



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: 30 January 2025

Appeal Ref: APP/C1570/W/24/3344235

Land at Brookside, Duton Hill, Dunmow CM6 2DZ

- 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 Castle Lane Securities Ltd against the decision of Uttlesford District Council.
 - The application Ref. is UTT/23/2270/FUL.
 - The proposed development is demolition of garage and erection of 1 no. detached dwelling with associated hard and soft landscaping and alterations.
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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 main parties were given the opportunity to comment on it and these have been taken into account in the decision below.

Main Issues

3. 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 on the north-western edge of the village of Duton Hill, a small village located within a rural area roughly equidistant between the larger settlements of Thaxted and Great Dunmow. The existing property, Brookside, a bungalow set within extensive grounds, is set back from the main road through the village at its far western end. Farmland lies to the north and west and pastureland to the east. Rosdene, another bungalow, adjoins to the south of the appeal site. It sits closer to the road than Brookside with a relatively small side garden area.
5. The northern side of the main road through the village is characterised by predominantly frontage development giving it a strong linear character, with countryside views to the rear apparent. The large open garden areas of Brookside form part of the pleasant rural ambience and character of this village edge location,

with a public footpath running along the western boundary of the property providing views of much of the garden and leading northwards into the open countryside beyond.

6. The appeal site comprises a relatively small part of the garden located to the east of Brookside, behind (to the north of) the adjoining bungalow Rosssdene. The proposed dwelling would be sited towards the southern boundary of the site, set back a similar distance from the road as Brookside and not extending any further north than its rear elevation. Vehicular access would be via the existing entrance and driveway which serves Brookside, extended northwards into the site involving the demolition of the existing garage serving Brookside.
7. The parties agree that 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. This policy takes a restrictive approach to new development, to an extent that is not entirely consistent with the Framework but does allow for infilling subject to its appearance protecting or enhancing the particular character of the part of the countryside within which it is set. In this respect I have taken into account paragraphs 6.13 and 6.14 of the LP.
8. There is no specific definition of 'infilling' though the Council suggests that given the site is only adjoined to the west and south by existing properties the proposal would not infill a 'gap' but rather extend and intensify built development on this sensitive countryside edge. I would agree as in the above context, a gap would logically consist of a space between existing properties, whereas in this case, the space is to the side / rear of existing properties. This impact would be exacerbated by the height of the proposed dwelling, part of which would be noticeably higher than the existing dwelling. The resulting addition to and consolidation of the built development on this sensitive countryside edge of the village would be harmful to its rural ambience and character and this would, at least in part, be visible from the public footpath to the west of the site, which I walked at the time of my site visit.
9. Therefore, the development would be seen as an extension of the existing built form rather than a consolidation of it. This would in turn mean that it would not be in character with its surroundings which, in this part of the village, predominantly consists of frontage development, albeit Brookside is set further back into its site than the adjoining properties to the east. Even if the space between the existing dwelling at Brookside and the side (east) boundary could be described as a 'gap' the proposal would not be in character with its surroundings nor would it have a limited impact on the countryside for the reasons set out above.
10. Reference has been made to The Boleyns, a property which lies at the far eastern end of the village, and which is located to the north of the properties fronting Duton Hill Road at this point. However, this seemingly 'historic' layout is the only example of this on the northern side and in any event, access to this property is gained from the road to the east, therefore it is not strictly speaking 'backland' development. Whilst it nevertheless represents 'development in depth' it is not characteristic of the remainder of the northern side of Duton Hill Road as described above. It does not therefore provide any support for the appeal proposal in this regard.
11. The appellant suggests that wider surrounding properties, including those to the south of the appeal site should be taken into account, in particular, the crescent

shaped road of Abbey View. However, this is of a notably different, more built-up character, extending significantly to the south, contrasting markedly with the strong linear character with countryside edge to the north of the village road which provides the context for the appeal proposal.

12. LP Policy H4 (Backland Development) allows for the development of a parcel of land that does not have a road frontage, provided a number of criteria are met. Criterion (a) is the most relevant, requiring that there is significant under-use of land, and that development would make a more effective use of it. Whilst Brookside has an extensive garden area, there is no obvious evidence of 'significant under-use' of the appeal site and it appears to be used as an integral part of the wider garden. Furthermore, given the contribution that the site makes to the rural character and appearance of this countryside edge location as identified above, the proposal would not make a more effective use of the site.
13. The design of the dwelling would reflect a traditional barn style. It would be formed of two elements, main and secondary, with discrete flat-roofed link between, with timber boarded elevations and plain tile pitched roof. In this respect, the proposal would be compatible with the form, appearance and materials of surrounding buildings and would satisfy the aims and objectives of the Essex Design Guide. However, as noted above, its position relative to the built pattern of surrounding development would not reflect the grain of development in this part of the village.
14. I find that the proposal would be harmful to the character and appearance of the site, its surroundings and the pleasant, open countryside edge to the village. As such it would fail to accord with the relevant parts of LP Policies S7, GEN2 and H4.

Access to services and facilities

15. Facilities within the village itself appear to be limited to the Three Horseshoes public house. Great Easton village lies around 2.5 km (1.5 miles) to the south of the appeal site. This has a wider range of facilities including a village hall, bakery and repair garage. The Great Easton Primary School is closer, located around 1.6km (1 mile) away. However, whilst there is a footway along the main road, it does not extend to Duton Hill nor are there any footways within the village itself.
16. Bus services provide an hourly service Monday to Saturday between around 8am and 9.30pm to Saffron Walden and Great Dunmow, also stopping at Great Easton and Thaxted. The nearest bus stop is under 100 metres from the site with another outside the public house, further to the east, both within reasonable walking distance. The appellant has provided information that clarifies that the services stop at both bus stops, and I noted at the time of my site visit that there was an up-to-date timetable in the nearest bus shelter. Thaxted and Great Dunmow are within reasonable cycling distance albeit using the main B184 which did not appear to have any segregated cycleways. A longer, though 'quieter' route is available via country roads.
17. Whilst there would be some reliance on the private car, having regard to the above, there are reasonable alternatives, particularly the bus service, providing access to services and facilities in nearby settlements. This would accord with LP Policy GEN1, which seeks to encourage movement by means other than car, and the Framework which whilst promoting sustainable transport, acknowledges that opportunities to maximise such choices will vary between urban and rural areas.

Other Matters

18. I agree with the parties that, having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, there would be no impact on the setting of nearby listed buildings given their distance from the appeal site and intervening uses and vegetation.

The planning balance

19. Overall, notwithstanding that there is compliance with some LP policies, I find conflict with the development plan overall; thus, it is necessary to consider whether any material considerations indicate a decision other than in accordance with it.
20. In respect of the Framework, I find that whilst there is compliance with some policies, for the reasons set out above the proposal would fail to accord with policies 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 and is sympathetic to the local character and surrounding built environment.
21. 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 land. 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.
22. For the reasons set out above, the proposal would fail to secure well-designed places resulting in significant harm to the character and appearance of the site and its surroundings. Whilst the site does comprise previously developed land the Framework's definition states that it should not be assumed that the whole of the curtilage should be developed and for the reasons set out above, the proposal would not be an effective use of land. Significant weight is afforded to the resulting adverse impacts.
23. The benefits would primarily be to make a small contribution to local housing supply in what has been found to be a reasonably accessible location with associated economic and social benefits, those social benefits particularly arising from the provision of a single storey, three-bedroom dwelling for which there exists unmet demand, as well as being fully wheelchair accessible. It is acknowledged that the effect of the updated Framework is to increase the Council's housing need with resultant impact on the housing land supply. However, whilst in these circumstances moderate weight is given to the benefits arising from the proposal, they are significantly and demonstrably outweighed by the adverse impacts.
24. I have taken into account all other material considerations but find that these do not outweigh the conflict with the development plan.

Conclusions

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

P B Jarvis

INSPECTOR