



Appeal Decision

Site visit made on 22 October 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/C1570/W/25/3368791

Robin Hill, Deers Green, Cock Lane, Clavering, Saffron Walden, CB11 4PX

- 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 and Mrs N Lyall against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2952/FUL.
 - The development proposed is a new build residential unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the rural character and appearance of the area including the suitability of the proposed design; and ii) the suitability of the site for residential development having regard to accessibility to local services.

Reasons

3. The site is a parcel of land with mature established planting, to the south of and within the curtilage of a two-storey detached dwelling known as 'Robin Hill'. Robin Hill, located on Deers Green in Clavering, is set back significantly from Cock Lane, with a large garden area that fronts the highway. The site is a relatively small part of this garden, immediately adjacent to the highway of Cock Lane. The surrounding area is predominately rural in character with small pockets of residential development.

The effect of the proposed development on the rural character and appearance of the area including the suitability of the proposed design

4. The starting point is the policies of the development plan. In this case the site is located outside the development limits of any defined village or town within the district, and therefore in policy terms, is in the open countryside whereby policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. This policy does not fully accord with the content of the current version of the National planning Policy Framework (NPPF), but that document recognises the need to protect valued landscapes, and 'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services' (paragraph 187).

5. Whilst there is no up to date local plan, the council has a Supplementary Planning Document, which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'. I have not been provided with a copy of this document, but it is clear to me from my site inspection that the site is situated within an attractive countryside with limited small-scale development on rural roads. There is a small enclave of dwellings in the immediate vicinity of the site, but Robin Hill is set back so far that effectively it makes little impact on the area. The proposed development, although benefiting from significant screening, would nevertheless be an intrusion into the landscape, which would be harmful to the rural character and appearance of the area.
6. The proposed dwelling would be of contemporary design and materials, including low flat and green roofs, which would reduce its bulk to an extent. Generally, contemporary design should be welcome and provides for innovation. However, in this case it would serve to increase the impact of the dwelling, drawing the eye to the unusual, thereby increasing rather than mitigating its impact on the character and appearance of the area.

The suitability of the site for residential development having regard to accessibility to local services

7. The NPPF seeks to meet the 3 overarching objectives of sustainable development set out in paragraph 8. In brief, as most applicable here: have sufficient land in the right places, have sufficient homes, well designed and accessible services; and protect and enhance the natural, built and historic environment. In addition, policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
8. There are very limited services and facilities in Deers Green. The nearest bus stop (Mill End House – bus service No. 306 that runs bi-hourly) is, I am told, a 23-minute walk from the application site. The nearest school is Clavering Primary School a 20-minute walk from the application site, and the nearest supermarket (Spar Clavering Supermarket) is a 22-minute walk. Further, I do not consider that the rural roads are encouraging to regular cycle journeys. These facilities are far from being adequate to meet the everyday needs of any future occupants of the proposed dwelling, in terms of above-primary education, employment opportunities (although I recognise the degree of home working), major shopping, health services, recreational opportunities, etc. This leads me to conclude that future occupiers of the proposed dwelling would very largely rely on private motor vehicles for these purposes.

The NPPF paragraph 11 planning balance

9. There is no fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. This means that paragraph 11 is fully engaged, requiring the grant of planning permission unless, having undertaken a balancing exercise, there are adverse impacts and that would 'significantly and demonstrably' outweigh the benefits of the proposal. The latest published position is that the District can currently demonstrate a housing land supply equivalent to 4.12 years. This figure has not been contested by the appellant. I undertake the balancing exercise in coming to my conclusions below.

Other matters

10. It is suggested that the appeal site is infill development, but this is not a case of a plot within an otherwise built-up frontage. The appellant also draws attention to a number of local permissions and an appeal decision, said to support the grant of permission in this case. The details of these cases are not known to me, but the detail that has been provided is not persuasive that they are directly comparable cases that stand in favour of planning permission being granted for this appeal proposal.

Overall conclusion

11. With regard to the first issue I have found that the proposed dwelling would be an intrusion into the landscape that would be harmful to the rural character and appearance of the area, even though the site benefits from significant screening, and also that the contemporary design would serve to increase the impact of the proposal on the character and appearance of the area. As to the suitability of the site for residential development having regard to accessibility to local services, access to most education, employment opportunities, major shopping, health services, recreational opportunities, etc, would very largely rely on the use of private motor vehicles.
12. I have also considered whether the development could be said to assist in helping a local village to grow and thrive (NPPF paragraph 83), but that would not be the case. On the other hand, I recognise that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly (paragraph 73).
13. There are substantial objections to the proposed development that stem directly from development plan policy and the major thrust of the NPPF. Set against this is the matter of the council's lack of a sufficient demonstrable housing land supply. As noted, the latest position in this regard is that there is a supply of 4.12 years. The appeal proposal would produce 1 dwelling that would make a minor contribution to the district's housing land supply.
14. When this advantage is weighed against the objections that I have identified, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR