



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: 10 December 2024

Appeal Ref: APP/C1570/W/24/3348765

Crows Nest, 1 Redgates Lane, Swards End CB10 2LW

- 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 Dennis Bailey against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1787/OP.
 - The development proposed is outline planning permission with all matters reserved other than access, for the erection of up to 4no. bungalows to the rear of Crows Nest, 1 Redgates Lane, Swards End, CB10 2LW.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline permission for access 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.
4. The publication version of the Uttlesford Local Plan 2021 – 2041 has reached the Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage. I have little information to suggest when the plan is likely to be adopted, or if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to this plan.

Main Issue

5. The main issue is 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.

Reasons

Location of development

6. The appeal site consists of a small parcel of land, to the rear of The Crows Nest which is accessed via a small shared accessway from Redgates Lane. The appeal site is on the periphery of the settlement of Swards End with a relatively tight development pattern, with residential properties constrained

along the main routes. Outside Swards End the surrounding area consists of largely open fields and has a strong rural feel. The appeal site is currently undeveloped and devoid of built structures and has an open and verdant feel. The site itself is well-screened and hidden from most public vantage points given the boundary treatments consists of well-established mature hedgerows and trees along the northern, southern and western boundaries.

7. 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.
8. 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 the aforementioned Swards End. Consequently, given the appeal site is outside of the defined limits of the settlement, there is a presumption against development in this location.
9. There is little evidence before me in respect to the need for the development to take place in a rural location. Paragraph 2.2.8 of the ULP highlights that the countryside should be protected, but also lists examples where certain types of development¹ maybe permitted. The appeal proposal before me does not meet any of these categories.
10. 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. Given the location of the appeal site is behind the existing property (Crows Nest) it could not be regarded as infilling, unlike some other local examples. Moreover, the back land location would provide additional development in an area largely devoid of such, thus creating a sprawling effect extending the built environment outside the compact pattern of development experienced within Swards End.
11. Regarding the second limb of the policy and the visual impact of the proposal, I acknowledge that the scheme is in outline, for access only. However, the indicative plans highlight the footprint, layout and typical elevations with the description of development confirming the units are to be bungalows, thus the scale of development could be limited in visual terms. As mentioned above, the site is well screened from public vantage points by the well-established trees, hedges and shrubs along the boundaries which are to be retained and enhanced as part of the proposal.

¹ Examples of development that may be permitted in principle include appropriate re-use of rural buildings, suitable farm diversification, outdoor sport and recreation uses, and affordable housing and other facilities to meet local community needs.

12. Furthermore, from my own observations and the submitted Landscape Strategy and Visual Appraisal (LSVA)² the site would be positioned in a relatively isolated and discrete position, with limited public views from the surrounding areas. The LSVA indicates that there are only limited views experienced from Viewpoints 1, 2, 3 and 4 providing a localised visual impact beyond the site boundary.
13. Whilst the restricted views and screening would result in a limited visual impact, the increased quantum of development would nonetheless detract from the rural character of the area by introducing structures into an undeveloped piece of land, consequently not contributing positively to the character of the local countryside. As stated above, the existing pattern of development within Swards End is relatively constrained, with dwellinghouses mainly fronting the main routes. The provision of the back land development, accessed via a shared access way to Redgates Lane provides an extension of development outwards into the countryside thus not according with the existing relatively tight pattern of development. Consequently, the proposal would neither protect or enhance the particular character of this part of the countryside, providing a denser and more developed appearance harmful to the area.
14. The appellant draws my attention to a recently granted planning in principle (PIP)³ scheme at Radwinter Road also in Swards End. In allowing the appeal the Inspector concluded that the location of the site and the proposed residential land use would be acceptable having regard to its position immediately adjacent to the existing settlement and its satisfactory levels of accessibility to the services and facilities. The Radwinter Road proposal was found to result in a minor and contained incursion into the countryside, given that it read as a logical extension to the settlement with properties fronting the roadside similar to the existing ribbon of development. However, this particular scheme is not directly comparable, as in contrast it would extend an inward facing block of development further outside of the existing constrained settlement pattern, thus eating into the countryside, which in my view would not be a logical extension and thus not protect or enhance its existing characteristics.
15. 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.

Planning balance and Conclusion

16. There is dispute between the parties in regard to whether the Council is currently able to demonstrate a 5-year supply of deliverable housing sites, or indeed if they would only need to demonstrate a 4-year supply. The Council highlight that they are able to demonstrate a housing land supply of 4.12

² Landscape Strategy & Visual Appraisal prepared by Dutch Landscape Architects Ref: 1064-RE-01

³ PINS Ref: APP/C1570/W/23/3314757

years⁴. 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.

17. The appellant highlights two appeal decisions⁵ indicating that the Council cannot meet its 5-year supply of deliverable housing sites. Both of these schemes were determined before the Council's local plan reached the Regulation 19 stage, and also predates the Uttlesford District Council 5-Year Housing Land Supply Statement supplied by the Council. Nevertheless, even if I was to consider that the Council is not meeting its 5-year target, I have found there would be harm to the character of the countryside. Harm which I apportion significant weight.
18. Whilst I acknowledge 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 bungalow units to meet local 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 to the countryside that I have identified above.
19. 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

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

⁵ PINS Refs: APP/C1570/W/23/3327093 and APP/C1570/W/23/3334122