



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: 1st November 2024

Appeal Ref: APP/C1570/W/24/3340623

Ellan Vannin, Sibleys Lane, Thaxted, Essex CM6 2NU

- 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 Mark Daubney against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/3137/OP.
 - The development proposed is an outline application (with all matters reserved) for the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is for outline planning permission with all matters reserved for later consideration. I have considered the appeal accordingly.

Main Issues

3. The main issues are:
 - whether the site is in a suitable location for residential development, having regard to the proximity of facilities and services, and
 - the effect of the development on the character and appearance of the area.

Reasons

Location

4. The appeal site is situated in the Sibley's Green area, with the nearest settlement providing a range of facilities and services, Thaxted, being located around 2 miles to the north. Although there is a bus service that runs close to the site, it operates on an infrequent basis. As the route to Thaxted is unlit and without pavements, the appellant acknowledges that future occupiers would not walk on a daily basis and would be reliant on a private vehicle.
5. Whilst Thaxted is only a short drive from the appeal site, and once there, future occupiers would be able to access a full range of facilities and services to meet their daily needs. Nevertheless, this places a heavy reliance on journeys by private vehicles, even taking into account that the appeal site is in a rural authority.
6. I therefore conclude that the proposal would not provide a suitable location for residential development, having regard to the proximity of facilities and

services. As such, it would be contrary to Policy GEN1 of the Uttlesford Local Plan Adopted January 2005 (Local Plan) and Paragraph 114 of the National Planning Policy Framework, which seek, amongst other matters, to promote sustainable transport modes.

7. Local Plan Policy S7 is only partially consistent with the Framework, in that the first part of the policy is more restrictive than national policy in that it seeks to protect the countryside for its own sake. The proposal would also be contrary to the latter part of Local Plan Policy S7, which seeks, suitably located development.
8. The Appellant considers the site to be an infill, referencing Policy TX LSC4 of the Thaxted Neighbourhood Plan 2017-2033 (Neighbourhood Plan). This states that undeveloped infill sites as those between existing dwellings [whereas the appeal site is between an existing dwelling and a group of industrial buildings]. The appeal site's location in Sibley's Green does not therefore gain support from this policy.

Character and appearance

9. The appeal site is situated amongst a group of large dwellings and other buildings that are set back from the road in spacious grounds. The grass verge areas along Sibleys Lane, as well as planting along boundaries adds to the spacious, verdant character, which together with the layout of buildings, contribute positively to the rural character of the area.
10. The proposed dwelling, although in outline with all matters reserved, would inevitably introduce additional built development on an area of land that is currently open. Whilst the proposal could come forward as a more modest form of development than that which was dismissed at appeal¹ previously, and established vegetation would provide some screening, the proposed dwelling would nonetheless be seen, including through the site access where it would appear visually intrusive.
11. An industrial area can be found neighbouring the appeal site which has been granted planning permission for a factory extension. A sizeable outbuilding within the garden of Ellan Vannin has also been constructed. Within this context however, the appeal proposal would add a further. The level of domestic activity arising from the proposal would not be harmful given the activity associated with the neighbouring industrial buildings, but the proposed dwelling by virtue of the increased built form, would erode the characteristic spaciousness of the area by increasing the density of development in the area and appearing discordant.
12. Given the above, I conclude that the proposal would have an unacceptable harmful effect on the character and appearance of the area. As such, it would be contrary to Local Plan Policy S7 insofar as it seeks to protect or enhance the character of the countryside, and Neighbourhood Plan Policy TX LSC4, which seeks, amongst other matters, for development to have regard the character and appearance of the landscape. The proposed development would also not accord with the Framework, which seeks to ensure development is sympathetic to local character.

¹ APP/C1570/W/19/3241109

Other Matters

13. Reference has been made to an appeal decision² which granted planning permission for a dwelling on nearby Monk Street. The Inspector on that case however found that the reliance on private vehicles would result in conflict with the Development Plan, and on this issue, the Inspector's findings were consistent with those of the Inspector on the earlier appeal decision¹ on the appeal site, which concluded that the site would not provide a suitable location for housing. The Monk Street decision turned on the particular circumstances of that case including, the Council's housing land supply at the time, which is different to that which is before me on this appeal. Furthermore, the main issues of this appeal are different to the Monk Street decision, and I have found this appeal proposal would have a harmful effect on the character and appearance of the area.
14. A more recent permission³ granted by the Council has also been referenced by the Appellant. The referenced site is closer to Thaxted, at a distance of around 1.5 miles and it has also been set out that there is a route over fields that can be used to reach this settlement. The appeal site is further away, and on the other side of the busy B184 and it is not clear whether the appeal site would also benefit from such a pedestrian route. Accordingly, I have considered this appeal before me on its own merits.
15. My attention has also been drawn to an appeal decision⁴ on Swindon Close. I accept that even a single dwelling can in certain circumstances make a significant contribution to housing supply. From the information available however, the conclusion on that case followed the particular circumstances of that development, which the Appellant acknowledges are different, including the appeal site in that case being in an accessible location, in a different local authority area and different policy context.
16. There are no highway or ecological objections to the proposal nor in relation to trees and landscaping. The development would also be acceptable in relation to contamination or flooding. These are however neutral matters and not ones which weigh in favour of the proposal.
17. The proposal receives support from local residents and the Parish Council, but this does not alter my conclusions in relation to the main issues.

Planning Balance

18. The Council is unable to demonstrate a 5-year deliverable supply of housing, with the Council referencing the current supply at 4.5 years. The relevant policies of the development plan are therefore deemed to be out of date and, in light of Paragraph 11 d) ii) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would not provide a suitable location for housing, and it would harm the character and appearance of the area. This harm would be long

² APP/C1570/W/21/3278376

³ UTT/24/0898/OP

⁴ APP/W5780/W/21/3266612

lasting and would be contrary to the objectives of the Framework. I ascribe this substantial weight.

20. The proposal would provide an additional dwelling that would increase local housing supply and support local services. I acknowledge that the provision of a single dwelling does not necessarily mean the contribution to housing supply would always be limited. However, given the Council's five-year housing requirement of 3591 dwellings⁵, I consider the proposal would in this instance make a very small contribution and consequently I attach this matter limited weight and to the associated economic and social benefits.

Conclusion

21. 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

⁵ 5-Year Land Supply Statement and Housing Trajectory Status at 1 April 2023 (Uttlesford District Council, Published 9th October 2023)