



Appeal Decision

Site visit made on 4 June 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 10th June 2025

Appeal Ref: APP/C1570/W/25/3360283

Land west of Hill House, Wicken Road, Clavering CB11 4QT

- 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 Tom Pepper, TPD Clavering Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1499/FUL.
 - The development proposed is eco-dwelling and detached cartlodge garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, rather than using that stated on the Council's decision notice, I have taken the description of development above from the planning application form as it is confirmed on the appeal form that the description provided on the application form is still correct.
3. The Council has commenced the preparation of a new local plan, which I understand is due to be subject to examination shortly. Due to the current status of the new local plan, I have little information to suggest when the plan is likely to be adopted, or if any policies will be modified, or if there are unresolved objections to any of the policies. Consequently, I have determined the appeal based on the statutory development plan.
4. A completed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal which provides obligations relating to Self-build and Custom Housebuilding. I will return to this matter later in this decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

6. There is no dispute between the parties that whilst not isolated, the appeal site is outside of any identified development limit, and therefore for the purposes of the development plan, it is located in the countryside. Policy S7 of the Uttlesford Local Plan Adopted January 2005 (LP) states, amongst other things, that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural

area and that development will only be permitted if its appearance protects or enhances 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.

7. I recognise that Policy S7 of the LP is not in full consistency with the National Planning Policy Framework (the Framework) as it is more restrictive in that it seeks to protect the countryside for its own sake. Nevertheless, Policy S7 also seeks to protect and enhance the natural environment. This part of the policy is generally consistent with the aims of the Framework and is therefore still relevant.
8. The appeal site comprises of a grass field located to the rear of dwellings that front onto Wicken Road, including a new dwelling directly to the south that was under construction at the time of my site visit. Built form along this part of Wicken Road appears largely linear in formation with open countryside beyond. The appeal site is not located within or adjacent to any designated heritage assets. The southwestern boundary is adjacent to a Public Right of Way (PRoW). Beyond the site to the north is open agricultural land and to the northwest are other larger parcels of what appear to be open grass fields. Hedgerows and trees run along the side boundaries of the appeal site.
9. The appeal site is described as both an open field and as being laid to lawn in the appellant's Statement of Case. During my site visit, whilst a snapshot in time, the appeal site appeared to be less maintained than what a lawned area would be, appearing as a grass field more rural in character rather than domestic. Due to the open and verdant character and appearance of the appeal site, and its location to the rear of the established linear development, the appeal site has an intrinsic countryside value which contributes positively to the rural character and appearance of the area. Views of the appeal site are gained from the adjacent PRoW, and I noted during my site visit that the open countryside beyond was also clearly visible across the appeal site from this public vantage point.
10. Whilst the proposed dwelling would be sited adjacent to the new dwelling currently under construction to the south, the introduction of built form on the appeal site would erode the open and verdant characteristics of the site thus harming the rural character and appearance of the area. It would also introduce built form in a backland location which would be at odds with the prevailing pattern of built form along Wicken Road. For these reasons, the proposal would represent the harmful encroachment of built form into the countryside.
11. Whilst largely screened from views along Wicken Road due to the intervening built form, the development would be clearly visible from the PRoW, particularly in views across the access point. Views across the appeal site to further open countryside beyond would also be impacted. The particular design approach proposed and the use of materials that would be sympathetic to the local area would not override my concerns on this matter.
12. I acknowledge that the more modern development on Wicken Road within the vicinity of the appeal site is set back from the road, however those dwellings all have a clear frontage onto the road and do not appear as backland development. They are not therefore comparable to the scheme before me now.

13. I therefore find that the proposal would have a significant harmful impact on the character and appearance of the countryside. The proposal would be contrary to Policy S7 of the LP, the aims of which are set out above.

Other Matters

14. The Council has a duty under Section 2A of the Self Build and Custom Housebuilding Act 2015 (as amended) (SBCH) to give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area. There is no dispute between the parties that the submitted UU would secure the development as a self-build dwelling.
15. However, there is dispute between the parties as to whether the Council has met its requirements in terms of the number of SBCH plots granted planning permission. I am referred to an appeal decision at land adjacent 110 Ribchester Road, where the Inspector highlighted the amendments to the SBCH requirements, in that a development permission now only counts in meeting the duty if it is actually for SBCH development rather than if it could be.
16. I note the three examples of planning permissions, identified by the appellant, which they state are included in the Council's SBCH figures, despite not being secured appropriately as SBCH development. However, the evidence before me on this matter is very limited and I do not have enough detailed information before me to take a firm view on whether the Council is meeting its duty in respect of SBCH.
17. I am referred to an appeal decision in Church Enstone in a different Council area. In that case the Inspector found that the provision of a single SBCH plot, where the Council acknowledged that it had failed to grant suitable planning permissions to meet the identified SBCH demand, along with other identified benefits, were of sufficient weight to indicate that the appeal should be determined otherwise than in accordance with the development plan. I accept that the provision of SBCH dwellings can form a significant benefit in some circumstances.
18. In the case before me now I find that the provision of a SBCH dwelling would be a benefit, that would weigh in favour of the development. Without sufficient evidence before me to demonstrate whether the Council is meeting the duty or if it is not, the level at which it is currently performing in this regard, I attribute moderate weight to the SBCH provision as a benefit. However, even if I were to find that the Council was not meeting its requirements in this respect and I attributed significant weight to the provision of a SBCH development as a benefit, it would not outweigh the significant harm I have identified in relation to the character and appearance of the countryside.
19. The appellant contends that the development of the appeal site would be in accordance with Policy H3 of the LP which relates to new houses within development limits. However, this policy relates to infilling within certain settlements. Whilst I note that Clavering including Hill Green is included in the list of settlements, Policy H3 also requires that developments are compatible with the character of the settlement and its countryside setting. For the reasons set out above under the main issue, I do not find that the proposal would accord with Policy H3 of the LP.

20. I acknowledge the appellant's intention to provide a dwelling that is designed to achieve highly efficient standards, that electric vehicle charging points would be provided and that additional tree and hedgerow planting would be included in the scheme. Whilst I accept that these would be benefits, given the scale of the scheme the contribution they would provide would be limited.
21. I note the appellant's reference to an appeal decision at land on the east side of Clatterbury Lane in Clavering which discussed the suitability of location, however, there is no dispute between the parties that on balance the appeal site would be in a suitable location for housing having regard to the accessibility of services and facilities. I can find no reason to disagree on this matter.
22. The appellant identifies that the appeal site is not at risk of flooding, that it is not within the Green Belt or a National Landscape designation nor are there any Sites of Special Scientific Interest or European sites on or around it. It is also stated that sufficient residential accommodation and garden space would be provided along with cycle storage, that the living conditions of neighbouring occupiers would not be harmed, that existing trees and hedgerows would be retained, that wildlife would not be harmed, and that the PRoW would be unaffected. Even if I were to agree, policy compliance or a lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
23. The appellant has referred me to an appeal decision at Ashcroft in Wicken Bonhunt which related to a scheme for three detached dwellings. I recognise that the Inspector found that the harm that would be caused to the character and appearance of the countryside would be minimal in that case and that it would be outweighed by the benefits of the scheme. However, as stated above, I have found in the case before me, that the harm to the character and appearance of the area would be significant. The two schemes are not therefore directly comparable.
24. I have also been referred to a planning permission granted by the Council at land adjacent to the Hazels on Wicken Road and a delegated report prepared by the Council in relation to a scheme for one dwelling in Ugley. I have limited information before me on those schemes, however on reading the information submitted, in those cases it was found that the proposals would reflect or enhance the character and appearance of the surroundings, which is not my conclusion in relation to the scheme before me now.

Planning Balance

25. The Council has confirmed that the latest housing land supply figure for the district is 3.46 years and that the Housing Delivery Test (HDT) calculation now stands at 69%. The appellant identifies figures of 4.12 years housing land supply and 58% HDT calculation. I have considered the lowest figures identified by the parties.
26. In such cases, paragraph 11 d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, having particular regard to key policies, including securing well-designed places.
27. The Framework seeks to significantly boost the supply of housing. The appeal site would be a small site adjacent to an existing settlement which could make an important contribution to the housing supply. I accept that the appeal site is not

isolated, that there would be some access to services and facilities and that the proposal would add to the vitality of a rural community. The development would provide some economic benefits during the construction phase and after, in that future occupants would support the local economy. The intention to provide a highly efficient dwelling with electric vehicle charging points and additional tree and hedgerow planting are also benefits that would be in accordance with the Framework. These benefits are tempered by the scale of the proposal, but nevertheless carry modest weight in favour of the development.

28. A SBCH dwelling would be provided which would contribute to a particular housing type highlighted by the Framework. Given the SBCH nature of the proposal would be secured by the submitted UU I attribute moderate weight to the provision of a SBCH dwelling as a benefit of the scheme.
29. Nevertheless, paragraph 187 b) of the Framework identifies that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 135 of the Framework also states that planning decisions should ensure that developments are sympathetic to local character and that they establish or maintain a strong sense of place. I have found that the proposal would result in significant harm to the character and appearance of the countryside. The proposal would therefore conflict with the Framework in these respects.
30. Taking all matters into consideration, and notwithstanding the weight I have attributed to the scheme's benefits, I conclude that the adverse impacts to the character and appearance of the countryside would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.

Conclusion

31. Policy S7 of the LP, which I have found conflict with above is only partially consistent with the Framework. Whilst Policy S7 seeks to protect the countryside for its own sake, it also seeks to protect and enhance the natural environment, which is an approach that generally aligns with the Framework. Therefore, I consider that the conflict with Policy S7 of the LP should be attributed significant weight.
32. Consequently, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

G Dring

INSPECTOR