

**Title: Appeal Decisions**

**Item 6**

**Author: Nigel Brown –**

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>SUMMARY OF DECISION</b>	<b>DECISION BY OFFICER/OVERTURNED BY COMMITTEE</b>
Land At 40 Bentfield Road Bentfield Road Stansted	UTT/14/1999/FUL	Erection of 1 no. dwelling	Dismissed 21/01/2015	The Inspector accepted that there was an extant outline planning permission for the construction of a dwelling on this site, but she considered that there was “no substantive evidence that this dwelling would be constructed should the appeal be dismissed”. Notwithstanding the extant outline planning permission she considered that a dwelling on this site would be detrimental to the character of the area and the living conditions of the adjacent property 38a Bentfield Road.	<b>Conditional approval – overturned by committee</b>
Chelmer House Watling Lane Thaxted	UTT/14/1631/OP	Outline application with all matters reserved for the demolition of existing dwelling and outbuildings and erection of 5 detached dwellings	Dismissed 05/01/2015	The Inspector considered that “the development would be at odds with the character of the area and would detract from it”. He considered that the benefits of the proposal did not outweigh the harm caused to the character and appearance of the area.	<b>N/A</b>

Land North Of Aylands Bannister Green Felsted	UTT/14/1649/FUL	Erection of 1 no. Dwelling complete with outbuilding and related infrastructure.	Dismissed  27/01/2015	<p>The Inspector concluded that the proposal “fails to secure the intrinsic character of the locality where the footpath passes through the site. As such, the proposal would result in significant adverse effects upon the rural character and appearance of the locality”</p> <p>This inspector has been unique in stating that in her opinion the authority has under persistently under delivered housing and therefore required a 20% buffer. However, this did pre-date the Local Plan Inspector’s formal letter that concluded the contrary.</p>	<b>N/A</b>
Springwell Nursery Josephs Farm Walden Road Little Chesterford	UTT/13/3095/OP	Outline application for removal of structures and the erection of 6 No. dwellings with all matters reserved except access and scale	Dismissed  20/01/2015	<p>The application proposed the redevelopment of an existing garden centre/nursery site. The Inspector considered that the “provision of the dwellings and the associated domestic form and associated requirements would be more imposing than the existing buildings”. This more imposing form would reinforce a suburban appearance rather than a rural character.</p> <p>The Inspector concluded that the site is not a sustainable location, with particular regard to community facilities and transport opportunities”</p>	<b>N/A</b>

Land South Of Birchanger Lane Birchanger	UTT/14/0876/OP	Outline application with all matters reserved for one 3/4 bedroom house with double garage and access from Birchanger Lane	Dismissed 21/01/2015	<p>The Inspector considered that the new dwelling on the site would contribute to urban sprawl and erode the openness of the area which would undermine the aim of keeping land in the Green Belt permanently open.</p> <p>The appellant argued that the having a dwelling to care for her horses was special circumstances to outweigh the harm. The Inspector concluded she was “not persuaded that the appellant had fully explored the options including obtaining accommodation within an existing settlement nearer to the site”</p>	<b>N/A</b>
Land West Of 19 Bradley Common Bradley Common Birchanger	UTT/14/2152/FUL	Erection of 1 no. dwelling.	Dismissed 22/01/2015	The sole consideration within this appeal was the issue of overlooking onto 12 Bradley Common. The Inspector concluded that “the siting of the dwelling in relation to the rear garden to No. 12 would lead to direct and unacceptable overlooking”	<b>N/A</b>
Land At Wood End Wood End Widdington	UTT/14/1987/FUL	Erection of 1 no. detached dwelling with detached garage	Dismissed 28/01/2015	The Inspector noted that the site lay outside of the development boundary of Widdington. She stated that she had “no doubt that the introduction of a dwelling, particularly of the size proposed together with the domestication of the plot...would materially change the character and appearance of the site. This in turn would harm the rural character of the lane and	<b>N/A</b>

				<p>the local area by removing the openness of the site”</p> <p>She also considered that due to the substantial size of the gap as well as the varied pattern of development on either side, it did not fall within the definition of sensitive infilling”</p>	
<p>Land East Of Stones Corner Bardfield End Green Thaxted</p>	<p>UTT/14/0232/OP</p>	<p>Outline application with all matters reserved for the erection of six dwellings with garage/carport/parking provision and access point off Bardfield Road</p>	<p>Dismissed 01/12/2014</p>	<p>The Inspector concluded that although Thaxted was a sustainable settlement with appropriate services, he concluded that as the site was 3km from Thaxted, it would not be sustainable development. Residents would be unlikely to walk into Thaxted for services and would therefore be more reliant on the car to access services.</p> <p>He added that the proposal would introduce isolated dwellings into a rural setting. He stated “that the proposal would be visually intrusive and would introduce an urban form of development into a rural setting. For these reasons it would be harmful to the character and appearance of the area”</p>	<p><b>N/A</b></p>

Land East Of Stones Corner Bardfield End Green Thaxted	UTT/14/0246/FUL	Erection of one dwelling and garage with new access to highway	Dismissed 01/12/2014	As above.	<b>N/A</b>
Land North Of Cox Ley Cox Ley Hatfield Heath	UTT/13/2313/OP	Outline planning permission for the erection of 5 No. dwellings with all matters reserved	Dismissed 05/02/2015	<p>The Inspector noted that the site formed part of the open playing field which adjoins open farm land. He considered that the proposal would significantly reduce the openness of the Green Belt. He gave substantial weight to that harm. He did not consider that the development of the five dwellings was considered very special circumstances to outweigh caused by the proposed development.</p> <p>He gave moderate weight to the harm caused in prejudicing the use of the playing fields by the erection of dwellings adjacent to it.</p>	<b>N/A</b>
Down Farm Elsenham Road Stansted	UTT/14/1384/FUL	Construction of 5 x 4-bedroom eco-friendly dwelling houses with associated car parking, amenity space, landscaping and means of access	Dismissed 17/02/2015	<p>The Inspector considered that the scale and the layout of the proposal would have a materially harmful effect upon the character and appearance of the area so as to warrant an objection on this basis alone". She did not consider that the design of the dwellings in itself caused any harm to the character and appearance of the area.</p> <p>She also concluded that the proposed development would not</p>	<b>N/A</b>

				<p>present sustainable development.</p> <p>She did not consider that the proposal caused harm to the setting of the Grade II Listed Down Farm.</p> <p>She did consider that locations of Plots 1 &amp; 2 in close proximity to the M11, would result in harm to the living conditions of the future occupants of these plots.</p>	
<p>Ashtree Market Garden Starlings Green Starlings Green Road Clavering</p>	<p>ENF/14/0057/C</p>	<p>Appeal against enforcement notice</p>	<p>Dismissed/Notice upheld with corrections</p> <p>11/02/2015</p>	<p>The appeal was solely on Ground (c) i.e. the appellant has to show that there is not breach of planning control. With regards the field shelters, the Inspector concluded that although they were moveable, they had not been regularly mobile and as such were considered as buildings constituting development. At the time of their construction the land was not being used for agriculture and therefore they would have required planning permission.</p> <p>Notwithstanding the appellant's stated plans for the mobiles, neither was being used for agricultural purposes and as such planning was required.</p>	<p><b>N/A</b></p>

Cherrywood Cannons Lane Hatfield Broad Oak	UTT/14/2315/HHF	Proposed extensions and roof alterations	Dismissed  06/02/2015	The Inspector concluded that the proposed extension would be harmful to the character and appearance of Cherrywood. The rear extensions' scale and design would not be respectful of the host property.	<b>N/A`</b>
Land At The Forge Duddenhoe End Duddenhoe End Road Elmdon	UTT/13/2890/OP	Outline application for the erection of 1 No. dwelling and cartlodge with all matter reserved except access .Demolition of existing garage and outbuildings	Allowed  30/01/2015	The Inspector concluded that "Whilst I accept that the majority of journeys would take place be car, the development would help support local services and therefore was considered sustainable development".  She acknowledged that the size and design of the proposed dwelling would be considered at the reserved matters stage. She concluded that "Given this, and the lack of the uniformity in the layout of dwellings in the village a house in the position indicated would not appear incongruous or harmful to the character of the settlement or the open character of the countryside."	<b>N/A</b>