



Appeal Decision

Site visit made on 15 April 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/C1570/W/24/3357018

White House, Upper Green, Wimbish CB10 2XQ

- 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 Michael Atkin against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2687/OP.
 - The development proposed is described as: Construction of one detached residential dwelling with new vehicle access driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the appellants statement they have provided a revised address. I have updated the address to reflect this revised information.
3. The revised National Planning Policy Framework (Framework) has been published since the appeal was submitted. My decision is made in context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach and both parties have been given the opportunity to comment upon it.
4. The application is in outline with all matters reserved for future consideration save for access, layout and scale. I have determined the appeal on this basis. Plans accompany the application and I have paid regard to them in so far as assessing the matters under consideration.

Main Issues

5. The main issues are:
 - Whether the proposed development would be consistent with local and national policies relating to the location of new housing;
 - Whether the site is an appropriate location for new residential development having regard to access, services and facilities; and
 - The effect of the proposed development upon the protected land as a non-designated heritage asset and the character and appearance of the area;

Reasons

Whether the proposed development would be consistent with local and national policies relating to the location of new housing

6. The appeal site comprises a field neighbouring a dwelling known as White House located within a distinctly rural area. Policy S7 of the Uttlesford Local Plan 2005 (Local Plan) states that the countryside is defined as all those parts of the Plan area that are not within the settlement or other site boundaries. The policy goes on to state that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area.
7. The proposed development is located in the countryside and has not been presented on the basis of any essential need for a countryside location. As it would be located beyond the settlement boundary of a nearby settlement the proposal would not be an appropriate location for new housing contrary to Policy SP7 of the Local Plan.

Whether the site is an appropriate location for new residential development having regard to access to services and facilities

8. The site is located within open countryside and accessed via a single width country lane that does not benefit from any streetlighting or public footpath and has a national speed limit. This means there is no safe space for future occupants to walk and people with a disability or mobility issue are more likely to be acutely affected by this. The nearest settlement containing very limited day to day services is Wimbish, which will lead to most day to day services/facilities having to be accessed much further afield.
9. In order to gain access into Wimbish there is a reliance on narrow country lanes devoid of footpaths and street lighting and there are no cycle routes linking the site. Walking and cycling to and from the site to local services would be difficult and would be especially so for the young, elderly and those with mobility issues. This would be particularly so during the hours of darkness or inclement weather. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services they require.
10. I conclude that the proposed development would not be appropriate location for a new dwelling contrary to Policy GEN1 of the Local Plan, which seeks to ensure development takes into account pedestrians, cyclists, people whose mobility is impaired and generally seeks to encourage movement not by car. These principles are supported by the Framework.

Character and appearance, including the effect upon the non-designated heritage assets

11. The site is located between the existing host dwelling of White House and the one and a half story dwelling of New House. The local area is distinctly rural in its character, with the single track lane having mature hedgerow and trees along its edge and large agricultural fields defining the locality. The site is located within the mature garden of White House, which reinforces the overall rural character of the area. The lane is considered a non-designated heritage asset with its significance coming from being a potential medieval route that includes veteran trees.

12. The mature hedgerow, which forms part of the non-designated heritage asset, would have to be partially removed to gain access to the site. The proposal would cause direct harm by the creation of the access through the hedgerow and under paragraph 216 of the National Planning Policy Framework (the Framework) a balanced judgement is required. The appeal is not supported by an aboriginal report/statement or heritage statement so the impact is not fully known, therefore while the gap created appears small the potential harm is considered to be moderate.
13. The proposed dwelling would be in a large garden that contributes to the overall rural character of the area and the loss of this space will cause a permanent loss to the rural character of the area. While landscaping may well help to blend development into the countryside, reliance on landscaping to provide a visual filter is rarely guaranteed and will alter over the seasons. On this basis, the proposal is considered to cause a permanent harm to the rural character of the area.
14. With the proposal being outline and appearance not being sought at this stage, it is not known what the final appearance of the building would be. It is noted that an indicative house photo has been provided, but this would not form an approved document if the appeal was allowed. The design of the building is therefore currently a neutral factor.
15. The proposal, therefore, does not comply with Policies GEN2 and ENV7 of the Uttlesford Local Plan 2005 (the Local Plan), which seeks the preservation of historic protected lanes and important environmental features. In addition, the proposal does not comply with Policy S7 of the Local Plan, which seeks to protect and enhance the countryside. The Framework supports this by requiring decisions to 'recognising the intrinsic character and beauty of the countryside'.

Other Matters

16. The Framework promotes residential development where it will enhance or maintain the vitality of rural communities and acknowledges that this might be in nearby settlements. The benefit of the single dwelling in supporting both services in the local area is limited.
17. Each application must be judged on their individual merits and while both parties have presented argument on nearby cases, I have not been presented with how these are directly comparable to the current appeal. However, of specific note is the dwelling allowed on appeal on the same lane (referred to by the parties as UTT/20/0868/DFO, though links to a previous decision reference number UTT/18/2285/OP), where it appears as if the Inspector allowed the dwelling on the fact that given the rural nature of the area there is always more likelihood of the car being the main choice of transport. I am not in disagreement with the previous Inspector on this. However, the Framework has since been revised in 2024 with paragraph 11d now seeking development to be in sustainable locations. On this basis I have placed greater weight on the requirement to have safe pedestrian routes to allow people to have a reasonable alternative to the private car.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

19. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
20. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan, with the harm upon the character and appearance of the local area, the partial loss of a non-designated asset and lack of dedicated footpaths in the local area to allow for safe sustainable travel. For these reasons, the proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
21. The proposal would make a positive contribution to housing supply with limited economic (primarily during the construction phase), social and environmental (potential for high level of energy efficiency and biodiversity net gain) benefits. The benefits all weigh in favour of the proposal.
22. However, I have concluded that the proposal causes a permanent harm on the character and appearance of the area. In addition, the lack of suitable access to footpaths for pedestrians to safely walk into the village and the heavy reliance on private motor vehicles significantly weighs against the application. Finally, the proposal could cause harm to a non-designated heritage asset.
23. Therefore, the adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

24. For the reasons set out above the appeal does not succeed.

A Phillips

INSPECTOR