



Appeal Decision

Site visit made on 19 November 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/C1570/W/24/3346907

Land Known as Dingley Dell, Wendon Road, Arkesden CB11 4HD

- 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 J Edmans against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2822/OP.
 - The development proposed is an outline planning application with all matters reserved except access and layout for the erection of 4no semi-detached 2-bed cottages, new access onto Wendon Road, and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline permission for access and layout only, with all other matters reserved at this stage. I have considered the appeal on this basis and have treated any plans in relation to other matters as illustrative only.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.

Main Issues

4. The main issues are whether the proposal is appropriate:
 - having regard to local and national planning policies that seek to manage the location of new development together with effects on the character of the countryside; and
 - having regard to sustainable means of transport and the access to facilities and services.

Reasons

Location of the development

5. The appeal site is located within a small cluster of development to the north of the village of Arkesden. Despite the cluster of built development, the surrounding area consists of largely open fields and has a strong rural feel. The appeal site forms an irregular shaped plot, adjoining the residential

property of Ash Tree Rise. At the time of my visit the plot appears to be used for the storage of construction materials and lumber. There is dispute between the parties regarding the use of the site and its status as a brownfield site, however whether the existing use is agricultural or commercial is not before me, as this would be a matter dealt with under a certificate of lawfulness application.

6. Policy S7 of the Uttlesford Local Plan (ULP), adopted January 2005 relates to development in the countryside, being those areas beyond the Green Belt that are not within a settlement or other site boundaries. It seeks to protect the countryside, stating planning permission will only be given for development that needs to take place there, or is appropriate to a rural area, which can include infilling. It goes on to add that there will be strict control on new building and development, which will only be permitted if its appearance protects or enhances the particular character of the part of the countryside in which it is set, or there are special reasons why the development in the form proposed needs to be there.
7. In regard to the first limb of policy S7, both parties agree that the proposal would be located outside any identified settlement boundary, with the closest settlement being Arkesden. This provides basic services to meet some needs for residents and includes a village hall, local shop, a church and a pub. As such, given the appeal site is outside of the defined limits of the settlement, there is a presumption against development in this location.
8. There is little evidence before me in respect to the need for the development to take place in a rural location nor that residential development would be appropriate in this area.
9. With regard to infilling, paragraph 6.13 of the ULP referred to in the policy, highlights that outside settlements there may be limited opportunities for infilling. The paragraph further indicates that this is due to no gaps left for development or approaches to villages being too loose in character for development to be appropriate.
10. As stated, the appeal site is located adjoining a cluster of existing development, which whilst currently supports the storage of temporary construction materials, is largely devoid of any built structure providing a relatively undeveloped appearance. I have taken account of the pattern and form of development which exists locally, and the site appears more as part of the rural area to the north rather than the cluster of more built-up development to the south. Consequently, as the appeal site occupies a peripheral position on the edge of the cluster of development, outside a settlement, it could not reasonably be described as infilling given the lack of a gap.
11. Regarding the second limb of the policy, whilst the application is for outline permission with appearance, landscaping and scale as reserved matters, the application has provided an indicative layout and highlights that the dwellings would be one and a half storey chalet bungalows¹. I acknowledge that the layout would respect the existing building line (being set back from the roadside) and could provide a respectful design at the reserved matters stage. However, the introduction of built development would lead to additional sprawl

¹ Design and Access Statement prepared by bbr-design ref: 23231

and an increased urbanising affect, harmful to the overall appearance of the area. As such, the proposed development would introduce a discordant built form to the locality that would fail to protect or enhance the character of the countryside.

12. I appreciate that policy S7 is partially consistent with the Framework, given it is more prescriptive in its requirements to protect the countryside for its own sake. Nevertheless, it also seeks to protect and enhance the natural environment, which is consistent with paragraph 180 of the Framework that requires development to contribute to and enhance the natural environment through the recognition of the intrinsic character and beauty of the countryside. Consequently, the development would therefore be harmful to the character and appearance of the locality, thus conflicting with policy S7 of the ULP and relevant provisions of the Framework.

Sustainable means of transport

13. The Framework, amongst other things, advises that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car. Criterion e) of ULP Policy GEN1 encourages movement by means other than driving a car, which reflects the aims and objectives of the Framework in regard to sustainable transport.
14. As stated previously, the nearest settlement is Arkesden which provides only basic services, which are unlikely to meet the day-to-day needs of future occupiers of the proposed dwellings. The provision of a wider range of services and facilities are located in several larger villages nearby, these include Clavering, Wendens Ambo and Newport, with the larger town of Saffron Walden located approximately 5km away. The appellant acknowledges that these journeys are relatively short distances, when driven in the car. However, access to these settlements via alternative means, such as on foot or by bicycle would require future occupiers to negotiate country lanes that predominately do not have pavement, and are generally unlit, with speed limits varying between 30mph and 40mph. The lack of footpaths or streetlighting would make it less attractive for people to use more sustainable means such as walking, and cycling particularly when carrying shopping, in the dark or during inclement weather conditions.
15. I have limited substantive evidence before me to indicate that the site is well served by public transport, although there is a Demand Responsive Transport (DART) bus service in operation. From the details before me, this provides a booked service (available 0600-2200 Monday-Saturday), and thus does provide an available alternative to the private car. However, there are limited details in regard to the frequency and reliability of this service. This leads to uncertainty that it would be a realistic substitute to the convenience of a private car. Therefore, there would be negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
16. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it

would not accord with ULP policies S7 and GEN1 which seeks to promote sustainable transport modes and suitably located developments. The development would also conflict with paragraph 109 of the Framework which seeks to maximise sustainable transport solutions.

Other Matters

17. The appellant has drawn my attention to other appeal decisions² which have been allowed locally for new housing development. Based on the limited information before me, both appeals at Clifford Smith Drive and Rush Lane are some distance from this proposal. Furthermore, they were for significantly larger developments (30 and 40 dwellings respectively). It is unclear from the limited information whether the relationship of these proposals to their nearest settlement or indeed their impacts on the character and appearance of their locality was the same as that considered here. Nevertheless, these schemes turned on their own merits, and as such I give these examples only limited weight, as I cannot be certain they are directly comparable.
18. The appeal scheme at Quicksie Hill³ is of more relevance to the proposal before me. In this appeal, the Inspector found the scheme would harm the character and appearance of the area and thus conflicted with ULP Policy S7 and was also not located in a sustainable location with regard to the accessibility of services and facilities, thus conflicting with ULP Policy GEN1. This is consistent with my findings above. However, in applying weight, this is a matter of planning judgement for the decision maker. In this appeal the Inspector found that the lack of a 5-year supply of deliverable housing sites, outweighed the harm he identified above. Nevertheless, in exercising my own planning judgement, I have reached an alternative conclusion based on the evidence before me, for the reasons set out below.

Planning balance and Conclusion

19. There is dispute between the parties in regard to whether the Council is currently able to demonstrate a 5-year supply of deliverable housing sites⁴, or indeed if they would only need to demonstrate a 4-year supply. Given that the Council has an emerging local plan that has reached the Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, it is likely that a 4-year supply would be required under paragraph 226 of the Framework.
20. Nevertheless, even if I was to consider that the Council is not meeting its 5-year target, I have found there would be negative environmental and social effects arising from the unsuitable location in terms of the lack of accessibility to local services and facilities and that there is harm to the character of the countryside. Harm which I have apportioned significant weight.
21. I acknowledge that the proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. The proposal also benefits from sufficiently sized units which would provide a modest increase in meeting the Government's objective of significantly boosting the supply of homes. I also note the benefits identified by the appellant in providing 4 smaller dwellings to meet local

² PINS Refs: APP/C1570/W/18/3210034 and APP/C1570/W/19/3242550

³ PINS Ref: APP/C1570/W/19/3225516

⁴ 4.12 years - Uttlesford District Council 5-Year Housing Land Supply Statement – Published 20 August 2024

demand, which could be brought forward relatively quickly. To these benefits I apportion modest weight given the limited scale and nature of the proposed development. However, these benefits would not outweigh the harm that I have identified above.

22. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

Robert Naylor

INSPECTOR