



Appeal Decision

Hearing held on 7 November 2023

Site visit made on 7 November 2023

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th December 2023

Appeal Ref: APP/C1570/W/23/3321506

Parsonage Farm, Parsonage Farm Lane, Great Sampford CB10 2RR

- 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 Cityshape Investments Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1275/OP, dated 5 May 2022, was refused by notice dated 10 February 2023.
 - The development proposed is residential and community development including 27 dwellings (14 private and 13 affordable) a community shop, a play area, shared gardens and public green space and all associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline form with all matters reserved for future consideration except for access. I will consider the appeal on the same basis. Although I have before me a proposed layout and site sections showing height and form of dwellings, I have treated these as indicative only.
3. The Council's sixth reason for refusal relates to the requirement for affordable housing, open space, the provision and management of the shop and the payment of legal fees and monitoring costs which it states should be secured by a legal agreement (S106). With agreement, after the Hearing, a completed and signed S106 has been submitted which in the Council's view appropriately secures the above matters to its satisfaction following discussion at the Hearing. From the evidence before me I see no reason to disagree. I am satisfied that the obligations would accord with Regulation 122 of the CIL and paragraph 57 of the Framework and therefore there would be no conflict with policies H9, LC3, ENV3 and GEN6 of the Uttlesford Local Plan 2005 (the Local Plan). Together these require that proposals provide appropriate infrastructure including affordable housing, open space and community facilities to serve the needs of the development. I return to this matter later in my decision.
4. The Council refers to Malmesbury Cottage in its reason for refusal No 4. However, at the Hearing, it was confirmed by the owners that it had been known as Snowdrop Cottage for a considerable amount of time and therefore that is how I will refer to it in my decision.

Main Issues

5. Having regard to the above and the discussions at the Hearing the main issues are:
- Whether the appeal site is an acceptable location for the proposal with particular regard to accessibility;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the setting of Snowdrop Cottage a grade II listed building;
 - The effect of the proposal on highway safety; and
 - Whether the proposal would result in an unacceptable loss of Best and Most Versatile Agricultural Land.

Reasons

Accessibility

6. The parties agree that the appeal site is within walking distance of the primary school, public house, church, playing fields and village hall and I saw this to be the case at my site visit. However, these limited facilities would not be sufficient for the day to day needs of the future occupants, with residents having to travel further afield to Saffron Walden, Finchingfield and Thaxted to meet their requirements for health, employment and shops.
7. The bus service serving Great Sampford is limited to that for the local secondary schools with no other regular service available for the general public. The Council confirmed that an on demand bus service is due to be discontinued by the end of the year. It seems unlikely therefore that the provision of 27 houses would generate sufficient demand to resurrect any bus service.
8. The country roads providing the links between the settlements are largely unlit with no footways and therefore unsuitable for pedestrians. In any case it would be a lengthy walk. Furthermore, there are no cycle routes between the settlements.
9. The appellant highlights that as there is a bus service for the local schools then this would take a considerable proportion of the morning peak travel off the road. However, this is just one part of the overall number of journeys that would be likely be made by future residents. Furthermore, while linked visits would be a possibility when accessing larger villages and towns, there would still be a necessity to travel there in the first place.
10. I note that my colleague for an appeal at Sparepenny Lane close to Parsonage Farm Lane found that appeal site would not be accessible to services and facilities.¹ While circumstances have not changed since that decision, the proposal before me now includes the provision of a local shop. At the Hearing, the appellant confirmed that they envisaged this to be a shop offering local produce for the community. However, they confirmed that there had been no viability study for such a facility. The Parish Council suggested that the local

¹ APP/C1570/W/22/3313839

community would not be supportive and that shops both in Great Sampford and the surrounding area had shut.

11. Whilst a local shop is a laudable idea there is insufficient detail, and certainty, sufficient for me to conclude that this would be an accessible location for 27 houses. While the S106 agreement seeks to secure a delivery plan and a management plan, just because a building is delivered and is capable of being managed does not mean to say it would be occupied if there was not a viable business opportunity or any interest in its occupation. I have seen no evidence of the latter. In any case, residents would still need to travel further afield for health facilities, employment and larger shops.
12. Therefore, while I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, in this instance the lack of other transport modes, and the limited local services available means that residents are likely to be reliant on the car for transport to other settlements to meet their needs.
13. Consequently, for the reasons above, I conclude that the appeal site is not an acceptable location for the proposal with particular regard to accessibility. It would therefore be contrary to Policy GEN1 of the Local Plan and the Framework which require that development encourages movement by means other than the car and offers a genuine choice of transport modes.

Character and appearance

14. Great Sampford is a small village mainly formed from linear development along the small number of roads running through it. It has a close relationship with the open undulating countryside which is never far from view as you progress through the village either through gaps between buildings or as glimpses as the land rises away from the village.
15. The appeal site is located off Parsonage Farm Lane which is a narrow country lane with a limited number of houses on its north side after which there is an abrupt change to open countryside which is characteristic of the village. The road has banks and hedgerows on both sides. The appeal site is agricultural land and is open with a strong hedge to its southern boundary with more intermittent hedging on all other sides. There is a public right of way (PROW) running adjacent to the southern boundary and a small brook. Its open and green form therefore contributes positively to the rural character and appearance of the area and the setting of the village.
16. The proposal would see the introduction of 27 houses together with surfacing, play area, a shop and roads. This would inevitably change the character of the area, extending the built form a significant distance along and away from Parsonage Farm Lane contrary to the dominant linear form of development. This would significantly encroach into the countryside to the detriment of its rural character. I note that Willets Field to the west has a similar layout, but this is contained within the village and is an exception to the dominant style of linear development. In addition the introduction of a new access from Parsonage Farm Lane would necessitate the widening of the road and the removal of a large amount of banking and hedgerow harmfully eroding the rural character of the lane.

17. The topography of the land, rising to the east means that the housing would be visible from vantage points within the village which would diminish the visual relationship with the countryside. Furthermore, the development would be particularly visible from Parsonage Farm Lane and the PROW. While I acknowledge that on entering the PROW there is housing and associated domestic structures visible, but only for a small way. After that there is the characteristic abrupt change of character which would be lost and instead built form visible for a considerable distance along the footpath urbanising views for pedestrians. While there is a strong hedge here, I saw at my site visit that views are still available through to the appeal site and as the land rises the housing would be particularly evident above the hedge and trees.
18. I note it is the intention of the appellant to carry out considerable landscaping and photographs were submitted of a similar development in Great Dunmow where the landscaping does indeed appear to form an integral and significant part of the scheme. Nevertheless, the housing is still visible, and landscaping takes time to mature even if planted at the start of the development. I also appreciate that it is the intention to provide a lot of open space as shown on the layout plan. Although only indicative it does show a way of developing the site which would incorporate a good amount of green space. However, this would not overcome the encroachment of the development a significant way into the countryside, contrary to the character of existing built form, harming the transition between the village and the countryside eroding the rural character and appearance of the area.
19. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy S7 of the Local Plan and the Framework which requires development to protect or enhance the particular character of the part of the countryside within which it is set and recognise the intrinsic character and beauty of the countryside.
20. Policy S7 of the Local Plan defines the countryside as those areas outside of settlement boundaries and the Green Belt which would include the appeal site. It seeks to protect the countryside for its own sake with planning permission only given for development that needs to take place there or is appropriate to a rural area. This part of the policy is at odds with the National Planning Policy Framework (the Framework) which has a less restrictive approach to development in the countryside. Nevertheless, the second part of the policy, on which the Council relies, seeks to protect or enhance the particular character of the part of the countryside within which it is set, and this is entirely in accordance with the Framework's requirement to recognise the intrinsic character and beauty of the countryside. Therefore, as a whole I find the policy to be partially consistent with the Framework, but conflict with the latter part only attracts full weight.

Heritage assets

Significance

21. Snowdrop Cottage is a Grade II listed building dating between eighteenth and nineteenth century forming a timber framed and plastered cottage with a thatched roof. Its significance for the purposes of this appeal is largely derived from its architectural and historic interest as an early form of domestic architecture retaining many of its original features.

22. From maps submitted by the appellant and the Council it is apparent that the cottage was originally surrounded by open fields which have gradually been developed resulting in the form of the settlement today which sees built form on all sides of Snowdrop except the appeal site which retains its agricultural function. There was some debate at the Hearing as to whether the cottage was originally a farm or a farm worker's dwelling and hence whether the appeal site was intrinsically linked at some point to the cottage. However, there is nothing definitive in front of me in this respect. Whatever the case, there is now no ownership or functional link with the cottage being used as a domestic residence. The appeal site therefore forms part of the original setting, but based on the evidence before me its contribution to its significance is through it allowing an appreciation of the building in the landscape in which it was constructed.

Effect on significance

23. The proposal would see the appeal site change from an agricultural field to housing with domestic curtilages therefore changing the character and its original use. This would be the buildings last link with its original setting and therefore harm would be caused by its removal. Even though a layout could be achieved which would allow for green areas next to the listed building, it would still be seen within the context of a housing estate rather than its original agricultural setting causing harm to its significance. However, given that this is just one part of its significance that harm would be less than substantial. The appellant and the Council have attempted to quantify the scale of level of harm on a sliding scale, I am though mindful that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight.

Other heritage assets

24. Interested parties drew my attention to a number of other listed buildings in the vicinity that they considered would be harmed by the proposal. These are Sunnyside and Goodwins Cottage on Sparepenny Lane South, Monks Corner and Monks Cottage on Finchingfield Road and Sudbury Ley, Sudbury Cottage and Hawkes Cottage on Stambourne Road. These are all Grade II listed buildings and fine examples of timber framed and plastered cottages with thatched roof dating from the 17th to the 19th century. From what I saw on my site visit the setting of those within the built up area of Great Sampford is largely confined to their domestic curtilage and the roads on which they are located, given their location amongst other buildings. This nevertheless allows an appreciation of their architectural and historic significance as examples of early local domestic cottages. The three properties on Stambourne Road have a wider setting being mostly surrounded by open fields allowing a wider appreciation of their significance.
25. The appeal site is a significant distance from all of these heritage assets, such that in my view it makes no contribution to their significance and therefore the proposals would not cause any material harm.
26. For the reasons above, I conclude that the proposal would be harmful to the setting of Snowdrop Cottage a Grade II listed building. It would therefore be contrary to Policy ENV2 of the Local Plan and the Framework. Together these require that that development does not adversely affect the setting of a listed building and sustains and enhances the significance of heritage assets.

Highway safety

27. At the Hearing, following discussion both main parties agreed that the outstanding highway matters could be dealt with by way of condition requiring the submission of details to ensure that both the access from the B1503, with proposed improvements, and from Parsonage Farm Lane would be safe for all road users. However, interested parties raised a number of concerns regarding the safety of both accesses which I have considered as part of my decision.
28. Parsonage Farm Lane is a no through road serving a limited number of properties. It is narrow and enclosed by banking and hedges and accessed from the B1053 on a sharp bend in the road. The concern lies with drivers turning right into Parsonage Farm Lane from the B1053 and the perceived lack of visibility around the corner to see if the road is clear before turning.
29. The appellant has supplied a plan² showing the available forward visibility for a vehicle turning right which shows that about 28 metres is available within the carriageway and 45.4 metres within the highway boundary. The visibility within the highway boundary is restricted by a hedge on the corner property, but I saw at my site visit it has been recently trimmed. Although the interested parties refer to cars parked on the road, particularly at school picking up and dropping off times, I saw that double yellow lines are in place some distance from the corner preventing parking in the critical location as vehicles are approaching from the west along the B1053. I carried out my site visit at school picking up time and cars were not parked close to the bend. I also saw that visibility broadly accorded with that shown on the green line on plan ref SK11A as about 28 metres. I carried out the right turn manoeuvre a number of times at my site visits and found that there was adequate forward visibility even at school pick up time with traffic approaching from the west decelerating into the corner as demonstrated in the appellants traffic data³.
30. There was also concern about the efficiency of the B1053 to carry traffic freely and safely between centres of population given the safety issues with the junction and the increase in traffic using the junction over and above that existing which would include farm vehicles. I spent some time in the vicinity of the appeal site and the volume of traffic using the junction was relatively low. I appreciate that was only a moment in time but given the characteristics of the road and the limited number of properties it serves, there is nothing substantive before me to suggest any different. The Council agree that there would be 125 vehicle movements per day (0700-1900) generated by the proposal. Given that I have found that there would be sufficient forward visibility, this together with the relatively low level of traffic generation would mean that the efficiency of the B1053 would not be compromised.
31. The proposal also involves works to Parsonage Farm Lane to facilitate the access into the development. This would involve widening the carriageway to allow two way vehicle movements up to the site access together with a footway into the village. The private drives of the residential properties on the northern side of Parsonage Farm Lane would not be altered. I also saw that parking is available to the rear of the three cottages that currently have a parking space in the form of a layby to the front of the properties. While this may be more convenient for current residents, the fact that parking would still be available to

² SK11A

³ Technical note – rebuttal to Essex County Council consultation response, dated 6 October 2022

the rear means that the proposal would not be materially harmful in this respect.

32. The Parish Council also stated that as Parsonage Farm Lane acts as a run-off channel for surface water then it often becomes icy in the winter and is quite dangerous. However, any new roads would be constructed to the requirements of the Highway Authority and would take account of drainage requirements.
33. The Council confirmed at the hearing that its outstanding concerns regarding the pedestrian visibility splays, the widening of the bell mouth and the provision of a Road Safety Audit could be dealt with by way of condition. From my observations on site I see no reason to disagree.
34. For the reasons above, I conclude that the proposal would not be harmful to highway safety. There would therefore be no conflict with Policy GEN1 of the Local Plan or the Framework. These require that the design of the site must not compromise highway safety and must take account of the needs of pedestrians.

Best and Most Versatile Agricultural Land (BMVAL)

35. Although not a reason for refusal, interested parties raised the matter of the unacceptable loss of BMVAL at the Hearing. Annex 2 of the Framework defines BMVAL as land in grades 1, 2 and 3a of the Agricultural Land Classification within which the appeal site falls. Nevertheless, most of the land in the District is classed as BMVAL and it is likely as part of the emerging Local Plan that many allocated sites would be on BMVAL.
36. In that context, given that the appeal site is only 2 hectares in size I am not persuaded that there would be a materially harmful loss of the BMVAL. Although the appellant has submitted no evidence to demonstrate that there has been any assessment for accommodating development on previously developed sites or within existing development limits as required by Policy ENV5 the harm caused by the conflict with the policy would be negligible.

Planning and Heritage Balance and Conclusion

37. The appellant alleges some heritage benefits including opening up the site to allow improved views of the listed building, enhancement of the landscape setting, new views and vistas of the village and a high quality landscape buffer to the listed building. However, in my view while the development would open up views of the building which would be a heritage benefit allowing more people to appreciate its significance, the remainder would do little to benefit the significance of the building but would be requirements for a well-designed development.
38. While the Council has stated it can demonstrate a five year housing land supply and this is not disputed by the appellant, this is not a cap on the provision of housing. Policy H9 of the Local requires that 40% of housing be delivered as affordable. The Council also confirmed at the Hearing that it had an undersupply of affordable housing. The proposal would deliver the provision of 48% affordable housing, which would meet the definition contained in Annex 2 of the Framework, secured by the S106 agreement.
39. The development would also deliver policy compliant open space together with provisions for its maintenance and management also secured by the S106

agreement. However, while the development would link into the village by a new footway there is already a high amount of open space in the village. Its provision therefore would be a requirement for prospective occupiers of the development rather than any overall significant benefit for the community.

40. The S106 agreement also secures the delivery of the community shop together with a management and maintenance agreement. However, it does not, because it would be unreasonable to do so, secure its occupation. Its benefit in the form of its contribution to accessibility requirements is therefore limited.
41. There would be economic benefits during the construction of the development and from the contribution of the prospective occupants to the local economy. There would also be biodiversity benefits from the proposed comprehensive planting.
42. Taking all the above into consideration I am of the view that taken together, the public benefits, although significant, do not outweigh the harm I have found to the heritage asset.
43. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of a heritage asset which is not outweighed by public benefits, together with some loss of BMVAL. Neither would the proposal accord with policies regarding accessibility and the protection of the character and appearance of an area. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Mr Lyndsey Trevillian

Principal Planning Officer,
Uttlesford District Council

Sophie Corry

Highways Officer, Essex County
Council

FOR THE APPELLANT

Ms Celine Bird

CityShape

Julian Clark

Transport Planning Associates

Ian Abrams

Ian Abrams Architects Limited

INTERESTED PERSONS

Gary Swain	Great Sampford Parish Council
Stephen Welsh	Great Sampford Parish Council
Richard Haynes	Thaxted and the Eastons Ward Councillor
David Knight	Local Resident
Martin Cross	Local Resident
Chris Eastwood	Local Resident
Kate Eastwood	Local Resident
Christine Knight	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Draft S106 Agreement
- 2 Statement by Councillor Richard Haynes
- 3 Plan of Listed Buildings to view on Site Visit

DOCUMENTS SUBMITTED AFTER THE HEARING

- A Section 106 Agreement
- B Agreed list of conditions