

## Planning Statement

Planning Application

Erection of detached dwelling

At September Hill, Wicken Road, Arkesden



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## 1.0 INTRODUCTION

### 1.1.0 Background

1.1.1 This report relates to a proposal for the erection of one dwelling at September Hill, Wicken Road, Arkesden.

### 1.2.0 Scope

1.2.1 This document comprises an overarching Planning Report in support of a planning application. Sections 2 to 4 consider the physical, economic, social and historical context of the site, identifying the relevant local, regional and national planning policy framework; Section 5 sets out the details of the proposal and section 6 summarises the pre application discussions held with the Council. All these sections inform the evaluation of the proposal in Section 7 against the identified planning policy framework. The overall conclusions are set out in Section 8 and which are summarised below at paragraph 1.2.0.

### 1.3.0 Summary

1.3.1 The proposals should be supported in the following circumstances:

- The local planning authority have acknowledged they are unable to demonstrate a 5-year housing land supply in accordance with national planning policy requirements as set out in the NPPF. As such the principle in favour of sustainable development applies and should be afforded great weight in favour of the proposals. Planning permission should only be refused if the impact of doing so would **significantly and demonstrably** outweigh the benefits of doing so.
- The proposals are minor development of a limited scale, are in edge of village location with accessibility to local services and facilities without reliance on the private car. They bring significant social, environmental and economic benefits to the area. In line with the NPPF the proposals must be considered sustainable development.
- This report sets out that there would be no demonstrable harm caused by the proposals that would outweigh the benefits of granting the permission for a new house in this location.
- The proposal would not cause harm to the amenities of adjoining residents.
- The proposal would not cause harm to heritage assets in the vicinity of the site.
- The site is contained on three sides by built development and would not be readily visible from outside of the site. The impact on the character and openness of the surrounding countryside is negligible.

- The proposals therefore do not constitute harm that would *significantly and demonstrably* outweigh the contribution to the districts housing stock and other benefits, where there is a severe lack of a 5-year housing land supply, nor has a robust timetable to achieve this target been agreed.



## 2.0 SITE & CONTEXT ANALYSIS

### 2.1.0 Location

2.1.1 The proposed development site is located adjoining Arkesden Village, to the east of the village. It sits on the north side of Wicken Road, behind the house known as September Hill and is approx. 0.5ha in area with the development site covering 0.21ha in area.



### 2.2.0 Application/Report Site

2.2.1 The site comprises previously developed land that is currently the part of the rear garden of September Hill. It is primarily lawned, rising ground, increasing approx. 5m from the south western to the north eastern boundaries of the new proposed plot. Both side boundaries are screened by substantial trees and hedgerows. Access is direct from Wicken Road.

### 2.3.0 Context

2.3.1 The site is located on the edge of the village, with dwellings either side and opposite. The rear boundary abuts an arable field. The house adjoining to the south, The Beehive, is a listed building.

2.3.2 Arkesden is a small village located to the south west of Saffron Walden. The grain of development in the village is broadly linear with many properties tending to have a frontage onto the road but there is no clear building line along this part of Wicken Road with a wide

variety of building styles, ages and presentation to the road. Notably there are several dwellings set behind the road fronting dwellings throughout the village – Cranesfield, Cruachan, Hill Farm and including Christiania, which abuts the site. New housing development has been granted planning permission within the village (but outside of the development boundary) in recent years including, 3 houses at Quicksie Hill (decision and site plan attached as Appendix 2). Of particular relevance is the planning permission granted last year for the erection of a detached dwelling to the rear of the adjoining site, Deans Meadow. This consent establishes a clear precedent for the current proposals. The planning permission and layout are attached as Appendix 3 and an extract shown at 3.2.1 below.

#### 2.4.0 Proposals Map Notation

2.4.1 The Local Plan Proposals Map shows the site adjacent to the ‘development limits’ boundary (black line) of the village and abutting the conservation area (red line). The site itself is not subject to any designations.



#### 2.5.0 Local Services

2.5.1 Arkesden benefits from a range of facilities and services including regular clubs/services as follows:

- Pilates
- Coffee mornings (village hall)
- Fitness classes
- Playing field
- Equipped playground
- Village hall

- Pub and takeaway
- Church
- Cricket club
- Telephone box library.

2.5.2 The local services in Arkesden are relatively limited because of its size and proximity to larger villages of Newport and Clavering, and Saffron Walden which boasts a full range of services and facilities. The centre of Saffron Walden is 6 miles away from the site 32 minutes away on the DaRT bus and 32 minutes cycling time. Saffron Walden has a primary and secondary school; full range of restaurants and shopping opportunities; leisure centre; multiple pharmacies, doctors and dentist surgeries and a community hospital. The nearest shop to the site is the Nisa Store in Clavering (2.2 miles or 11 mins cycling). The nearest primary school is in Clavering, 2.2 miles or an 11minute cycle away. Secondary school is in Saffron Walden and is served by a school bus from the village. It is considered that access to these facilities by means other than the private car, i.e. by bus or cycling, is a realistic prospect. These are listed in more detail in the table below:

Service	Facility	Distance from Site (km)	Indicative journey time (mins)			
			Walk	Cycle	Car	Bus
Education	Saffron Walden County High School	8.2	-	26	12	30
	Clavering Primary School	3.5	42	11	6	6
Retail (convenience)	Saffron Walden Market Street	8.5	-	31	14	32
	Tesco Superstore	9.6		35	17	40
	Nisa Local, Clavering	3.5	42	12	6	6
Health	Newport doctor's surgery	4.3	50	13	6	24
	Saffron Walden Community Hospital	10.4	-	35	17	42
	Walden Clinic Dental Practice	8.6	-	29	12	30

## 2.6.0 Accessibility

2.6.1 The village is 45 miles from Central London, 20 miles from Cambridge and 9 miles from Bishops Stortford. Audley End railway station is 3 miles away and Newport Station 3.2 miles away on the same line. The site is accessible by public transport with service from bus routes as follows:



Service	Frequency	Areas
306 (mon-Fri)	2/day	Saffron Walden High School bus
F13 DaRT Service (see below)	On Demand	Clavering, Saffron Walden, Audley End, Rail Station, Roast Green, Joyce Franklin Academy Langley, Wicken Bonhunt, Duddenhoe End Littlebury Green, Catemere End and Elmdon.

2.6.2 The County Council, as an alternative to bus services in rural areas, run a DaRT service (Demand Responsive Transport). It is provided by minibus vehicles, typically accommodating between 8 and 16 passengers. DaRT services are flexible and may divert on and off route to collect and drop off passengers within their operating area needing three or four passengers to make a group booking. When not operating a timetabled bus route or group booking, vehicles may be available for individual runs where no alternative transport is available and can be booked regularly or up to 2 hrs in advance. The passenger cost is akin to normal bus fares and normal bus concessions apply. The usual stop is at the end of Wicken Road where it joins Clatterbury lane, 1-minute walk from the site.

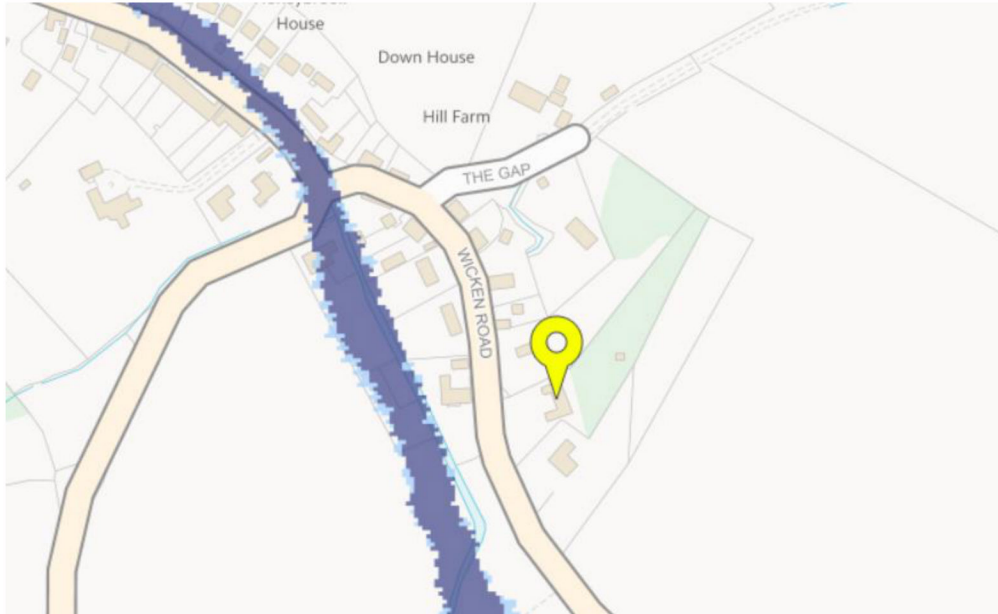
2.6.3 The bus routes above link the site to the surrounding villages and main towns of Saffron Walden and, Newport, Audley End, Stanstead Mountfitchet and Bishops Stortford which are the main centres for employment and shopping. The bus services are also focussed on linking the villages to surrounding schools and run their timetables to facilitate this. The stations at Audley End and Newport are accessible by bicycle in 17 and 18 minutes respectively and in 8 minutes by car. The stations serve 2 main Great Anglian routes – Cambridge to Liverpool Street and Gloucester to Stanstead Airport. These provide for the following journey times:

Destination	Journey time	Average Frequency (peak)
<b>Bishops Stortford</b>	11 mins	15 mins
<b>Stanstead Airport</b>	15 mins	15 mins
<b>Harlow</b>	19 mins	15 mins
<b>Cambridge</b>	18 mins	10 mins
<b>Broxbourne</b>	25 mins	15 mins
<b>Cheshunt</b>	29 mins	15 mins
<b>Ely</b>	34 mins	10 mins
<b>Tottenham Hale</b>	38 mins	15 mins
<b>London Liverpool Street</b>	54 mins	15 mins
<b>Peterborough</b>	1hr 10 mins	20 mins

**2.7.0 Flood risk**

2.7.1 The site is not identified as being at a risk of flooding from surface water or other sources. Please see the extracts from the relevant flood maps extracts below (<https://flood-map-for-planning.service.gov.uk/>).

**Flood map for flooding risk from rivers and the sea**



**Flood map for surface water flood risk**



### 3.0 RELEVANT PLANNING HISTORY

#### 3.1.0 Application Site

3.1.1 The relevant history of the application site is summarised in Figure 3.1.0 below.

LPA Ref	Proposal	Outcome
UTT/1178/98/FUL	Single-storey front extension and insertion of two dormer windows	Approved 26/11/98
UTT/0127/97/FUL	Side/front extension to form annexe	Approved 23/04/97
UTT/0732/81	Proposed extension and bay window to dining room	Approved 16/07/81

#### 3.2.0 Other Relevant Sites

3.2.1 Section 2 above sets out the context of the site and notes a recent infill development adjoining the village, which is comparable to the application proposals. Most recently and of particular relevance is the development granted planning permission at the adjoining site, Deans Meadow, that is directly comparable to the current proposals. This is for the erection of a detached dwelling and was granted planning permission in November 2020 under reference UTT/20/2430/FUL. Extract from the approved layout below.



3.2.2 **Land at Quicksie Hill – see appendix 2** The site proposal, allowed at appeal, is notable in that it sits outside of the ‘developed boundary’ of the village as set out in the Development Plan and addresses the issues of sustainability of location. It is however a larger development, larger site, more open and an undeveloped site in the countryside. In approving this development for 3 houses, the following conclusions of the Inspector are relevant:



*“22. The harm to character and appearance of the area would be limited, and the harm relating to the accessibility of services and facilities would be reduced. Furthermore, the conflict with LP Policies S7 and GEN1 are attributed limited weight. While the benefits of the scheme would be moderate, the harm arising from the development would be of a lesser magnitude. Consequently, taking into account the Framework as a whole, I do not consider the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.”*

### 3.2.3 **Additional Relevant Appeal Decisions**

The following 9 appeal decisions relate to proposals for housing development within Uttlesford District in locations beyond the defined limits of development and are comparable and relevant to this application.

3.2.4 **Case No 1: Land West of London Road, Newport – UTT/15/1869/FUL** This proposal for the erection of 94 dwellings and a mixed-use commercial building was allowed in a decision letter dated the 27<sup>th</sup> October 2017. The Inspector found that the proposal would harm the landscape character of the area and would conflict with Policy S7 of the ULP. However, he noted that the Council could not demonstrate a 5-year housing land supply and advised that the actual supply was somewhere between 3.1 years and 4.2 years. He did not consider that the shortfall would be resolved quickly. On balance therefore, he concluded that the adverse impacts of the scheme would **not** significantly and demonstrably outweigh the benefits.

3.2.5 **Case No 2: Land off Little Walden Road, Saffron Walden – UTT/16/2210/OP** This proposal for the erection of up to 85 dwellings was allowed on appeal on 21<sup>st</sup> August 2017. In common with Case No1, the Inspector found that the proposal would be harmful to the character of the countryside but, in the absence of a 5-year housing land supply, attributed significant weight to the provision of new dwellings.

3.2.6 **Case No 3: Highcroft, Keeres Green, Aythorpe Roding – UTT/16/0536/FUL** This relates to a scheme for the erection of a sustainable carbon zero family dwelling was allowed on 16<sup>th</sup> September 2016. The main issue was whether the location would provide a suitable setting for development. The Inspector found that the proposal would not harm the character and appearance of the countryside and so would not conflict with Policy S7 of the ULP.

3.2.7 **Case No 4: Land South of Kinvara Business Park, Felstead – UTT/17/0034/FUL** This scheme for the erection of 3 dwellings was allowed on the 21<sup>st</sup> July 2016. The Inspector noted that the proposal would not accord with Policy S7 of the ULP as the site was outside of the defined development limits, but he found that this policy was more restrictive than the NPPF (2012) regarding development in rural areas. In respect of location, the Inspector noted that the

nearest facilities were located some 5km from the site. Nonetheless, he found that 5km was a reasonable cycling distance and such future occupiers would make some contribution to viability of local services. Furthermore, the Inspector recognised that the NPPF (2012) applied a 3-dimensional approach to sustainability, and he found that the proposal would deliver social benefits, from the provision of housing, and minor economic benefit from the construction.

**3.2.8 Case No 5: Land adjacent Cricketfield Lane, Mole Hill Green, Takeley – UTT/17/3690/OP**

This relates to an outline scheme for the erection of 2 self/custom build dwellings. The site is located beyond the defined limits of development and within the Countryside Protection Zone (CPZ). Dated 21<sup>st</sup> September 2018, this decision is also significant as it was considered against the provisions of the 2018 NPPF.

**3.2.9** The central issue was identified by the Inspector as being the effect of the proposal on the character and appearance of site and surroundings resulting from the development of this undeveloped site. The Inspector accepted that the proposal would reduce openness but was mindful of the LPA's recent decision to allow permission for the erection of 2 dwellings on the similarly designated land immediately to the west, thus extending the lines of development into the CPZ. In these circumstances the Inspector concluded that it was not reasonable to seek to argue that the appeal proposal would materially harm openness. The Inspector concluded that Policy S7 was more restrictive than the NPPF and thus afforded it only moderate weight. Noting the acknowledged shortfall in the LPA's 5-year supply of housing, the Inspector concluded that the modest economic and social benefit that would result would outweigh the limited environmental harm.

**3.2.10 Case No.6: Little Maypole, Thaxted – UTT/16/3255/FUL**

This relates to application for residential development of 9 dwellings. The site is located beyond the settlement boundaries of Thaxted. The main points for consideration and conclusion of the Inspector were as follows:

1. the provision of 9 dwellings would make a valuable contribution towards the supply of housing in the district which did not have a 5-year housing land supply and that this weighed in favour of the appeal;
2. the area is rural in character and the site backs onto open countryside but adjoins a predominantly residential area. He noted that whilst the dwellings proposed would be visible from the open countryside they would be viewed against the backdrop of existing dwellings and further would be consistent with the edge of village character and would not materially harm the character or appear as an intrusion into the open countryside. He concluded the proposals would be in compliance with Policy GEN2 of the local Plan 2005.

### 3.2.11 **Case no.7 Ashcroft, Wicken Road, Wicken Bonhunt - UTT/19/1381/FUL**

An application for the erection of 3 dwellings on open land, outside of the defined village boundaries with policy S7 again at the heart of the matter. The Inspector determined:

1. The Council rely on saved Policies S7 and Gen2 of the ULP to support the refusal of the appeal proposal. Policy S7 can only be given some weight in the determination of this appeal, due to its partial consistency with the 2019 Framework.
2. The proposal conflicted with Policy S7 of the ULP being development in the countryside. Despite the elevated site, harm to the rural character of the area was limited by the nature of the site abutting other house large housing plots and the screening by landscaping it benefited from.
3. The Council's assessment at that time showed a 3.29-year supply of deliverable housing sites and therefore the Inspector regarded Policy S7 as out of date for the purposes of the appeal and paragraph 11 of the Framework applied. The adverse impact on the character and appearance of the locality was considered minimal and would amount to the introduction of built form into a countryside location which would be in conflict with the development plan. Limited weight to this was given by the Inspector as the development has a low impact on the character and appearance of its specific location. In his view the adverse impact of granting planning permission did not significantly and demonstrably outweigh the benefits of the proposal, such as the contribution it would make to the vitality of the village and the 5-year supply of deliverable housing sites in the District.

NOTE: The Council has subsequently granted planning permission for 4 dwellings on this site.

### 3.2.12 **Case no.8 Appeal Ref: APP/C1570/W/19/3225516 Land at Quicksie Hill, Arkesden**

This appeal relates to an application for 3 dwellings on open agricultural land north of the village church, on land outside of the 'development boundary'. The main issues were the character and appearance of the area; and the accessibility of services and facilities.

The Inspector concluded:

- the proposed development would conflict with LP Policy S7. However, since the site is bound on two sides by built development and the proposal is for three dwellings, the harm identified would be limited given the localised and relatively self-contained nature of the site.
- The NPPF states that significant development should be focused on locations which are or can be made sustainable, but the proposal (3 units) does not constitute significant development. Paragraph 78 states development in one village may support services in a village nearby. Given the proximity of the nearest villages, the proposal would not conflict with the Framework in this regard.
- Saffron Walden with a full range of services and facilities is a moderate distance away, the length of private car journeys is likely to be short and the number of car trips generated



would be modest. Consequently, the harm with respect to the accessibility of services and facilities is reduced.

- The conflict with LP Policies S7 and GEN1 are attributed limited weight. While the benefits of the scheme would be moderate, the harm arising from the development would be of a lesser magnitude. Taking into account the Framework as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

### 3.2.13 Case no.9 Appeal Ref: APP/C1570/W/19/3238409 6 Quicksie Hill, Arkesden

An application for a single dwelling to the rear of the existing property at no. 6. In summary the issues were

- the effect of the development proposed on the character and appearance of the area; and,
- whether the appeal site is a suitable location for new residential development.

The appeal was dismissed on the basis that the proposals would harm local character contrary to policy S7 and that that the occupants of the dwelling would be dependent on private transport to reach day-to-day services. This appeal can be distinguished from the current proposals as follows:

The Inspector determined that the proposed house would be a large and incongruous feature, out of keeping with adjoining development, clearly visible from neighbouring properties and public track adjacent, the landscaping would be insufficient to screen the dwelling and as a result of its height and width the house would be an intrusive feature harmful to its rural character. This does not apply to the current proposals.

Whilst the Inspector determined that the site was not in a sustainable location, he commented that'

*"I have no information about what facilities and services are available in neighbouring villages. Based on the evidence before me there is only a limited bus service serving Arkesden, and I have no indication of where the buses travel to and what other services can be reached by them."*

Clearly the full extent of accessibility of the site by means other than the petrol car was not in front of the Inspector in making his determination. The report sets out above the realistic alternative choices available.

## 4.0 **POLICY CONTEXT**

### 4.1.0 **National Policy / Guidance**

4.1.1 The National Planning Policy Framework (NPPF) 2019, sets out the Government's planning policies for England. The following sections are considered directly relevant:

Section 2 Presumption in favour of sustainable development

Section 4 Decision Taking

Section 5 Delivering a Sufficient Supply of Homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

### 4.2.0 **Development Plan**

4.2.1 The Development Plan Comprises the saved policies of the Uttlesford Local Plan 2005. The relevant local plan policies are as follows:

S7 The Countryside

GEN1 Access

GEN2 Design

GEN3 Flood Protection

GEN7 Nature Conservation

GEN8 Vehicle Parking Standards

H4 Backland Development

### 4.3.0 **Emerging Development Plan & Evidence Base**

4.3.1 The Uttlesford Local Plan 2019 was submitted to the Secretary of State for public examination on 18 January 2019. In response to the Inquiry Inspectors' letter dated 10 January 2020 and the independent Peer Review report from the East of England Local Government Association dated 23 March 2020, the Council decided to withdraw the draft Uttlesford Local Plan 2019 on 30<sup>th</sup> April 2020. The Council has stated that a programme to deliver a new Local Plan by December 2023 will be developed.

### 4.4.0 **Supplementary Planning Guidance / Documents**

4.4.1 The following guidance is relevant to the proposals:

Essex Design Guide 2007

Energy Efficiency and Renewable Energy 2007

Accessible Homes and Play Space 2005

Essex County Council Parking Standards 2009

### 4.5.0 **Other Relevant Guidance/Evidence**

4.5.1 Attached as Appendix 1 is a copy of the Council's Housing Trajectory and Five-Year Housing Land Supply Statement (October 2019). This indicates a 5YHLS of 3.11 years. The withdrawal of the emerging local plan and absence of an agreed programme to replace the 2005 local plan, means there is no prospect of a robust strategy for a 5YHLS being in place in the near future.

## 5.0 DESCRIPTION OF DEVELOPMENT

### 5.1.0 Use

5.1.1 The proposed use of the site is residential comprising a detached 4-bedroom house.

### 5.2.0 Layout

5.2.1 The siting proposed is approximately the midpoint of the existing garden, level with the new dwelling approved at Deans Meadow and Christiania on the next site north of Deans Meadow. The positioning allows for a rear garden of approximately 62m deep. The existing house at September Hill would retain a rear garden depth of approximately 60m.

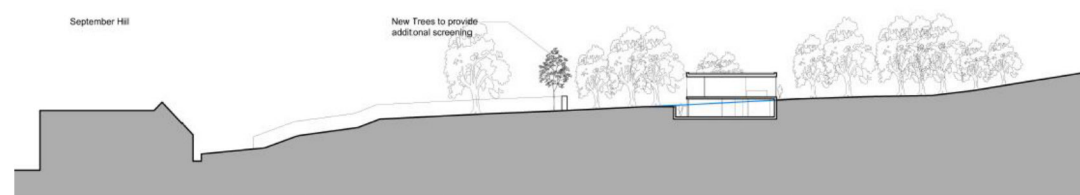
#### Proposed block layout



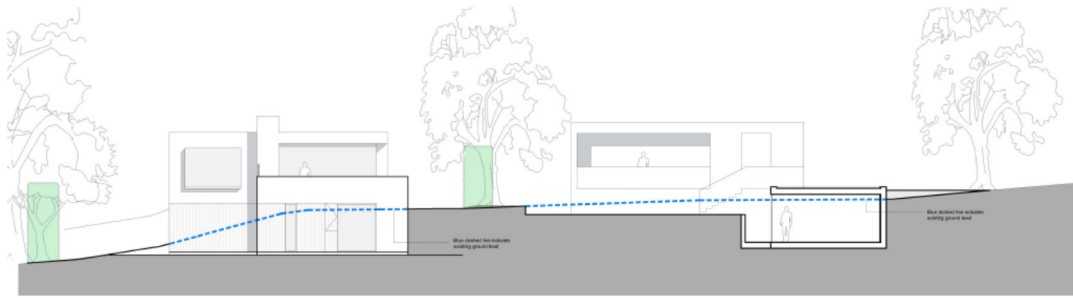
### 5.3.0 Appearance & Scale

5.3.1 Please refer to the accompanying Design and Access Statement for a detailed design analysis. In brief, the design is a low profile, contrasting modern design with a flat sedum roof, seeking to blend with the landscape and will use traditional materials as appropriate, to include white render, and timber cladding with large areas of glazing. It reflects the modern, low key design approach of the new house at Deans Meadow. Levels across the site provide for the ground floor level of the house design to be embedded into the site contours such that its effective height is single storey only. The design will seek to incorporate low carbon features such as solar panels, electric car charging point, increased insulation for the external envelope including glazing, a renewable heating such as an air or ground source heat pumps and 'Greywater recycling'.

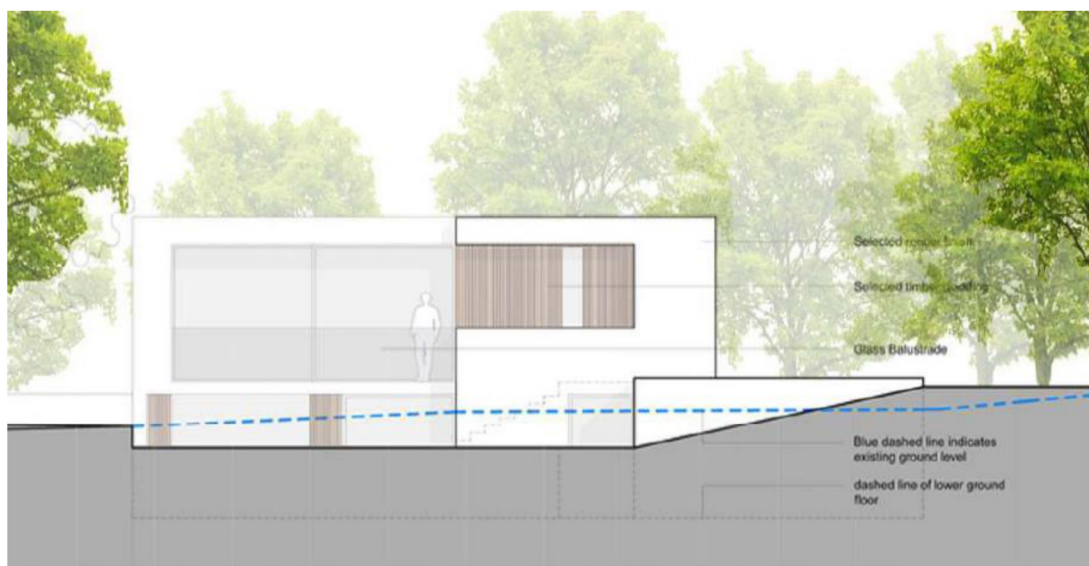
#### Site Sections







**Proposed front elevation**



#### 5.4.0 Landscaping

5.4.1 The site benefits from landscaped features primarily limited to trees and hedgerows on the site boundaries. Two TPO trees sit within land at The Beehive, adjoining the boundary between the two dwellings but are unaffected by the proposals. The main body of the site is largely lawned. An arboricultural report is submitted with the application to confirm the retention of all significant landscaping. New mixed native hedging will supplement planting to the boundaries where necessary and a new hedge will be planted to mark the boundary between the existing and proposed houses and provide privacy screening.



Proposed location of new house

#### 5.5.0 Access and parking

5.5.1 The access to the site will be via the existing access point, direct from Wicken Road and via an extension to the existing driveway. A driveway running along the southern site boundary will provide access to 3 parking spaces in accordance with standard requirements. Visibility at the access will be improved to achieve 2.4m x 43m splays in both directions. Space exists to create wider spaces if desired.

#### Proposed detailed layout





## 6.0 CONSULTATIONS

6.1.0 No specific pre-app consultations were undertaken in respect of this development given the clear precedent and design parameters set for the dwelling approved at Deans Meadow. It is noted that in respect of the main issues, as they would apply to the September Hill site, the Officers report concludes as follows:

**Principle** - Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five year housing supply cannot be delivered. Therefore, a balanced approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause 'significantly and demonstrably' outweighs the potential positive outcomes of the development as a whole.

The proposed scheme does provide for one new dwelling. The scheme has a small modest economic benefit, this includes employment during the construction and the potential of contribution to local services, and although positive these are a modest level of economic benefit. Environmental Health and Ecology Consultants have not raised objections to the scheme and the scheme is not in a flood sensitive area. These elements weigh in the scheme's favour.

The scheme is located adjacent to the development boundary of Arkesden, it is not considered isolated and possesses access to a range of services that properties within the development boundary of Arkesden would also access.

Subject to the other criteria of Policy H4 being adhered to and met, along with all other material considerations, it is considered that the principle of one dwelling at this site is acceptable and accords with ULP Policies S7, H4 and the NPPF.

**Design, Heritage and Residential Amenity** - design is a low profile, contrasting modern design with a flat sedum roof, seeking to blend with the landscape; Levels across the site provide for the ground floor level of the house design to be embedded into the site contours such that its effective height is single storey only; design will seek to incorporate low carbon features; The proposed layout would minimise the impact of the proposals on the occupiers of neighbouring property; there will be no overlooking or undue loss of privacy to the occupiers of adjoining property. The impact of the proposed house from outside of the site is akin to the scale and height of a domestic outbuilding; layout provides for good levels of amenity for potential occupiers, to include private amenity space, outlook and sun and daylight.

**Heritage** - The Conservation Officer states that the position and design will have limited impact upon the setting of the nearby heritage assets.

The built form of the dwelling will not pose a harmful residential amenity impact to adjoining neighbours. There will be little harm to the adjacent Conservation Area and subject to

conditions, the proposal accords with ULP Policies H4, GEN2 and ENV1 of the Uttlesford Local Plan 2005 and the NPPF 2019.

**Conclusion** - the development represents an acceptable scheme in terms of the location, access, countryside impact, protected species, biodiversity and is in accordance with the Local Plan and the NPPF.

Due weight has been given in the planning balance of the development. The harm to the character of the site is significantly outweighed by the positives of the development, this includes:

Provision of housing supply

Provision of economic benefits,

Support of local provisions, while supporting the growth of existing adjacent settlements.



## 7.0 **PLANNING CONSIDERATIONS**

Based on the analysis set out in Sections 2 to 5, I consider that the application proposal raises the following issues, which I will consider in turn below:

1. Principle
2. Layout & Design
3. Highway Safety & Access
4. Ecology
5. Developer Contributions

### 7.1.0 Issue No 1: Principle

7.1.1 The site lies within the countryside, not within the Green Belt and abuts the development limit of Arkesden as defined in the 2005 Local Plan. Arkesden is classified as a key settlement in the development plan and as such policy S7 applies. It states that

*“...the countryside will be protected for its own sake, planning permission will only be given for development that needs to take place there, or that is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the plan...”*

Paragraph 6.13 states that:

*“...if there are opportunities for sensitive infilling of small gaps in small groups of houses outside of development limits but close to settlements these will be acceptable if development would be in character with the surrounding and have limited impact on the countryside in the context of existing development”.*

7.1.2 The Council acknowledge that they do not have a 5-year housing land supply. The latest update (April 2020) confirms a 3.11 year supply. In the absence of a 5-year housing land supply paragraph 11 of the NPPF is engaged.

*“For decision-taking this means:*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.1.3 In this context and given the lack of a strategy to address the issue, deliverable sites such as this must be considered necessary to “... support the Government’s objective of significantly boosting the supply of homes...” as required by the NPPF (para 58). There must therefore be a presumption in favour of development in accordance with paragraph 11 of the NPPF and the benefits of the provision of new housing in such circumstances must carry great weight in accordance with para 68 (c) of the framework which states:

*“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: ...*

*c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;”*

7.1.4 Policy S7 is out of date by virtue of the lack of 5 YHLS. It is also *in substance* in conflict with the NPPF. Policy S7 takes a wholly protectionist stance, applying a presumption against development in the countryside. The Framework takes a more positive approach stating that the countryside should be protected in a manner *commensurate with its statutory status* or qualities identified in the development plan. The site is not identified as being of any special value and the level of protection it is afforded should be proportionate to its status. As such only limited weight can be given to Policy S7 due to both being out of date and the conflict between it and the NPPF. This limited weighting was acknowledged by the Inspector in the Quicksie Hill Appeal (appendix 2).

7.1.5 In the wider context of the NPPF, the development would satisfy the 3 strands of sustainable development as follows:

#### **Environmental Role**

- The proposals comprise the provision of much needed housing in a district with an identified severe shortfall in land supply for housing where there is no realistic prospect of an adopted housing strategy to meet that shortfall being in place soon;
- Provision is on a sustainable site abutting the development limits of the village which the LPA have identified as suitable for new small-scale housing development.
- This site is deliverable in the short term. The local plan inspector (for the withdrawn plan) identified the need for an increase in such sites to be included within the 5YHLS in order to meet the district’s needs.
- The development would support local services and facilities to include public transport; boosting the vitality and viability of these services;
- The development would provide a well-designed, safe environment with ready access to social and cultural facilities.
- the design is reflective of local character through its limited scale and detailed design approach;
- The site is realistically accessible to services and facilities by means other than the private car and can support the bus service (see sections 2.5.0, 2.6.0 and 6.2.0);
- The proposals will support of the low carbon economy through energy efficient housing design and will provide for electric vehicle charging points, solar panels, increased insulation, air or ground source heat pumps and greywater recycling. for the dwelling;
- The proposals make effective use of land.

#### **Economic role**

- The development would have economic benefits in the short to medium term through the provision of jobs and local purchasing during the construction period. This would

include construction workers and tradesmen on site, indirect jobs (employment created through the construction supply chain) and induced jobs (employment generated through increased demand following the direct and indirect jobs). There will also be an economic benefit through gross added value - the value of goods and services traded in the wider economy per construction work employee.

- Once complete the development will support local services and facilities and economic activity within the village and adjoining settlements, boosting their vitality and viability. This includes support of the existing community and social activities at the village hall and the local bus services that run through the village and local businesses, e.g. pubs, taxis, gardeners, etc. The injection of future residents' income in the local area also has potential to create further job opportunities within the area.

#### **Social role**

- Provision of much needed housing in a district with a severe shortfall in land supply for housing;
- Support of local services and facilities to include public transport; boosting the vitality and viability of these services and those in nearby villages;
- Providing a well-designed, safe environment with ready access to social and cultural facilities.

As such it is considered that the proposals represent sustainable development. It is considered that policy S7 and para 6.13 of the local plan provide for development on sites such as this, where the lack of a 5-year housing land supply means such sites *must* be relied upon to meet current shortfalls in housing provision. The NPPF goes further and is clear that there is a presumption in favour of sustainable development such as this and that great weight should be given to the provision of housing on such sites in consideration of the planning balance.

7.1.6 It is notable that in granting planning permission for the development at the adjoining site, Dean Meadow, officers concluded that

*“The harm to the character of the site is significantly outweighed by the positives of the development, this includes:*

*Provision of housing supply*

*Provision of economic benefits,*

*Support of local provisions, while supporting the growth of existing adjacent settlements.”*

Further, planning permission has recently been granted for new housing development in Arkesden, outside of the development limits as set out above. The suitability of the village to accommodate small scale new housing development is acknowledged by virtue of these consents. Similarly, the sustainability of small-scale sites within the village and of the development boundary, has also been accepted by the LPA. The proposals are entirely



consistent with the other minor developments that have been allowed within the village and that have been considered to contribute positively to its vitality and viability. Specifically, in respect of the proposals for 3 dwellings at Quicksie Hill the Inspector noted:

*“2. The appeal site is located adjacent to a cluster of residential properties to the North and detached dwellings on larger plots to the south. It is therefore not isolated in the terms of the National Planning Policy Framework (Framework). “*

He also notes in the same paragraph that the site has an open rural character and appearance. This is distinct from the application site, which is domestic and enclosed. He also notes its visibility in respect of the setting of the village. Again, the same cannot be said of the application site of which there is very limited visibility. Paragraphs 6 and 7 assess the impact on the adjacent conservation area and listed buildings:

*“The appeal site is located to the north of the CA and the proposed three dwellings would be likely to be largely screened from view from the CA by the existing hedgerow along the road. ... views to the site from the listed building are somewhat limited... the dwellings could be set out on the site such that the effect of the proposed development on the setting of the CA and on the listed building would preserve their significance. “*

He concludes on the matter thus:

*“Overall, I consider the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states 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.*

*However, since the site is bound on two sides by built development and the proposal is for three dwellings, the harm identified would be limited given the localised and relatively self-contained nature of the site.*

This decision is comparable, relevant and material to the consideration of the proposals.

- 7.1.7 In relation to the development at Deans Meadow the planning report acknowledges the balanced approach that should be applied - whether the potential harm the development might cause ‘significantly and demonstrably’ outweighs the potential positive outcomes of the development as a whole. It goes on to acknowledge the economic benefits of the scheme, the provision of a dwelling and the support of local services that weigh in the scheme’s favour. It concludes that subject to compliance with the criteria of Policy H4, the principle of one dwelling at this site is acceptable and accords with ULP Policies S7, H4 and the NPPF.
- 7.1.8 Policy H4 deals with ‘Backland Development’ and states that development of a parcel of land that does not have a road frontage will be permitted, if all the criteria below are met. Taking each in turn and the performance of the proposals relative to these criteria:

*a) There is significant under-use of land and development would make more effective use of it;*  
The rear garden land is of limited use. Due to the levels of the site and the physical separation by distance and shrubbery of the land from the house, the existing house in practice uses the immediate rear patio and garden area for amenity purposes. The use of this rear curtilage for one dwelling would make more effective use of land.

*b) There would be no material overlooking or overshadowing of nearby properties;*  
Neighbouring amenity is preserved as part of the proposals by the siting of the building and positioning of windows, effective use of levels and existing and proposed landscape screening. This is dealt with in more detail below.

*c) Development would not have an overbearing effect on neighbouring properties;*  
Neighbouring amenity is preserved as part of the proposals by the siting of the building, effective use of levels and existing and proposed landscape screening. This is dealt with in more detail below.

*d) Access would not cause disturbance to nearby properties;*  
There would be no new access from Wicken Road. The proposed driveway will share the existing vehicle driveway at September Hill to the east with improved visibility, as acknowledged in the Deans Meadow application. It then separates into its own spur driveway. Similarly, the properties at Deans Meadow will be separated by a new, native, evergreen hedge. The noise and disturbance generated by one additional dwelling in such circumstances would not cause material harm to the amenities of adjoining occupiers.

## 7.2.0 Issue No 2: Site accessibility and sustainability

7.2.1 Section 2.5.3 above sets out a range, not an exhaustive list, of services and facilities that are accessible to the site. These do not include those available within Arkesden itself, which are set out in para 2.5.1 above and which comprise a range of sports, cultural and social clubs, pub and takeaway, all within easy walking distance of the site. The accessibility of services and facilities, including the public transport links, illustrates that the site is realistically accessible to many of these facilities by alternatives other than the private car.

7.2.2 In respect of walking and cycling the RTPi latest research (How Far is it Acceptable to Walk and How far is it Acceptable to Cycle – February 2018) suggests the following as realistic travel distances (outside of London):

Walking	Destination	Distance (km)
	Town Centre	0.8
	School	2.0
	Railway	1.6
	Bus	0.8
	Elsewhere	1.2
Cycling		
	Education	4.0
	Shopping	4.0
	Personal Business	5.0
	Commute	8.0
	Leisure	10.0

7.2.3 It is clear from the above that all essential services and facilities fall within what the RTPi has suggested would be ‘reasonable cycling distance’ and that public transport is available within walking distance. Similarly, Audley End Station would be realistic according to the RTPi research. The bus service, whilst not conventional, is a realistic, flexible alternative to the car. Whilst requiring a level of forward planning, the timings and routes provide access to local schools, towns, the railway station, Saffron Walden and Bishops Stortford on a regular and reliable basis.

7.2.4 In his considerations of the Quicksie Hill appeal, the inspector stated that:

*“10. The appeal site is located adjacent to the settlement of Arkesden which from the evidence before me has limited services and facilities such that future occupiers would be likely to travel further afield for daily requirements. The nearest settlements such as Clavering would not be*

within reasonable walking distance and there are no streetlights or footpaths along the road. Therefore, it would be likely that future occupiers would be reliant on the private car for their daily requirements.

11. Consequently, the proposed development would not be in a sustainable location with particular regard to the accessibility of services and facilities. Therefore, the proposal would conflict with LP Policy GEN1 which among other things seeks development that encourages movement by means other than driving a car.

12. While I acknowledge paragraph 103 of the Framework which states that significant development should be focused on locations which are or can be made sustainable, since the proposal for three dwellings is modest in scale, it does not constitute significant development. Furthermore, I note paragraph 78 of the Framework which states that where there are groups of smaller settlements, development in one village may support services in a village nearby. Given the proximity of the nearest villages, the proposal would not conflict with the Framework in this regard. I note the comments of the Inspectors for the cases at Hawkspur Green and Norton and take a similar approach in this particular regard. Since Saffron Walden with a full range of services and facilities is a moderate distance away, the length of private car journeys is likely to be short and the number of car trips generated by the three dwellings would be modest. Consequently, taking into account these considerations, the harm with respect to the accessibility of services and facilities is reduced.”

It should be noted that the evidence of the DaRT bus service was not provided to the Inspector by the Appellants nor the LPA in respect of this appeal. This regular, reliable mode of public transport, linking the site to nearby towns and villages, is significant in consideration of the sustainability of the site and alternatives to the use of the car. Further, the proposals did not provide for electric car charging facilities, as is currently proposed. The use of an electric vehicle is a significant and realistic sustainable alternative mode of transport. In respect of carbon emissions alone, given average models and occupancy rates, the emissions of CO<sub>2</sub> per km for varying modes of transport compares thus:

Mode	CO <sub>2</sub> /km
Local Bus	82g
Coach	27g
Taxi	210g
Petrol Car	180g
Electric Car	60g
Motorbike	115g

*BEIS Conversion factors 2019/Javier Hirschfeld)*



As such, based on the DaRT service, the option of electric vehicle use and the accessibility of services and facilities within reasonable cycling distance, the current proposals can reasonably be considered reasonably sustainable and more so than the appeal proposals.

7.2.5 The application report for the new dwelling at Deans Meadow notes that:

- The development whilst not within the development boundary of Arkesden, is not considered to be an isolated dwelling;
- It is considered that access to facilities (in Clavering, Newport and Saffron Walden) by means other than the private car, i.e., by bus or cycling, is a realistic prospect.

#### 7.2.6 **Sustainable Design**

The architects D&A statement sets out in detail a series of sustainable design features that will ensure the building is constructed and occupied with a minimum carbon footprint. Please refer to this document for details. The features to be employed include a sedum roof, electric car charging point, greywater harvesting and renewable energy through the use of PV panels. Additional heating and insulation measures will also be incorporated into the detailed design.

### 7.3.0 Issue No 3: Layout and design

7.3.1 Policy GEN2 applies to the consideration of the impact of the proposal in terms of character and appearance. It states proposals are required to:

- establish or maintain a strong sense of place, creating attractive, welcoming and distinctive places to live, work and visit;
- create places that are safe, inclusive and accessible and which promote health and well-being: and
- provide a high standard of amenity for existing and future users.

7.3.2 Policy GEN2 sets out more detailed design guidance requiring new development to meet the following criteria:

- be compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- safeguard important environmental features
- provide an environment which meets the reasonable needs potential users
- help to reduce the potential for crime
- minimise water and energy consumption
- have regard to supplementary planning guidance
- help reduce waste production and encourages recycling and reuse
- minimise the environmental impact on neighbouring properties by appropriate mitigating measures.
- not have a materially adverse effect on other sensitive property.

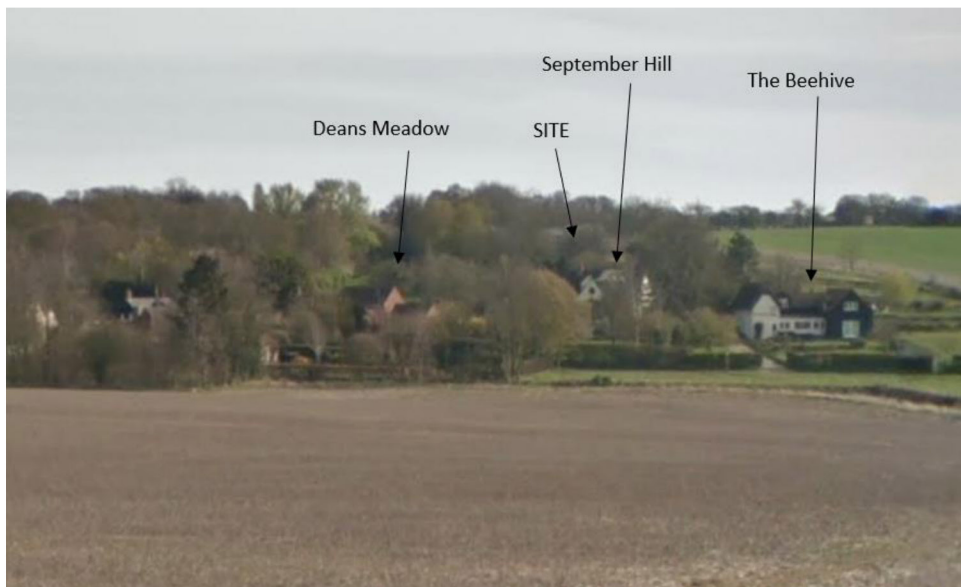
7.3.3 Policy H4 of the local plan allows for the subdivision of plots to create new dwelling units, including in a backland form, such as this. It states:

*Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:*

- a) There is significant under-use of land and development would make more effective use of it;*
- b) There would be no material overlooking or overshadowing of nearby properties;*
- c) Development would not have an overbearing effect on neighbouring properties;*
- d) Access would not cause disturbance to nearby properties.*

7.3.4 The layout and elevations show how the proposed dwelling can satisfactorily be accommodated on the site. The detailed design incorporates the design features of the successful application adjoining at Deans Meadow and a simple, modern, sleek house is proposed that makes best use of existing levels across the site and is in accordance with the above guidance and standards as detailed below to create an attractive, safe, accessible environment, achieving high standards of amenity for all users. None of the details presented for consideration would contradict the aims and objectives of Policy GEN1, GEN2 or H4 as follows:

- The site is limited in size and has clear boundary constraints formed by adjoining development – The Beehive to the south, September Hill to the west, Deans Meadow and the consented new dwelling to the north and the current garden limits and boundary hedging that defines the plot to the NE. It is ‘contained’ by these existing physical constraints and as such does not represent ‘sprawl’ into the open countryside;
- the amount of development proposed is minor - 1 unit only. This is reflective of the organic development of the village over time and reflects other ‘in depth’ development in the village identified at 2.3.2 above;
- the varying designs of surrounding property provide an opportunity for an innovative design approach to be used. Proposed is a sedum roof dwelling, of a modern design which would, because of its reduced height and green roof, assimilate into the landscape. The photographs below highlight the limited visibility of the site from public distant view (taken from the public footpath 17).



View taken from Poore Street (Below)



- The fundamentals of surrounding character are preserved – detached dwellings in verdant plots, predominantly two storeys with enclosed gardens. There is no uniformity in respect of detailed designs in the surrounding area although gable roofs and dormers are a common feature. Set backs and visibility from the roadside varies widely. The proposed design respects this and would consolidate the organic feel of the area and reflects the form of development along Wicken Road.
- The proposed layout would minimise the impact of the proposals on the occupiers of neighbouring property – particularly the privacy from the existing house September Hill. This house sits below the level of the proposed and is sited in a cutting, such that the rear elevation is screened from views to and from the rear garden. As such, there will be no overlooking or undue loss of privacy to the occupiers of adjoining property. Notwithstanding this, a landscape screen comprising a mixed native hedge will be planted between the two. This is shown on the proposed layout. Similarly, existing screen planting, spacing around the dwelling and use of existing levels differences will ensure there would be no impact on amenities of adjoining properties at Deans Meadow or The Beehive in other respects. As illustrated in the accompanying D&A, the impact of the proposed house from outside of the site is akin to the scale and height of a domestic outbuilding, say, pool house or gym, that could be erected with the benefit of permitted development rights. The layout provides for good levels of amenity for potential occupiers, to include private amenity space, outlook and sun and daylight. Private rear gardens of 62m deep is provided for the proposed house. September Hill would retain a rear garden depth of 43m.
- Parking is provided for 3 cars to include an electric car charging port and secure cycle storage can be accommodated within the site. Parking provision is considered appropriate to the nature of the development and location of the site.

### 7.3.5 Wider Character area and impact on the countryside

Whilst the site is previously developed land and functionally and locationally part of the village of Arkesden, its omission from the development limits of the village means it falls to be considered under Policy S7 of the local plan. Notwithstanding the conflicts identified between the local plan and the NPPF, and consequently the limited weight to be afforded to Policy S7, the policy states that on such sites infilling can occur in accordance with paragraph 6.14 of the plan (see 7.1.1 above) 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.”*



Clearly the site is not open countryside, it currently forms part of an enclosed domestic garden that cannot readily be seen from outside of the site. The report identifies above how the proposal comfortably reflects the character of the development that surrounds the site – its context within the village. Its contribution to the openness of the countryside is very limited. In respect of character, the LPA identifies the site being within a landscape character area H2 – Arkesden Chalk Upland. The visual characteristics as they relate to this site are listed as follows:

- Characteristic settlement with a village green
- Church at Arkesden visible from higher ground
- Colour-washed and brick-and-flint vernacular buildings
- Panoramic views on the higher ground in the northeast of the area give way to more intimate wooded landscapes on the Wicken Water valley floor
- Pylons dominate views in the southeast corner of the area.

The ‘Suggested Landscape Planning Guidelines’ resulting from this analysis are:

- Conserve the rural character of the area
- Ensure that any new development responds to historic settlement pattern, especially scale and density, and that use of materials, and especially colour, is appropriate to the local landscape character; such development should be well integrated with the surrounding landscape
- Encourage the appropriate use of colour as well as tree planting to mitigate the visually intrusive effects of large modern farm buildings.

It is considered that the detailed design options and the use of the site contours will ensure that any external views of the development will respect and maintain the essential characteristics identified. The proposed development will be small scale and will clearly identify with the existing village context. With suitable landscape mitigation, the proposed development is likely to have little effect on the surrounding landscape character.

7.3.6 In considering the visual impact of the proposals against the requirements of the NPPF, paragraph 170 requires:

*“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”*

7.3.7 This is not a site designated for its importance or significance in landscape character terms. Neither is it a site that has any special ecological or wildlife value worthy of specific protection. This is not open countryside, the development of which would intrinsically harm rural character, nor is it an important site for the setting of the village. The contribution of the site to the character of the area is not considered to be significant and that the limited harm identified is very localized and largely limited to long distance views from outside of the village. It is therefore considered that any localized limited harm identified would not significantly or demonstrably outweigh the substantial benefits of the provision of housing in the context of the current and long-term shortfall in the five-year housing land supply in the district and the other associated social, environmental and economic benefits of the scheme. In respect of the adjoining site, the Council concurred with this view.

#### 7.3.8 **Conclusion**

The layout and design of the development proposed is reflective of the existing development within the village. Amenities of existing and proposed occupiers are protected by the layout, existing and proposed landscaping. The development would have very limited visibility both within and from beyond the village, it would not dominate any views because of both the pattern of the neighbouring development and the appropriate scale, spacious layout and landscaping measures proposed. It is demonstrated above that the character of the settlement is directly reflected and therefore the proposal is not contrary to the grain of the area.

#### 7.4.0 Issue No 4: Heritage

7.4.1 The site lies near to Arkesden Conservation Area and is adjacent to a listed building – the adjoining dwelling The Beehive. The significance of the area lies in the attractive historic architecture and organic extension of the village along Wicken Water. The traditional appearance of many of the buildings in the area, a predominance of thatched cottages, contributes to its rural character. The significance of the listed building lies largely in its historic thatched and attractive architecture. In the listing description The Beehive is known as Deans Farm Cottage and described thus:

*“C17-C18 timber-framed and plastered building. Renovated in the C20. Two storeys. Small casement windows with leaded lights (some old). Roof thatched.”*

7.4.2 This part of the conservation area is identified in the LPA’s character assessment as

*“... views are intimate, out through buildings and trees to the gently ascending countryside. The roadways, in some places quite narrow, are bordered with a mix of colour-washed thatched cottages, small-scale 19th century housing and larger later developments, the latter mostly screened by mature hedges. Everywhere there is the sound of flowing water as it passes over weirs or under the individual small bridges which provide access to properties along the stream.”*

7.4.3 The site is located to the north east of the conservation area and does not have a common boundary with it. It adjoins the rear garden boundary of the listed building but is sited approximately 90m distant from it. Further it is screened from view from the conservation area and the closest listed building by the existing boundary trees and hedgerows. As such, views to and from the site from the listed building and conservation area are very limited. The proposed development would not be readily visible to or from either the conservation area or listed building as a result – they would not be seen within context of each other, close up or through distant views. It is therefore considered that any impacts of the proposed development on the setting of the conservation area and on the listed buildings would preserve their significance.

7.4.4 It is noted that in response to the proposals for the adjoining site, the conservation officer confirmed:

- the topography and secluded appearance of the site means there will be negligible impact to the setting of the Conservation Area, from which views of the building will be limited.
- The flat roofed design, which is partially built into the hillside, would be the most appropriate, allowing for the new home to respond well to the topography of the site.

- no objection to a contemporary appearance to the dwelling, if the materials reference the locality. The use of traditional materials, such as brick, render or weatherboarding, employed in a contemporary manner would be positive, ensuring that the importance and setting of nearby heritage assets is referenced.
- Due to the elevated height of the site and heavy tree cover, the setting of the neighbouring Grade II listed building, Deans Farm Cottage is unlikely to be affected by the proposals. When on site, distant views towards Clatter bury Lane and Wood Hall were achieved, however the setting and outlook from these far heritage assets is not an immediate cause for concern, as the views towards the site are not strongly reciprocated, as shown by the applicant's supporting documentation.
- Overall, a good execution of a contemporary design would not detract from the setting of the nearby heritage assets. If well detailed, the building should be a welcome example of how modern building techniques can be employed in close proximity to historic buildings without detracting from the appreciation of their significance.



## 7.5.0 Issue No 5: Highway Safety & Access

- 7.5.1 Access will be direct from Wicken Road, shared with September Hill and the new dwelling at Deans Meadow. The Deans meadow proposals provide for a new separate access to the existing Deans Meadow. Improved visibility of 2.4 x 48m is achievable in both directions, following relocation of part of the front boundary hedge in front of September Hill. This is a mixed hedge and mature replacement hedging will be native mixed species to match the new hedging at Deans Meadow.
- 7.5.2 Wicken Road has adequate capacity to accommodate any traffic associated with a single additional unit. Wicken Road is limited to 30mph at this point and is not identified as having limited capacity or ongoing highway safety concerns. As such the proposals would be compatible with Policy GE1 of the local plan.
- 7.5.3 Parking is provided for 3 cars to include an electric car charging port and secure cycle storage can be accommodated within the site. Parking provision is considered appropriate to the nature of the development and location of the site.

## 7.6.0 Issue No 6: Ecology and biodiversity

7.6.1 The existing site is a mown rear garden, primarily lawn grass with shrub, hedge and tree borders. There is a small copse to the rear part of the site that will remain unaffected. An arboricultural assessment and an ecological assessment are submitted with the application. These both show that the proposals will not result in the loss of any significant trees or other ecological features. Measures to improve and encourage biodiversity on site have been set out in the ecological assessment and can be controlled by planning condition.

7.6.2 The arboricultural report summarises the development thus:

*“The proposal for the site is to construct a new detached dwelling to the north east of the existing house. The new house will be accessed via a new access road on the north western boundary (approved for a new house in the adjacent property). The proposed scheme does not require the removal of any of the trees on site, or of trees within nearby adjacent sites; therefore, the landscape character of the site will be unaffected by the proposal. The retained trees require protection in accordance with industry best practice and BS 5837: 2012 – Trees in relation to design, demolition and construction – recommendations, in order to ensure their longevity.”*

It makes clear and detailed recommendations for the protection of trees during and post construction.

7.6.3 The Ecology report summarised the site and proposals as follows:

*“The site consists of amenity grassland, young broad-leaved woodland, native species-rich hedgerow and some bare ground.*

*▪ No protected species were found on site at the time of the survey.*

[REDACTED]

*▪ Evidence of breeding birds was found on site with two disused nests in trees.*

*▪ The site provides **high** potential for badger and breeding birds with confirmed signs of presence on site.*

*▪ The site provides **low** potential for GCN and reptile to be present.*

*▪ The site provides **negligible** potential for roosting bats with no potential roosting features in the trees on site; however, the site provides suitable foraging and commuting habitat for bats. “*

In response to the proposed development, it makes the following recommendations:

[REDACTED]

**Bats** – No further surveys are necessary; if bats are found throughout works, all works must stop, and advice sought.

**Breeding Birds** - No further surveys are recommended; however, the development should take place outside the nesting season (March to August). If this is not possible, it is recommended that a qualified ecologist is on site to ensure any trees or hedgerow are not occupied by breeding birds, prior to clearance. Should an occupied nest be found, a buffer zone would need to be created until the nest is no longer in use.

**GCN** – No further survey is necessary; however, a qualified ecologist will need to supervise the clearance of any woodland or hedgerow habitat on site via a destructive search.

**Reptiles** - No further survey is necessary; however, a qualified ecologist will need to supervise the clearance of any woodland or hedgerow habitat on site via a destructive search. “

7.6.4

[REDACTED]

[REDACTED] The report makes additional biodiversity enhancement recommendations that can also be controlled by appropriate planning conditions to include:

- Control of lighting on site
- Bat, bird and insect box enhancements
- Hedgehog and small mammal connectivity
- Reptile habitat enhancements

**7.7.0 Issue No 7: Issue No 6: Flood Risk**

7.7.1 The site is not of a size that triggers the requirement for a Flood Risk Assessment. It lies within flood zone 1, being at the lowest risk of flooding and is not at risk of surface water flooding – please see the flood risk maps at 2.7.0 above. The impact and management of foul and surface water disposal for this development will be considered and addressed by the submission of a drainage statement covering the drainage strategy and which can be adequately controlled by a planning condition on any approval. Any formal proposal will be fully compliant with Policy GEN3.



**7.8.0 Issue no.8: Developer Contributions**

7.8.1 The proposal is for 1 unit with a total floorspace of 285 sqm. The Council has no up to date adopted policy in respect of developer contributions or affordable housing provision, has no relevant supplementary guidance and neither has it adopted CIL. The NPPF requires that the need for such contributions should be identified in the adopted plan. Policy GEN6 simply adopts a presumption against development that does not provide for infrastructure “*made necessary by the development*”. No such requirements were identified in the pre-app consultation.

## 8.0 CONCLUSIONS

### 8.1.0 Background

8.1.1 This report relates to a planning application for the erection of a detached house at September Hill, Wicken Road, Arkesden. The proposal is promoted in the following circumstances:

- The local planning authority have acknowledged they are unable to demonstrate a 5-year housing land supply in accordance with national planning policy requirements as set out in the NPPF. As such the principle in favour of sustainable development applies and should be afforded great weight in favour of the proposals. Planning permission should only be refused if the impact of doing so would **significantly and demonstrably** outweigh the benefits of doing so.
- Notwithstanding the limited weight that can be afforded to Policy S7, the proposals would be compliant with the policy objectives – it comprises limited residential development within the developed part of the village and is therefore appropriate to a rural area. Further it is full accord with the provisions of the NPPF which seek to prevent isolated development in the countryside but supports rural development that would contribute to the vitality and viability of rural services and facilities. It's appearance protects the particular character of the part of the countryside within which it is set and the lack of a 5YHLS, without prospect of a robust strategy being achieved in the near future, constitutes special reasons why the development in the form proposed needs to be here.
- The proposals are minor development of a limited scale, are in edge of village location and realistically accessible to local services and facilities without reliance on the private car. They bring significant social, environmental and economic benefits to the area. In line with the NPPF and the Inspectors decision in respect of the 3-unit scheme at Quicksie Hill (ref: APP/C1570/W/19/3225516), and the approved development at Deans Meadow adjacent, the proposals must be considered sustainable development.
- This report shows that proposals can be developed in compliance with policies GEN1, GEN2 and H4 of the local plan and that there would be no demonstrable harm caused by the proposals that would outweigh the benefits of granting the permission for new houses in this location.
- Heritage assets in the vicinity of the site would be preserved.
- The detailed design has incorporated and directly reflects the LPAs recommendations in respect of the new dwelling at Deans Meadow. This low key, modern design

approach that assimilates into the landscape and preserves the amenities of adjoining occupiers.

## 9.0 APPENDICES

### 9.1 Appendix 1 - Five Year Housing Land Supply Statement



#### Calculation of 5 year housing land supply

14. Table 5 shows the calculation of the 5 year housing land supply. It is based on the target of 706 dwellings per annum calculated by the standard methodology as set out in Appendix 1. It applies a 5% buffer, as justified in paragraph 8 above, of 177 dwellings.

15. Note the below calculation does not include an element of 'shortfall'. The PPG states that:

*The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach). If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.*

16. The draft Uttlesford Local Plan (2020) is at a very early stage and does not include any proposed housing allocations at this stage, future stages will include draft housing allocations The Uttlesford Local Plan 2005 is adopted, but the end date for this plan is 2011 and the target is no longer relevant.

17. The HDT allows for any under delivery in the last three years to feed into the 5YHLS calculation.

<b>Table 5</b> Calculation of 5 year housing supply		Supply from sites with planning permission+ windfall allowance only
Annual Target		706
Target years 1 – 5	706 x 5	3,530
5% of target	3,530 x 0.05	176.5
<b>Overall target</b>	<b>3,530 + 176.5</b>	<b>3,711.5</b>
<b>Supply</b>	<b>417 + 627 + 661 + 365 + 240</b>	<b>2310</b>
% of target available on deliverable sites	2,310/ 3,712 x 100	62.2%
Supply in years	(2,310 / 3712) x 5	<b>3.11 years</b>
Deficit/Surplus	<b>2,310 – 3,712</b>	-1,402



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## Appeal Decision

Site visit made on 20 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

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**Appeal Ref: APP/C1570/W/19/3225516**

**Land at Quicksie Hill, Arkesden**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Jeremy Nicholson of Freshwater Estates (Mildenhall) Ltd against Uttlesford District Council.
  - The application Ref: UTT/18/2320/OP, is dated 17 August 2018.
  - The development proposed is described as, 'Outline application for 3 dwellings with all matters reserved bar access'.
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### Decision

1. The appeal is allowed and planning permission is granted for 3 dwellings with all matters reserved bar access at Land at Quicksie Hill, Arkesden in accordance with the terms of the application, Ref UTT/18/2320/OP, dated 17 August 2018, subject to the attached Schedule of Conditions.

### Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for access with all other matters reserved. I have determined the appeal on this basis. While I note drawing 5286-SK03 Rev A, I have considered it only insofar as it relates to the access which is included in the application.
3. I note reference to the emerging draft local plan and that its preparation has progressed since the application was determined. However, it is at a relatively early stage and there is no certainty that the policies within it will be adopted in their current form. I have therefore attached it limited weight.

### Main Issues

4. The main issues are whether the proposed development would provide a suitable location for housing having particular regard to:
  - the character and appearance of the area; and
  - the accessibility of services and facilities.

## Reasons

### *Character and appearance*

1. The site lies outside settlement development boundaries and falls within the countryside for the purposes of Uttlesford Local Plan Adopted 20 January 2005 (LP). It is therefore assessed against LP Policy S7 which relates to development in the Countryside.
2. The appeal site is located adjacent to a cluster of residential properties to the North and detached dwellings on larger plots to the south. It is therefore not isolated in the terms of the National Planning Policy Framework (Framework). The site is part of an agricultural field and to the east and west lie open countryside such that the site has a closer relationship with the open countryside than with the nearby built development and the area has an open rural character and appearance. Given the green open nature of the appeal site, it provides a pleasant setting for the attractive settlement of Arkesden, views of which can be seen from the north of the site since the ground slopes down towards the settlement.
3. Since the proposal would introduce built development, hardstanding and domestic gardens to an undeveloped site, the proposed scheme would alter the intrinsic character of the site adversely impacting the character and appearance of the area.
4. Furthermore, the extent of the site would be limited to the eastern boundary of the nearby properties to the north and south such that the proposal would occupy a gap in the ribbon development along Wenden Road. However, the gap between existing dwellings is significant and since the proposal would introduce built form on undeveloped land, it would nevertheless alter the intrinsic character of the site. Moreover, I acknowledge that the Landscape Character of Uttlesford District (Chris Blandford Associates, September 2006) states that the area has moderate to high sensitivity to change.
5. Since the proposal would result in three dwellings on an open undeveloped site, the views of the settlement from the north of the site would be affected by the development. However, from the indicative layout plan, the hedgerow along Wenden Road would be largely retained and while I am mindful that landscaping is a matter for future consideration, and given the modest number of dwellings proposed, the retention of this hedge and careful consideration of landscaping at reserved matters stage would go some way to limiting the impact of the proposed dwellings on the character and appearance of this approach.
6. The appeal site lies adjacent to Arkesden Conservation Area (CA) and is near to listed buildings. Although the Council has not referred to the effect of proposal on the setting of the nearby CA in their reasons for refusal, I am required, as a statutory consideration, to have regard to these matters when determining the appeal. The significance of the CA lies in the evidence of historic architecture and given the traditional vernacular appearance of many of the buildings in the area, it contributes to the rural character of the area. The significance of the listed building lies in the evidence of historic vernacular architecture.
7. The appeal site is located to the north of the CA and the proposed three dwellings would be likely to be largely screened from view from the CA by the



existing hedgerow along the road. From the evidence before me and my observations during the site visit, the listed building is within the CA, located to the south of the site and views to the site from the listed building are somewhat limited. Landscaping is a matter for future consideration, and the indicative site plan suggests that the dwellings could be set out on the site such that the effect of the proposed development on the setting of the CA and on the listed building would preserve their significance.

8. Overall, I consider the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states 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.
9. However, since the site is bound on two sides by built development and the proposal is for three dwellings, the harm identified would be limited given the localised and relatively self-contained nature of the site.

*Accessibility of services and facilities*

10. The appeal site is located adjacent to the settlement of Arkesden which from the evidence before me has limited services and facilities such that future occupiers would be likely to travel further afield for daily requirements. The nearest settlements such as Clavering would not be within reasonable walking distance and there are no streetlights or footpaths along the road. Therefore, it would be likely that future occupiers would be reliant on the private car for their daily requirements.
11. Consequently, the proposed development would not be in a sustainable location with particular regard to the accessibility of services and facilities. Therefore, the proposal would conflict with LP Policy GEN1 which among other things seeks development that encourages movement by means other than driving a car.
12. While I acknowledge paragraph 103 of the Framework which states that significant development should be focused on locations which are or can be made sustainable, since the proposal for three dwellings is modest in scale, it does not constitute significant development. Furthermore, I note paragraph 78 of the Framework which states that where there are groups of smaller settlements, development in one village may support services in a village nearby. Given the proximity of the nearest villages, the proposal would not conflict with the Framework in this regard. I note the comments of the Inspectors for the cases at Hawkspur Green<sup>1</sup> and Norton<sup>2</sup> and take a similar approach in this particular regard. Since Saffron Walden with a full range of services and facilities is a moderate distance away, the length of private car journeys is likely to be short and the number of car trips generated by the three dwellings would be modest. Consequently, taking into account these considerations, the harm with respect to the accessibility of services and facilities is reduced.

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<sup>1</sup> Appeal Ref: APP/C1570/W/18/3197857

<sup>2</sup> Appeal Ref: APP/W3520/W/18/3207786



### Other Matters

13. I note local concerns regarding highway safety. However, the Highway Authority has not objected in this regard and from the evidence before me I have no reason to disagree.
14. While I also note comments relating to the proposed visibility splays requiring the removal of existing hedgerow, based on the evidence before me, I am satisfied that any removal would not be to an extent that would harm the character and appearance of the area.
15. I acknowledge concerns regarding privacy, however, since matters including layout are reserved for future consideration, there is no evidence before me to suggest any harm in this respect.
16. I note local concerns regarding limited school places, however, there is likely to be limited increase in pressure on local school places as result of three dwellings. Therefore, this has not altered my conclusions on the main issues. While I also acknowledge comments relating to the development setting a precedent, each case must be determined on its own individual merits. I recognise concerns regarding the service provided by the Council, however, I have assessed the appeal on its planning merits.
17. None of the other matters raised outweigh or alter my conclusions on the main issues.

### Planning Balance

18. The Council acknowledges that LP Policy S7 is partially compatible with the Framework since it has a more protective rather than positive approach towards development in rural areas. From the evidence before me I have no reason to disagree and attribute limited weight to the conflict with this policy.
19. Furthermore, the main parties acknowledge that the Council cannot demonstrate a 5-year housing land supply, consequently the provisions of paragraph 11(d) of the Framework are triggered. Following the publication of the updated Framework in 2019 and the updated Planning Practice Guidance, the Council contends that it can demonstrate roughly a 3-year supply of housing land. This represents a significant shortfall. I therefore attribute limited weight to the conflict with LP Policy GEN1 which relates to access.
20. I note the Housing Delivery Test, however, since the Council is not able to demonstrate a 5 year housing land supply, the provisions of paragraph 11(d) of the Framework are still engaged.
21. There would be temporary economic benefits during the construction phase and moderate benefits in terms of the additional residents supporting local services and community. I therefore attribute moderate weight to the benefits of the proposal.
22. The harm to character and appearance of the area would be limited, and the harm relating to the accessibility of services and facilities would be reduced. Furthermore, the conflict with LP Policies S7 and GEN1 are attributed limited weight. While the benefits of the scheme would be moderate, the harm arising from the development would be of a lesser magnitude. Consequently, taking



into account the Framework as a whole, I do not consider the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

### **Conditions**

23. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
24. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans and details of the proposed vehicular and pedestrian access as this provides certainty as well as safeguarding highways safety. A condition relating to unbound materials is also necessary in the interests of highways safety.
25. The suggested conditions relating to landscaping and external materials are not necessary as relevant details would need to be approved as part of a reserved matters application.
26. The condition relating to accessible and adaptable dwellings is necessary to comply with LP Policy GEN2(c).
27. Given that the proposed development lies within a potentially highly sensitive area of heritage assets, a condition relating to archaeology is necessary. I have attached one condition rather than the four archaeology related conditions suggested by the Council as it is more concise. Since the condition would affect works to be carried out early in the construction phase, it needs to be pre-commencement.
28. Conditions relating to landscape and ecological management plans are necessary to safeguard the long-term ecology of the site. I have omitted the paragraph relating to an ecological clerk of works as it would not be necessary to make the proposal acceptable in planning terms.
29. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant confirmed that they approve of the pre-commencement condition.

### **Conclusion**

30. For the reasons given above I conclude that the appeal should be allowed.

*R Sabu*

INSPECTOR







DLA <sup>Town</sup> Planning

DLA  
Heritage

DLA