



Appeal Decision

Site visit made on 5 March 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/C1570/W/24/3348438

South View, Maple Lane, Wimbish, Essex CB10 2XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Brown against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1192/FUL.
 - The development proposed is described as “The proposed, presents plans for a new 5-bedroom house designed to blend seamlessly with the existing architectural landscape while meeting contemporary living standards”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted two amended plans as part of the appeal. These correct the scale and orientation of proposed elevations and show visibility splays relating to the correct speed limit for the relevant section of Maple Lane. These drawings amend errors in the original submission and do not fundamentally change the scheme that was considered by the Council at application stage. Interested parties have had an opportunity to comment on them. I am therefore satisfied there would be no procedural unfairness if I were to take them into account.
3. The appellant’s statement also offers to make design adjustments to address any visual impact concerns, such as revising dimensions; and to update proposals for visibility splays following a speed survey to address any outstanding highway safety concerns. The ‘Procedural Guide: Planning appeals – England’ states the appeal process should not be used to evolve a scheme. The suggested further amendments are not before me and could materially alter the appeal proposal. There would also be an injustice to parties who would not have an opportunity to comment if I were to accept them. I have therefore based my decision on the proposal as set out in the application that was before the Council and upon which notification took place, plus the two corrected plans referred to above.
4. The National Planning Policy Framework (the Framework) was updated in December 2024. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their comments in my decision.

Main Issues

5. The main issues are:

- whether the site in a countryside location would be suitable for a new dwelling;
- the effect of the proposal on highway safety, with particular reference to visibility at the junction with the public highway; and
- the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

Countryside location

6. The appeal site is outside of defined settlement limits, so is in the countryside for planning policy purposes. Saved Policy S7 of the Uttlesford Local Plan 2005 (ULP) protects the countryside for its own sake and only supports development that needs to be there or if its appearance protects or enhances the particular character of the part of the countryside within which it is set. This Policy is broadly consistent with the Framework's stance on rural housing and recognition of the intrinsic beauty and character of the countryside. Notwithstanding the Framework's more positive approach to business growth in rural areas, I give ULP Policy S7 significant weight for the purposes of this appeal, because the proposed development is residential.
7. The new house would be near a small cluster of existing dwellings, so it would not involve the development of an isolated home in the countryside for the purposes of Framework paragraph 84. There is no suggestion the proposed development needs to be in a countryside location.
8. The countryside surrounding the appeal site comprises gently undulating fields, pockets of woodland, hedgerows and isolated trees, including several mature oaks that contribute strongly to the area's rural character. Traditional country lanes, such as Maple Lane itself, are another important feature that afford views and glimpses across the landscape.
9. The appeal site comprises an open, grassed area bounded on three sides by woods, fields and hedgerows, with mature oaks alongside Maple Lane. Although it is partly screened from some perspectives by existing mature vegetation, from others – such as the public footpath opposite and on the approach down Maple Lane – the site's openness and prominence close to a bend in the road make a positive contribution to appreciation of the surrounding landscape and the characteristic trees.
10. The proposed five-bedroom house would introduce significant built mass onto the site, which would considerably reduce its openness and constrain appreciation of the surrounding countryside and distinctive trees from the perspectives noted above. The new dwelling would also far exceed the scale of the sporadic cottages that typify Maple Lane and its rural context. Although the house known as South View is of a similar size to that proposed, having regard to the proposed street elevation, the addition of a second large dwelling in this prominent location would look incongruous and detract from the character of the surrounding landscape.

11. Consequently, the scale and form of the dwelling would neither protect nor enhance the particular character of the part of the countryside within which it would be set. Additional planting would partly screen the new dwelling but would also reduce glimpses of the rural setting from some perspectives, so this measure would not fully mitigate the proposal's harmful visual impact. Securing complementary materials and finishes by condition would also do little to overcome the harmful scale of the proposed development.
12. Even if I were to consider the site as previously developed land, this would add little weight in favour of the proposal bearing in mind the Framework gives substantial weight to using suitable brownfield land within settlements for homes, rather than in countryside locations.
13. For the above reasons, I conclude the site in a countryside location would not be suitable for a new dwelling, contrary to ULP Policy S7. This is also contrary to the Framework, where it seeks to ensure developments are sympathetic to local character, including the surrounding landscape setting. The level of harm to the countryside would be moderate.

Highway safety

14. Maple Lane has a speed limit of 40 miles per hour (mph). The Highway Authority (HA) cites principles in the Department for Transport's Manual for Streets (MfS) that require unobstructed visibility from a setback position of 2.4 metres (m) for a minimum stopping sight distance of 120m in each direction for roads with a speed limit of 40mph.
15. As noted above, there is a sharp bend in the road very close to the appeal site and several mature trees are situated between this bend and the proposed access to the appeal site, on the same side. The revised Block Plan shows visibility splays from the proposed access of 2.4m x 60m in the direction facing the bend and 2.4m x 120m in the other direction. The former does not comply with the MfS expectation and there is no pertinent evidence to justify this. There is also no assessment before me of the impact of the bend or the trees on the overall envelope of visibility, either for vehicles emerging from the site or for those travelling around the bend towards the proposed access.
16. Consequently, the evidence before me is insufficient to persuade me adequate visibility and safe access could be achieved. The conditions suggested by the HA relate to the dimensions and surface of the proposed driveway only so would not overcome my concerns. Accordingly, I find the risk of conflict between road users at the junction between the new access and the highway would be unacceptably high.
17. I note the appellant's willingness to commission a speed survey and enter dialogue with the HA, and their suggestion that the speed limit on Maple Lane could be reduced. However, I can only assess the proposal on the evidence before me.
18. The appellant has drawn my attention to the visibility splays available to other properties along Maple Lane, and to three recently approved dwellings in the vicinity of Wimbish. There is little to substantiate the suggestion that these examples fall below MfS requirements. In any event, the other Maple Lane properties are not as close to a bend as the appeal site and, from my observations on site, Hall Cottages appear to predate the MfS. As for the more recent developments, even if their visibility splays vary from MfS standards, there is no

pertinent evidence to demonstrate the circumstances in those cases, including any mitigating factors, are directly comparable to those before me. I have considered the appeal scheme on its individual merits.

19. For the above reasons, I conclude the proposal would have an unacceptable effect on highway safety, with particular reference to visibility at the junction with the public highway. This is contrary to saved ULP Policy GEN1(c), which states the design of the site must not compromise road safety. It is also contrary to the Framework, which requires safe and suitable access and states development should be refused on highways grounds if there would be an unacceptable impact on highway safety. Given the high risk to public safety, the level of harm would be considerable.

Living conditions

20. The size of the plot allows for ample separation between the proposed dwelling and South View, which would be the only immediate neighbouring property. The Council has not identified a specific harm to the living conditions of the occupiers of that property or any other in the vicinity. On the evidence before me, I do not find one either.
21. I therefore conclude the proposal would have an acceptable effect on the living conditions of neighbouring occupiers. Accordingly, I find no conflict with saved ULP Policies GEN2 or GEN4, where they require development not to have a materially adverse effect on the reasonable occupation and enjoyment of a residential property, or to cause material disturbance. I also find no conflict with the Framework, where it seeks a high standard of amenity for existing users.

Other Matters

22. The proposal would create one family-sized dwelling, which would contribute to the supply of housing in the area and to the local economy through construction and future occupiers' use of local services and facilities. This would accord with the Framework where it seeks to boost the supply of housing, including on small sites, and support economic growth in rural areas.
23. Enhanced biodiversity and improvements to surface water drainage could be secured by condition were I to allow the appeal, which would provide an environmental benefit.
24. The Council has raised no concern regarding to access to local services and facilities, parking, trees, protected species, energy efficiency, waste or the living conditions of future occupiers. On the evidence before me, I see no reason to disagree. However, an absence of harm in these respects is a neutral factor.

Planning Balance

25. Although I have found no harm to the living conditions of neighbouring occupiers, the conflict I have identified with ULP Policies S7 and GEN1 is determinative. The proposal therefore conflicts with the development plan, read as a whole. It also conflicts with the Framework for the reasons I have given.
26. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites, so the presumption in favour of sustainable development at Framework paragraph 11d) ii) is engaged.

27. At over 4 years, the shortfall in housing land supply is moderate and one additional dwelling would add little to this, so I give this benefit limited weight. Given the modest scale of the proposal, the weight of each of the economic and environmental benefits noted under other matters is also limited. I have found moderate harm to the countryside and considerable harm to highway safety. Together, I give these harms significant weight, such that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

28. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR