. Whilst a direction of travel has been outlined within the WMS, the changes to the Framework carry limited weight at this stage because the document has not been finalised. The parties have been invited to comment on these publications, however no comments were received.

Main Issues

3. The main issues are: a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy S6 of the Uttlesford Local Plan (Adopted January 2005) (LP) allows for some development within Hatfield Heath insofar as it has been excluded from the Green Belt. However, the policy contains limited detail on the approach to development on the appeal site, which lies within the Green Belt as shown on

the Policies Map. The supporting text to Policy S6 states that development within the Green Belt will only be permitted if it accords with national planning policy in Planning Practice Guidance Note 2 – Green Belts, which has been replaced by the Framework. I have therefore primarily considered the appropriateness of the development against the provisions of the Framework.

6. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate other than in a few exceptions, including (e) limited infilling in villages. Neither 'village' nor 'limited infilling' are defined in the Framework. Therefore, it is ultimately a matter of planning judgement as to whether the proposal would fall within these definitions.
7. It is common ground that the site lies outside of the defined development limit of Hatfield Heath. However, case law¹ has established that the formal boundary of the village may not be determinative in identifying whether a proposal lies within a village envelope. It is therefore necessary to consider the situation on the ground when determining whether the site lies in a village.
8. On my site visit, I observed that the built-up area of Hatfield Heath is focused around the A1060, which is a busy road connecting Chelmsford with Bishops Stortford. Development within the village has a relatively tight grain compared to the surrounding rural area, with dwellings, services and facilities grouped in a linear format with a strong presence along the street. The commercial core of the village lies on the north side of the A1060, which segregates the built form of the village from the expansive network of amenity space and the church grounds that lie opposite. Therefore, the A1060 provides a clear, visual edge to Hatfield Heath in the vicinity of the appeal site.
9. In contrast, the development along Sheering Road has a looser grain, with clusters of buildings separated by large gaps and woodland. Dwellings here are typically set well-back from the road behind wide grass verges, hedging and trees. This reduces their prominence on the road frontage when compared to development in the village. The verdancy of the area, along with the absence of heavy traffic along the road, provides for a rural character, which is at variance with the busy A1060 and the vibrant village to its north. Consequently, whilst the appeal site is close to Hatfield Heath, it is not located in the village for the purposes of applying paragraph 154(e) of the Framework.
10. The development would be integrated into an existing cluster of buildings, and it would lie adjacent to dwellings to the south and east. The proposal would fill a gap between The Brickett and Sheering Road, beyond which are other buildings. Given the proximity and relationship of the site to other buildings, the proposal could be considered as limited infilling. In coming to that view, I have had regard to the conclusions of another Inspector on a different site², whilst considering the specific circumstances of the appeal scheme and its relationship with nearby buildings. However, even if I were to conclude that the development would be 'limited infilling', it is not in a village. It follows that the proposal is not limited infilling in a village and, consequently, the exception listed in paragraph 154(e) of the Framework does not apply.
11. I note that the Council granted planning permission for the demolition of a barn and its replacement with 2 dwellings on Peggerells Farm on 29

¹ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

² Appeal Decision Ref. APP/C1570/W/19/3241822, dated 16 April 2020.

September 2023. I do not have sufficient information before me to establish the full circumstances that led to that decision being made, nor to make direct comparisons with the appeal scheme. Nonetheless, I have necessarily considered the proposal against the Green Belt policies within the Framework.

12. The description of the development refers to the site as "*previously development land*". However, its existing use is noted on the application form to be a paddock, which accords with my site observations. There is no substantive evidence before me to indicate that the site is or was occupied by a permanent structure or that it would fall within the Framework's definition of previously developed land (PDL) for other reasons. Therefore, based on the evidence and my observations, the site is not PDL and the provisions of paragraph 154(g) of the Framework would not apply to the proposal.
13. The appeal scheme would therefore be inappropriate development in the Green Belt, having regard to the Framework insofar as it seeks to restrict development in the Green Belt. Furthermore, the proposal would not carry support from Policy S6 of the LP due to its location within the Green Belt. The appellant concedes that Policy S7 of the LP does not apply to sites within the Green Belt. Therefore, I have not found Policy S7 to be determinative to my consideration of this main issue.

Openness

14. Openness has both visual and spatial dimensions and is a key characteristic of the Green Belt. The appeal site lies close to other dwellings yet the absence of buildings within the site itself makes a meaningful contribution to openness in this part of the countryside. The erection of a dwelling, garage, and the associated domestication of the site would inevitably reduce this spatial openness both horizontally and vertically. The loss of undeveloped space would have a deleterious urbanising effect on the rural character of the area thus conflicting with one of the five purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment.
15. Roadside hedging and trees, which would be retained, would provide some screening of the development in views from Sheering Road. However, even with supplemental planting, the dwelling would be visible through hedgerow gaps particularly during the winter months when there is less foliage cover. The development would also be exposed in views from the driveway and site access, and from the rear garden of The Brickett. Therefore, whilst it would be similar in scale and appearance to other dwellings nearby, it would have an eroding effect on the visual aspect of openness due to its size and siting.
16. Overall, there would be moderate harm to openness in both spatial and visual terms, albeit at a localised level.

Other considerations

17. Notwithstanding the Council's stated housing land supply position on 9 October 2023, I have been provided with a recent decision³ which indicates the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In that regard, I note that the persistent under-delivery of housing could have been an important consideration in the Council's favourable decisions for housing in the local area, including at The Plantation and Claremont Nursery.

³ Application reference. S62A/2024/0032, dated 24 May 2024.

18. The delivery of an additional home would contribute towards the under-supply of housing whilst also bring the site into an active use. This would be a clear benefit of the scheme. Indeed, the Framework notes the important contribution of small and windfall sites in meeting housing needs. Other social and economic benefits would include the creation of construction jobs, and longer-term spending on local services and facilities which would support the vitality of nearby rural communities. The additional population would also increase social interaction between residents. These benefits carry support from the Framework.
19. The proposal also includes environmental improvements, including biodiversity enhancement measures and the incorporation of renewable technologies and other measures to reduce carbon emissions.
20. However, the contribution to these social, economic, and environmental benefits by a single dwelling would be modest. Therefore, cumulatively they carry moderate weight in favour of the scheme.
21. Future occupants of the dwelling would be able to access the wide range of services and facilities in Hatfield Heath on foot, and there are regular onward bus services to higher order settlements and connections by rail. Therefore, there would be genuine options for future occupants to meet their daily needs without being reliant on the private car. Additionally, the scheme has some third-party support, and no harm has been identified in respect of the standard of accommodation, its design, the living conditions of neighbours, highway safety, or biodiversity. I have no reason to take a different view on these matters. The absence of harm weighs neither for nor against the proposal.

Green Belt Balance and Conclusion

22. The development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. I attach substantial weight to this harm in accordance with the Framework. Whilst there would be some social, economic, and environmental benefits arising from the proposal, the cumulative weight of the other considerations in this case is moderate and do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. Whilst the Council does not currently have the required supply of deliverable housing sites, the harm to the Green Belt provides a clear reason for refusing the development proposed under the provisions of paragraph 11(d)(i) and Footnote 7 of the Framework. Therefore, the presumption in favour of sustainable development in the Framework does not apply.
24. Taking all of the above into account, the proposal conflicts with the development plan and the material considerations do not indicate a decision should be made otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR