



Appeal Decision

Site visit made on 8 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/C1570/W/24/3341623

Elm Cottage, 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 outline planning permission.
 - The appeal is made by Mr Mathew Sowter against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2417/OP.
 - The development proposed is an outline planning application for the erection of a single storey detached dwelling together with improvements to host building and associated operational development, revised scheme following determination of UTT/22/2112/OP.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is for outline planning permission with the planning application form stating that landscaping is reserved for later consideration. I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is situated along a road which is characterised by a range of dwellings that are setback from the highway behind grass verges and garden areas. The surrounding fields and open areas of land, and the presence of a variety of vegetation and trees results in a verdant, spacious character that contributes positively to the wider countryside setting.
5. The appeal proposal follows a previous scheme that was refused and dismissed at appeal¹. It seeks permission for a smaller, single storey dwelling and would replace an existing garage and outbuilding. The scheme indicates a gap would be provided to either side of the proposed dwelling that would allow for landscaping. However, the illustrative plans also show the proposed dwelling would have a much deeper projection and overall mass than the structures it would replace. As such, by introducing a greater level of built development, which would occupy part of the garden area of Elm Cottage, the proposed dwelling would have a harmful effect on the spacious characteristic of the area.

¹ APP/C1570/W/22/3312330

6. I was able to see that the neighbouring development for two large dwellings with detached garages was complete, but these are set further back from the road and are not comparable to the appeal proposal. Although the access arrangements would now remain unchanged, and the proposed dwelling would be subservient to Elm Cottage, this would not overcome the harm that I have identified, nor would satisfactorily addressing the reserved matters.
7. I therefore conclude that the proposed development would have an unacceptable adverse impact on the character and appearance of the area. As such, it would conflict with Policies S7 and GEN2 of the Uttlesford Local Plan Adopted January 2005 and Policy STEB 9 of the Stebbing Neighbourhood Development Plan 2019-2033, which seek, amongst other matters, high quality design which is well-related to the existing pattern of development. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework (Framework), which seeks amongst other matters, development that is sympathetic to local character.

Other Matters

8. The appellant has referenced a previous planning application in 2013 on the appeal site which granted permission for a single storey extension to provide a self-contained annexe. Although this approved extension was wider than the appeal proposal, from the details provided, it also appears that the extension was of a much shallower depth. In any event, there is nothing before me that confirms that this permission is still extant, and this therefore limits the weight that I can attribute to the fallback position.
9. The principle of an infill dwelling on the appeal site is considered acceptable, as are the parking and access arrangements. Elm Cottage would also retain a large garden area. There would furthermore be no negative impacts on biodiversity, environmental features or on the living conditions of neighbouring residential occupiers. These are however neutral considerations and are not matters which weigh in favour of the development.

Planning Balance

10. The proposal would provide an additional dwelling on a previously developed site within the rural area. This would support the local economy during the construction phase, as well as through future occupiers using local services and facilities. These matters weigh in favour of the development, but as the proposal is for a single dwelling, they only attract limited positive weight.
11. I have found that the proposed development would be harmful in relation to the character and appearance of the area. This harm would be long lasting and would be contrary to the objectives of the Framework. I ascribe this substantial weight and as such, the benefits would not outweigh the harm identified.

Conclusion

12. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq INSPECTOR