



## Appeal Decision

Site visit made on 8 November 2022

**by M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 November 2022**

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**Appeal Ref: APP/C1570/W/21/3285756**

**Land Adjacent 1 St Martins Close, Church Field, White Roding, Dunmow, 556301, 213432**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms Alison Gilbert-Smith against the decision of Uttlesford District Council.
  - The application Ref UTT/21/1439/OP, dated 26 April 2021, was refused by notice dated 8 July 2021.
  - The development proposed is erection of one new three bedroom dwelling with rear garden, garage and parking with new vehicular access onto Church Lane.
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### Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved except access for the erection of one new three bedroom dwelling with rear garden, garage and parking with new vehicular access onto Church Lane at land adjacent 1 St Martins Close, Church Field, White Roding, Dunmow, 556301, 213432 in accordance with the terms of the application, Ref UTT/21/1439/OP, dated 26 April 2021 and the conditions set out in the attached schedule.

### Preliminary Matters

2. The proposal is for outline planning permission with all matters reserved other than access. Accordingly, I have treated the submitted plans as indicative on all other matters.
3. The appellant submitted amended plans with the appeal showing visibility splays from the proposed access. I am satisfied that my taking these plans into account in determining this appeal does not prejudice any interested parties.

### Main Issues

4. The site is in the Green Belt, and the main issue is therefore whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

### Reasons

5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. It further states that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for certain exceptions. One of the identified exceptions is limited infilling in villages.

6. Policy S6 of the Uttlesford Local Plan 2005 (the LP) states that infilling compatible with the character of the settlement will be permitted within the development boundaries of White Roding. The appeal site falls outside of those development boundaries, and Policy S6 is otherwise silent on development such as that proposed in this appeal. It is therefore not consistent with national Green Belt policy, so I have determined this appeal in accordance with the Framework.
7. The Framework does not provide a definition of what can be considered limited infilling, nor what constitutes a village. However, the appeal proposal comprises a single dwelling to be sited on land with existing houses to three sides, including the opposite side of Church Lane. A proposal for a single house is limited in scale given that the surrounding character is predominantly residential including houses on similarly sized plots. The size of the house can be controlled through a reserved matters application. Given the surrounding residential development, I am also satisfied that the proposal amounts to infilling.
8. White Roding is a settlement extending for some distance along the A1060, Marks Hall Lane and Church Lane. There are shops within the settlement, and a motor service centre. I consider that a village comprises houses and at least some facilities for residents, and White Roding meets these criteria.
9. The appeal proposal would therefore comprise limited infilling in a village, so would not be inappropriate development in accordance with the Framework.

#### *Other Matters*

10. The appeal site is near to Grade II and Grade II\* listed buildings on Church Lane. The Council states that the development would not be harmful to the significance of these heritage assets. I see no reason to disagree with this, as the predominant character of the immediate area is residential, and the detailed appearance of the proposed development can be controlled at reserved matters stage to ensure that it is suitable for this setting.
11. Residents have expressed concern about the loss of the green space. However, the site is privately owned and the Council has not objected to the proposal on this ground. I do not see any reason to conclude otherwise, given the extent of open green space in the area.
12. Residents have also expressed concern about construction traffic on St Martin Close. However, the site has a frontage onto Church Lane, and details of construction access could be controlled at reserved matters stage.

#### **Conditions**

13. I have had regard to the conditions suggested by the parties, and to national Planning Practice Guidance on conditions. I have imposed conditions relating to the submission of reserved matters and the commencement of development (1, 2, 3) and confirming the approved plans (4).
14. Conditions relating to the site access and surfacing are necessary in the interests of highway safety, given that the access from the site is onto a main road into the village (5, 6, 7 and 8).

15. A condition relating to archaeological investigation and reporting (9) is necessary and reasonable to ensure that any archaeological remains in situ are properly identified and recorded.
16. Separate conditions relating to the materials of construction, landscaping and provision of a parking area are not necessary, as these would be addressed through the reserved matters.

**Conclusion**

17. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

### **Schedule of conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1876-P-01

Existing Site Plan 1876-P-02

Proposed Site Plan 1876-P-03 P2

Proposed Elevations & Street Scene 1876-P-04 P1

Proposed Site Plan – Visibility Splays 1876-P-07 P1

- 5) Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 6) Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- 7) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 8) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.
- 9) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured and implemented in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This condition will only be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

### **End of schedule**