



Appeal Decision

Site visit made on 24 July 2019

by Christina Downes BSc DipTP MRTPI

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

Decision date: 20 September 2019

Appeal Ref: APP/C1570/W/19/3227396

Manor View, Manor Road, Little Easton, Dunmow, Essex CM6 2JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jeannette Green against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3265/FUL, dated 1 October 2018, was refused by notice dated 9 April 2019.
 - The development proposed is demolition of the existing garage/ workshop and erection of a new dwelling and two cart lodges with access off Glebe Lane.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage/ workshop and erection of a new dwelling and two cart lodges with access off Glebe Lane at Manor View, Manor Road, Little Easton, in accordance with the terms of the application, Ref UTT/18/3265/FUL, dated 1 October 2018, subject to the following conditions:
 1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the unnumbered drawing submitted with the planning application, reference UTT/18/3265/FUL and dated 1/10/2018.
 3. The development hereby permitted shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
 4. Biodiversity enhancements shall be carried out in accordance with the Ecological Survey and Assessment by Mr Ken McDonnell dated December 2018.

Reasons

2. The appeal site comprises the northern section of the long rear garden of Manor View, which has a frontage onto an unmade and unadopted track known as Glebe Lane. This has a junction with Duck Street and provides a public right of way into the countryside immediately to the west. Glebe Lane serves several dwellings, including a small, derelict bungalow that has planning permission for redevelopment with a chalet style dwelling. Beyond this are the rear gardens of two properties fronting Manor Road of similar dimensions to that of Manor

View. On the northern side of Glebe Lane there is a house with a number of substantial outbuildings, that extend to about 15 metres east of the appeal site. The appeal site shares its western boundary with the village recreation ground.

3. The appeal site is outside the development limit of Little Easton, which is generally fairly tightly drawn around the frontage housing. Whilst the two properties on the southern side of Glebe Lane are within the village envelope the remainder, including the rear gardens of the Manor Road dwellings are not. For planning policy purposes the appeal site is therefore within the countryside. The Uttlesford Local Plan was adopted in 2005. Policy S7 seeks to protect the countryside for its own sake and only permits new development in restricted circumstances, none of which would apply here.
4. However, whilst the National Planning Policy Framework (the Framework) recognises the intrinsic character and beauty of the countryside, it also promotes sustainable development in rural areas and the location of housing where it will enhance and maintain the vitality of rural communities. I do not consider that policy S7 is consistent with the latter objective. It is appreciated that the Framework generally does not favour the development of isolated homes in the countryside. However, in this case the site is close to the settlement edge and therefore not in an isolated location. The Appellant indicates that the bungalow is intended to be occupied by someone with disabilities and this would broaden housing choice in Little Easton and in a small way contribute to its vitality.
5. Glebe Lane has a gentle incline from its junction with Duck Lane. Walking in a westerly direction the environs do become more rural in character once the last residential property and its outbuildings are passed. On the other hand, the appeal site and the adjoining gardens are clearly residential in character. The appeal site itself is well kept and laid to lawn with some ornamental trees and a low fence on the boundary with the sports ground. To my mind it has a distinctly domestic appearance when compared with the open fields to the north. At best this could be described as a semi-rural location and I consider that it makes a limited contribution to the countryside setting of the village.
6. The proposal is for a relatively small bungalow with two cart lodges for car parking. These would be structures of modest size and height that would not impact significantly on their surroundings. Whilst it would introduce built form beyond the existing built-up frontage along the lane this would be a modest addition that would have little impact on the wider rural area.
7. The evidence indicates that the Council only has a 3.29-year supply of deliverable sites to meet its housing requirements. In such circumstances paragraph 11 of the Framework indicates that the presumption in favour of sustainable development is engaged. The Council appears to mistakenly rely on paragraph 14 of the Framework. Whilst it may be able to meet the Housing Delivery Test and to demonstrate a 3-year housing land supply, there is no made neighbourhood plan for Little Easton. Paragraph 14 requires that all provisions are engaged, and this is not the case here.
8. In conclusion, the appeal proposal would conflict with policy S7 in the Uttlesford Local Plan by virtue of its location outside the development limits. However, this conflict has limited weight in view of the lack of consistency of this policy with the Framework. There would be a small degree of harm in

terms of the introduction of built form into the semi-rural environment outside the main built up area but, in this case, it would be very limited for the reasons I have given. Little Easton has few facilities and the new occupiers would be largely reliant on the private car for their daily journeys. On the other hand, this is a village where development plan policy allows new housing within the development limit. The appeal site would be no less accessible than a potential location that would have policy support.

9. The benefits would include the addition of one small dwelling to the supply of housing and also the removal of the existing dilapidated garage/ outbuilding which has a corrugated tin roof and walls and is something of an eyesore. In this case I do not consider that the harm arising from the proposal would significantly and demonstrably outweigh the benefits when assessed against Framework policy as a whole.
10. I have considered the Council's suggested planning conditions having regard to policy in paragraph 55 of the Framework and the Planning Practice Guidance. As well as the standard implementation condition it is necessary to refer to the approved drawing in the interests of certainty. The Appellant has indicated that the proposal would be for a person with disabilities and therefore it is reasonable to require that specific provision is made in accordance with policy GEN2 in the Uttlesford Local Plan and the *Accessible Homes and Playspace* Supplementary Planning Document. An ecological survey was undertaken and recommendations for biodiversity enhancements made. I have imposed a condition accordingly, although I have changed the wording to make it more focussed and concise. The Council has suggested a condition regarding contamination. There is no evidence that this garden land has any such issues and I consider that this would be unnecessary and unduly onerous.

Other matters

11. I appreciate that an appeal has been dismissed for a dwelling on the site. However, this was in 2009 and although the Uttlesford Local Plan was in existence this decision preceded the Framework, which was first published in 2012.
12. The Parish Council and a nearby objector are concerned about the suitability of the access. Whilst I appreciate that it is relatively narrow, especially at the eastern end, it clearly provides an acceptable route for the existing residents who have access from it. Furthermore, no objections have been raised by Essex County Council as Highway Authority. Whether or not there are restrictive covenants is a matter for the Appellant to resolve and is not relevant to the grant of planning permission in this case.
13. I have considered all other matters that have been raised but have found nothing to alter my conclusion that the appeal should succeed.

Christina Downes

INSPECTOR