



Appeal Decision

Site visit made on 12 November 2024

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/C1570/W/24/3345668

Land south of New Town Cottages, Bonnetting Lane, Berden, Bishop's Stortford CM23 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Sugar against the decision of Uttlesford District Council.
 - The application Ref. is UTT/23/2413/FUL.
 - The proposed development is demolition of existing buildings and erection of single barn-style dwelling with associated landscaping including pond, sewage treatment plant and rainwater harvesting tank.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A new National Planning Policy Framework (the Framework) was published in December 2024. The parties were given the opportunity to comment on it and these have been taken into account in the decision below.

Main Issues

3. The Council has confirmed that following the receipt of amended plans, the objection relating to the lack of demonstration that the dwelling would be served by a safe and suitable access has been overcome. Therefore, the main issues are:
 - the effect on the rural character and appearance of the site and surroundings
 - whether the site is in a sustainable location with regard to access to services and facilities

Reasons

Character and appearance

4. The appeal site lies in an open countryside location approximately 300 m to the north of the village of Berden. It largely comprises part of a grassed paddock, part of which has been fenced off from the adjoining paddock land. There are two existing agricultural buildings on the site which are used for the storage of hay and other equipment.
5. The proposed dwelling would resemble a large barn with timber boarded elevations and natural riven slate pitched roof. It would be of two storey height with attached single-storey lean-to element and would be sited some 28 metres from the lane

frontage, which is marked by an established hedgerow. It would also be set into the slope of the site over one metre below the level of the land and site frontage.

6. The appeal site lies outside the 'development limits' and within the countryside, defined within Policy S7 of the Uttlesford Local Plan (2005) (LP) as being all the rural areas beyond the Green Belt that are not within the settlement or other site boundaries. The policy states that development will be restricted to that which needs to take place there or is appropriate to a rural area, including infilling (as defined by the plan). Whilst the dwelling would be occupied by the appellant and his family which would enable them to care for and provide security for the adjoining land and animals kept on it, there is no evidence of a functional need for a dwelling to be on the site. Thus, whilst it would be a more convenient arrangement, no need for the dwelling to be on the site has been demonstrated.
7. LP Policy S7 goes on to state that there will be strict control on new building, and the appearance of development should protect or enhance the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Whilst the restrictive approach of this policy is not entirely consistent with the Framework, it remains consistent with its aims to ensure that the character and intrinsic beauty of the countryside is recognised and that it is sympathetic to local character.
8. The dwelling would be set back from the lane and screened to an extent by the established front hedge and other vegetation within and around the site, but it would be significantly greater in scale and height than the existing buildings. Furthermore, whilst the dwelling would have the appearance of a large barn-style building, it would nevertheless be apparent as a domestic building with associated residential curtilage albeit of relatively modest size.
9. In addition, and whilst noting that the appellant currently makes daily journeys to the site, there would be an inevitable increase in comings and goings associated not only with the occupants themselves, but also deliveries and other visitors. The resulting need for improved access and parking and turning area at the front of the site would all add to the 'urbanisation' of the site. This would result in a form of development that would be incongruous in this rural location which is predominantly characterised by open farmland with a relatively low key agricultural use. Whilst there is a small terrace of cottages fronting the lane to the north, these are an established feature of the lane which do not detract from the predominantly rural character of the wider area. The proposal would thus fail to protect or enhance the particular character of the countryside within which it is located.
10. With regard to making a more effective use of the land, whilst the Council appears to suggest that a single dwelling would not be, it is not apparent given the shape of the site, how a greater number of dwellings might be satisfactorily accommodated on it unless perhaps through the introduction of a terrace such as on the adjoining site. However, it seems to me that this would introduce an even higher level of associated activity and potentially larger building form that would have a similar, if not greater adverse impact on the character of the area. The appeal site does not comprise previously developed land which, in accordance with the Framework glossary, excludes land that is occupied by agricultural or forestry buildings and whilst noting there are existing buildings, as found above, the proposal would be considerably larger in scale with associated intensification resulting from the residential use.

11. I therefore find that the proposal would be harmful to the character and appearance of the site, its surroundings and the wider rural area. It would thereby fail to accord with LP Policies S7, GEN2 and H4 which in addition to the above seek to ensure that the appearance of development protects or enhances the particular character of the countryside within which it is set and that it is of a design that is compatible with and respects the scale and form of surrounding buildings.

Access to services and facilities

12. Berden village which is the nearest settlement is some 300 metres to the south of the appeal site but has very limited facilities comprising just the village hall and church. The nearest shop is in Clavering which also has a primary school and public house. The appellant confirms that the village shop is a 42 minute walk from the appeal site but that is along village lanes that have no footways or lighting. Whilst there are bus stops within the village around 350 metres from the site these are accessed along Bonneting Lane itself a narrow road with no footways. In any event, there is only a limited service on school days. Cycling could provide some opportunity albeit this would be using the village lanes.
13. The site is thus poorly served by sustainable modes of transport and the proposal would be contrary to LP Policy GEN1, which seeks to encourage movement by means other than car. The Framework also promotes sustainable transport, and whilst it acknowledges that opportunities to maximise such choices will vary between urban and rural areas, the lack of any real alternatives render the proposal unacceptable in this regard.

Other Matters

14. For the reasons set out above, that the proposal would fail to accord with the policies of the Framework that seek to ensure that the intrinsic character and beauty of the countryside is recognised and that development functions well, adding to the overall quality of the area, is sympathetic to the local character and surrounding built environment.
15. The appellant has addressed LP Policy GEN2 in some detail, though it is not a policy cited by the Council in the reasons for refusal. Notwithstanding the above findings, I would agree that in terms of the specific design of the building it would achieve sustainable design in terms of its construction.
16. The appellant has also referred to a number of other sites which are suggested to show properties of a similar style and appearance. The majority of these look to be within the village and whilst there is some similarity in terms of appearance, they do not look to be in comparable locations. The reference to a permission having been granted for a dwelling outside the development limits is not supported by any detailed information therefore I am unable to conclude whether it is comparable.

The planning balance

17. Overall, I find for the reasons set out above that the proposal would not accord with the development plan; thus, it is necessary to consider whether any material considerations indicate a decision other than in accordance with it.
18. The proposal falls to be considered under paragraph 11d(ii) of the Framework relating to the presumption in favour of sustainable development due to the Council

being unable to currently demonstrate a five year supply of housing. The Framework states that in undertaking the balance, particular regard should be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

19. As found above, there would be a significant adverse impact on the character and appearance of the countryside and rural setting of the site in a location which has poor access to local services and facilities with a high dependence on the use of the private car.
20. The appellant appears to accept that the site does not comprise previously developed land and the existing buildings did not appear to be dilapidated but were of typical agricultural appearance with clear evidence of continuing use associated with the agricultural use of the land. The proposal would not comprise an effective use of the land for the reasons set out above and would fail to safeguard and improve the environment.
21. The updated Framework continues to include references to the need to secure well-designed places and developments that add to the overall quality of an area that are sympathetic to local character.
22. Recent changes to the Framework will likely have the effect of increasing the housing need in the area. However, whilst the proposal would make a valuable, albeit small, contribution to local housing supply, it would be in a location that has poor access to local services and facilities. The associated economic and social benefits are also noted but, overall, in these circumstances having regard in particular to the key policies highlighted above, only limited weight is given to these benefits. The significant adverse impacts identified above significantly and demonstrably outweigh these benefits.

Conclusions

23. I therefore conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR