



Appeal Decision

Site visit made on 4 July 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th August 2017

Appeal Ref: APP/C1570/W/17/3171477

Land rear of Watsons Close, Sparepenny Lane South, Great Sampford, Saffron Walden, Essex CB10 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Harrison against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2555/OP, dated 9 August 2016, was refused by notice dated 20 December 2016.
 - The development proposed is erection of 18 dwellings and garages, extension to Council car parking and new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved except for access. I have had regard to the proposed site plan (drawing number 2_REV 3) but have considered all elements of this plan as indicative apart from details of the access points.
3. The Council has clarified in its appeal statement that the fourth reason for refusal should only relate to the provision of affordable housing. The Council is not seeking any financial contribution towards education facilities.

Main Issues

4. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) whether the location would provide a suitable site for housing having regard to the accessibility of services and facilities;
 - (c) the effect of the development on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - (d) whether the development would make provision for affordable housing.

Reasons

Character and appearance

5. Great Sampford is a small village surrounded by fields and open countryside. Sparepenny Lane South forms the eastern edge of the village, where the majority of housing faces onto the road in a linear pattern. This includes Watsons Close, a row of semi-detached bungalows immediately adjacent to the appeal site. There is no further housing to the north-west of Watsons Close on the same side of the road. Sparepenny Lane South becomes increasingly more secluded beyond Watsons Close with boundary planting on the north-east side of the lane. According to historical maps provided by the appellant, Watsons Close was developed along the south-western edge of a much larger historic field. At my site visit, this encroachment is less apparent on the ground as the rear boundaries for Watsons Close have become established as part of the linear development along Sparepenny Lane South.
6. The appeal site forms approximately half of the remaining historic field. The field is readily apparent from the rear of Watsons Close and the public footpath that runs along the field's eastern boundary. It rises from south-east to north-west and is enclosed by thick boundary planting on all sides with the exception of its boundary with Watsons Close where the rear elevations and gardens of the bungalows are clearly visible. There are glimpses of the field from Sparepenny Lane South between the bungalows of Watsons Close.
7. Although the boundary planting prevents views of the wider countryside beyond the field, the appeal site and the remaining field nevertheless form a rural and green backdrop to this part of Great Sampford. It thus makes a positive contribution to the character and appearance of the area as part of the attractive countryside that surrounds the village.
8. As an outline application with all matters reserved except for access, it is not possible to be certain of the precise effects of 18 dwellings. It is clear that ample space exists within the appeal site for landscaping to help screen and soften the development. However, the development would result in a significant encroachment of built development into the field. The view from the public footpath would alter considerably with the proximity of housing and gardens, especially given the change in levels. The approach into the countryside from Sparepenny Lane South would diminish.
9. The proposed site plan shows an access onto Sparepenny Lane South to the north-west of Watsons Close which would potentially open up views of development from the more secluded part of the lane. The green and rural backdrop would be eroded, including the glimpses seen between the bungalows of Watsons Close, and part of the attractive countryside would be lost. As a consequence, there would be a significant negative effect on the character and appearance of the area.
10. The existing Watsons Close development only makes a minor encroachment into the historic field and follows a linear pattern along Sparepenny Lane South. Its effect on the adjoining countryside is limited. The appeal site is much larger than Watsons Close, and covers much more of the historic field. Thus, the Watsons Close development does not justify a much larger

encroachment into the countryside and a more harmful effect on the character and appearance of the area.

11. I am aware that a housing development known as Willets Field was built around twenty years ago on the southern edge of Great Sampford. I do not know the full planning history of this development and what existed on site before it was built. Thus, in terms of this main issue, I can give it little weight and have assessed the proposed development on its own merits.
12. Concluding on this main issue, the proposed development would result in significant harm to the character and appearance of the area. Therefore, it would not accord with Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan'). This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area, only permitting development if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The development would also conflict with the National Planning Policy Framework (NPPF) which requires schemes to respond to local character.

Accessibility to services and facilities

13. The range of services and facilities in Great Sampford is largely limited to the primary school, public house, church and village hall. They are all accessible by foot or bicycle from the appeal site along pavements and 30mph roads. The bus service is limited to an on-demand service that is not regular and a school bus for secondary school in term time only. As a consequence, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking or cycling distance along roads that contain national speed limits and lack pavements or lighting.
14. As such, there is likely to be a reliance on the private motor car for occupiers of the development. The NPPF highlights that transport solutions will vary from urban to rural areas. However, a development of 18 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private car. Thus, there would be significant negative effects in terms of the use of natural resources and the lack of accessible local services. It would also conflict with the aim of the NPPF to promote sustainable transport modes.
15. The NPPF in paragraph 55 and the Planning Practice Guidance (PPG) make it clear that development in one village could support facilities in another village. The proposed development would help to support the existing village facilities such as the primary school, notwithstanding arguments about the capacity of the school. However, there is little evidence before me that the proposed development would result in additional services and facilities being provided in the village or that it would have an appreciable effect on services and facilities in nearby settlements. I note that the Willets Field development has similar accessibility to services and facilities, but on its own this does not justify the provision of further housing.
16. Concluding on this main issue, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan

which, amongst other things, requires development to encourage movement by means other than the private car.

Living conditions of neighbouring occupiers

17. The existing public footpath from Sparepenny Lane South is quiet and inconspicuous as it passes between Watsons Close and another bungalow development at Monks Corner. There is little evidence that it is used regularly by motorised vehicles. The proposed southern access would greatly alter the first section of the footpath with a road for vehicles associated with the development. With an outline application it is not possible to tell how many of the 18 dwellings would be served by the access given the second access to the north-west of Watsons Close. However, it seems possible that several dwellings would be served by it, resulting in a number of vehicle movements per day.
18. These movements would be close to the gardens and elevations of properties at 2 Watsons Close and 4-6 Monks Corner. The noise and disturbance generated would be noticeable and would have a negative effect on the living conditions of occupiers of these properties. Although there are existing car parks serving properties at Watsons Close and Monks Corner, their access points are in different locations that do not have the same effect as the proposed southern access would have on specific properties and gardens.
19. I note that the Willets Field development has an access onto the main road which serves a number of properties. However, I do not know what the site conditions were like prior to that development being built and what effects the access has had on the living conditions of occupiers of neighbouring properties.
20. Some of the neighbouring occupiers at Watsons Close and Monks Corner have raised concerns regarding the effect of development on their living conditions in terms of outlook, light and privacy. While the development would undoubtedly change the character and appearance of the field, it is not possible to be certain of the effects on outlook, light and privacy with all matters reserved apart from access. Nevertheless, this does not diminish the harm I have identified in terms of vehicle movements.
21. Concluding on this main issue, the proposed development would have a negative effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance. Therefore, it would not accord with Policy GEN4 of the Local Plan which, amongst other things, seeks to avoid development where noise and vibrations generated would cause material disturbance or nuisance to occupiers of surrounding properties. The development would also conflict with paragraph 17 of the NPPF which seeks a good standard of amenity for all existing occupants of land and buildings.

Affordable housing

22. Policy H9 of the Local Plan and the Developer Contributions Guidance Document 2016 (DCGD), which has been adopted as a material consideration by the Council, seeks 40% affordable housing provision on sites of 15 or more dwellings. The appellant initially indicated that this could be secured by planning condition, but has since pursued the approach of a planning obligation.

23. A planning obligation has been submitted by the appellant as part of the appeal process in the form of a unilateral undertaking. This seeks to provide the required contribution of affordable housing. However, while the planning obligation has been signed and witnessed by the relevant parties, it has not been dated. This is a requirement in order for the planning obligation to be completed and take effect. In these circumstances, I cannot take the submitted planning obligation into account as part of my decision.
24. The provision of 40% affordable housing would represent a benefit in favour of the development, but with an incomplete planning obligation, there would be no provision. Thus, the development would not accord with Policy H9 of the Local Plan or the DCGD which seeks affordable housing provision.

Planning balance

25. The Council confirms in its appeal statement that it cannot currently demonstrate a five year housing land supply and states that it stands at 4.5 years. As a consequence, paragraph 49 of the NPPF applies which states that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
26. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. Policy S7 takes a more restrictive approach to development in the countryside compared to the NPPF which could be affecting the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and so still carries reasonable weight. Policies GEN1, GEN4 and H9 are consistent with the NPPF and so carry substantial weight.
27. Addressing the benefits of the proposed development first, the provision of 18 dwellings would represent a reasonable boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The development would provide economic benefits in terms of the construction of the dwellings and the investment into the local economy. The extension of the Council car parking area would also provide a benefit. However, the moderate amount of housing proposed, and the likely limited effect on the provision of local services and facilities would temper these benefits. Thus, taken together, I afford moderate weight to the benefits of the development. For the avoidance of doubt, even with a completed and effective planning obligation for affordable housing, the provision would have been moderate and so would not have affected the overall weight I have given to the benefits of the development.
28. Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects. The noise and disturbance caused by a number of vehicle movements per day along the proposed southern

access road is important. Finally, the provision of affordable housing has not been secured. Therefore, taken together, I afford significant weight to the adverse impacts of development and the conflict with development plan policies. For the avoidance of doubt, even with a completed planning obligation, the overall weight I have given to the adverse impacts would be the same.

29. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.

Other Matters

30. I note that the site was included in the Council's Strategic Housing Land Availability Assessment as a suitable site for small scale development, but I have not been provided with details of how that assessment was carried out. For the avoidance of doubt, I have assessed the proposed development on its own merits.

Conclusion

31. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Richborough Estates