

UTT/17/0216/FUL - WIDDINGTON

(Referred to Committee by Cllr Parry. Reason: In the public interest.)

PROPOSAL: **Erection of two detached dwellings, associated garaging and community orchard**

LOCATION: **Land at Wood End, Wood End, Widdington**

APPLICANT: **Mr & Mrs Switzer and Mr & Mrs Truscott**

EXPIRY DATE: **3 April 2017**

CASE OFFICER: **Luke Mills**

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wood End in Widdington. It comprises open grassland, bounded by trees and hedging.

3. PROPOSAL

3.1 The application is for planning permission to erect two detached houses, which would be accessed via a shared driveway off Wood End. A double garage would be provided to the front of each house, and an orchard would be planted beyond the rear garden boundaries.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5. APPLICANT'S CASE

5.1 The following documents accompany the application:

- Planning Statement
- Statement of Need – Switzer Family
- Statement of Need – Truscott Family
- Preliminary Ecological Appraisal (PEA) (Updated 08/03/2017)
- Letter in response to representations, dated 9 March 2017

6. RELEVANT SITE HISTORY

6.1 A number of applications for residential development on the site have been refused in recent years – in 2012 (UTT/2459/11/FUL & UTT/12/5166/FUL), 2013 (UTT/13/2322/FUL) and 2014 (UTT/14/1987/FUL). Each application was followed by a dismissed appeal.

7. POLICIES

- 7.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 7.3
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV5 – Protection of Agricultural Land
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix
 - LC3 – Community Facilities

Supplementary Planning Documents/Guidance

- 7.4
- SPD – Accessible Homes and Playspace (2005)
 - Developer Contributions Guidance Document (Feb 2016)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.5
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 14, 17, 32, 34, 39, 47-49, 50, 55, 58, 73, 103, 112, 118, 131-134
 - Planning Practice Guidance (PPG)
 - Planning obligations
 - Housing – Optional Technical Standards
 - Planning and flood risk: Reducing the causes and impacts of flooding

Other Material Considerations

- 7.6
- Widdington Village Design Statement 2009 (VDS)
 - West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

8. PARISH COUNCIL COMMENTS

8.1 Does not wish to comment.

9. CONSULTATIONS

Natural England

9.1 Does not wish to comment.

Place Services (Ecological Advice)

9.2 No objections, subject to conditions.

Aerodrome Safeguarding Authority (London Stansted Airport)

9.3 No objections.

Highway Authority (Essex County Council)

9.4 No objections, subject to conditions.

Councillor J Parry

9.5 Supports the application.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter and a notice was displayed near the site. A number of representations have been received, raising points both in support of the proposal and in opposition to it. These are summarised below.

10.2 Points in support:

- Provision of a community facility
- Efficient use of land
- Compatible with the character and appearance of the area
- Contribution of the applicants to the village
- Contributes to meeting a need for housing
- Development need not be constrained to defined settlement boundaries
- No adverse effects from vehicle movements
- The site serves no agricultural purpose

10.3 Points in opposition:

- The site is outside the village development envelope
- The site is in a conservation area
- Harm to the character and appearance of the area
- Concerns regarding the viability and maintenance of the orchard
- The identity of the applicant should not have a bearing on the decision
- Residential development has been consistently resisted on this site, by both the Council and the Planning Inspectorate
- Approval would set a precedent for further inappropriate development
- Adverse effect on road safety
- Adverse effect on the condition of the road
- Inadequate sustainable transport opportunities

- Loss of privacy at neighbouring premises
- Loss of amenity at neighbouring premises from parked vehicles
- Deficiencies within the submitted documents
- Inadequate infrastructure to support the development

10.4 Most of the above points fall within the scope of the below appraisal. However, the following issues do not:

- The identity of the applicants, and their personal contributions to the village, do not have a bearing on the decision.
- The site is not in a conservation area.
- Planning decisions must be made on the basis of the application's individual merits, not on the basis of precedents.
- Maintenance of the road surface is the responsibility of the highway authority.
- Any deficiencies in the submitted documents have been checked and resolved if necessary.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Location of housing (S7, H1 & 55)
- B Character, appearance and heritage (S7, GEN2, ENV2, ENV3, 17, 58, 131-134 & VDS)
- C Sustainable transport (GEN1 & 34)
- D Road safety (GEN1 & 32)
- E Accessibility (GEN2 & PPG)
- F Amenity (GEN2 & 17)
- G Flooding (GEN3, 103, PPG & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7 & 118)
- J Parking (GEN8 & 39)
- K Agricultural land (ENV5 & 112)
- L Affordable housing (H9, 50 & PPG)
- M Housing mix (H10, 50 & SHMA)
- N Housing land supply (47-49)
- O Public open space (LC3 & 73)

A Location of housing (S7, H1 & 55)

11.1 The site is located outside the Development Limits identified in the Local Plan. Policy S7 indicates that housing should not usually be permitted in such a location, unless it represents 'infilling'. It is considered that the proposal does not fall within this definition because the site represents a large gap between existing houses, relative to the established pattern of development. The proposal therefore conflicts with Policy S7, as well as Policy H1 on the basis that the site is not previously developed land.

11.2 Notwithstanding the abovementioned conflict with the development plan, it is considered that the proposal is consistent with the locational objectives of paragraph 55 of the NPPF. It should be noted that this view represents a departure from that of the Planning Inspector deciding on the most recent appeal (UTT/14/1987/FUL). The reason is that the NPPF and the associated PPG (under the heading 'Rural housing') make it clear that there should be no in-principle objection to the growth of

existing settlements. The application site is within the perceived extent of the village and so residential development accords with this policy.

B Character, appearance and heritage (S7, GEN2, ENV2, ENV3, 17, 58, 131-134 & VDS)

11.3 It is considered that the open, undeveloped site makes a valuable contribution to the rural character of this loosely developed part of the village. Therefore, while the building designs would be compatible with the varied, often traditional, styles in the vicinity, it is considered that residential development and the consequent loss of openness would cause significant harm to the character and appearance of the area. This represents a conflict with Policy S7 and paragraphs 17 and 58 of the NPPF, albeit there is accordance with Policy GEN2 in relation to the building designs. The identified harm also represents a conflict with the guidance at page 30 of the VDS.

11.4 On a distinct, but related, matter, it is considered that there would be no significant harm to the setting of the adjacent Grade II listed building, known as Old Forge, due to the separation distance and substantial landscaping. The proposal therefore accords with Policy ENV2 and paragraphs 131-134 of the NPPF. It should be noted that, in coming to this view, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

11.5 The submitted drawings indicate that the Lime trees on the western site boundary, which are the subject of a Tree Preservation Order (Ref. 6/91/32), would be retained. It is considered that conditions could be used to secure a suitable level of detail on the condition of the trees and any protection measures for the construction period, thereby ensuring accordance with Policy ENV3.

C Sustainable transport (GEN1 & 34)

11.6 Widdington contains a small range of services and facilities, including a village hall and public house, and an hourly bus service provides access to nearby towns and villages, including Newport, Saffron Walden and Bishop's Stortford. Nevertheless, it is considered likely that the occupants of the proposed dwellings would rely heavily on the car to access services, facilities and places of work. It is therefore concluded that the proposal conflicts with Policy GEN1 and paragraph 34 of the NPPF.

D Road safety (GEN1 & 32)

11.7 The existing vehicular access off Wood End would be shared by the two proposed dwellings. Taking into account the comments of the highway authority, it is considered that this arrangement would be both safe and suitable, subject to the use of appropriate conditions. It is therefore concluded that the proposal accords with Policy GEN1 and paragraph 32 of the NPPF.

E Accessibility (GEN2 & PPG)

11.8 Policy GEN2 is supplemented by the SPD entitled 'Accessible Homes and Playspace', which indicates that the proposed dwellings should be built in accordance with the Lifetime Homes standards. However, this policy has effectively been superseded by the PPG, which explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. The proposal would accord with this policy, subject to the use of a condition securing compliance with Requirement M4(2) of the Building Regulations.

F Amenity (GEN2 & 17)

- 11.9 Policy GEN2 is supplemented by The Essex Design Guide, which includes guidance on amenity space, privacy and daylight. Taking into account this guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of existing or future residents. It is therefore concluded that the policies on amenity contained within Policy GEN2 and paragraph 17 of the NPPF.

G Flooding (GEN3, 103, PPG & SFRA)

- 11.10 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

H Infrastructure (GEN6)

- 11.11 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

I Biodiversity (GEN7 & 118)

- 11.12 The application is accompanied by a Preliminary Ecological Appraisal, which has been updated during the course of the decision-making process. Taking into account the comments of the Council's ecological consultant, it is considered that the submitted information demonstrates that there would be no significant harm to any protected species or valuable habitats, subject to the use of appropriate conditions. It is therefore concluded that the proposal accords with Policy GEN7 and paragraph 118 of the NPPF, and the orchard would in fact provide some degree of enhancement to the biodiversity value of the site.

J Parking (GEN8 & 39)

- 11.13 Policy GEN8 is supplemented by two adopted documents containing minimum residential parking standards. While the proposed garages do not meet the minimum size requirements, the ample parking areas on the proposed driveways ensure that sufficient off-street parking provision would be made. It is therefore concluded that the proposal accords with Policy GEN8, which remains relevant in the context of paragraph 39 of the NPPF due to the likely reliance on the car to access services, facilities and places of work.

K Agricultural land (ENV5 & 112)

- 11.14 The site is regarded as 'best and most versatile' (BMV) agricultural land due to its Grade 2 classification. Nevertheless, the harm arising from its development would be limited because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District

means that some loss is inevitable. It is therefore concluded that the proposal conflicts with Policy ENV5 and paragraph 112 of the NPPF, albeit the harm would be limited.

L Affordable housing (H9, 50 & PPG)

- 11.15 Policy H9 is supplemented by the Developer Contributions Guidance Document, which indicates that the proposed development should make a financial contribution of £50,000 towards affordable housing provision in the District. However, paragraph 50 of the NPPF and the associated PPG indicate that no contributions should be required because the development is for less than 11 dwellings and the combined floorspace would be less than 1000 sq m.

M Housing mix (H10, 50 & SHMA)

- 11.16 The proposal includes the provision of one 3-bedroom dwelling, in accordance with Policy H10, the SHMA and paragraph 50 of the NPPF.

N Housing land supply (47-49)

- 11.17 Taking into account the recent appeal decisions regarding applications UTT/13/0808/OP and UTT/13/1043/OP, it is considered that the Council can demonstrate a five-year housing land supply (including a 5% buffer) in the context of paragraphs 47-49 of the NPPF. It is therefore concluded that the provision of two additional dwellings represents a negligible positive effect.

O Public open space (LC3 & 73)

- 11.18 The proposal includes the provision of a community orchard to the rear of the proposed dwellings. While Policy LC3 provides support for such community facilities, this is conditional on the proposal meeting three criteria. As the application does not demonstrate that there is a need for the facility and that the need cannot be met within the settlement boundary, it is concluded that the proposal does not received support from Policy LC3, which is considered consistent with paragraph 73 of the NPPF.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposal does not accord with the development plan due to conflicts with policies S7, H1, GEN1, ENV5 and H9.
- B The NPPF removes the in-principle objection to residential development in policies S7 and H1, and the associated PPG removes any requirement for affordable housing contributions. The policy on sustainable transport recognises that opportunities will be limited in rural areas so, taking into account the compliance with paragraph 55, the harm arising from the reliance on private car use would be limited in this case. Furthermore, the harm arising from a conflict with paragraph 112 is negligible. Nevertheless, the harm that would be caused to the character and appearance of the rural area would be substantial, such that it would significantly and demonstrably outweigh the positive effects. It is therefore concluded that the proposal does not amount to 'sustainable development' in the context of the NPPF.
- C Regard has been had to all other material considerations, and it is recommended

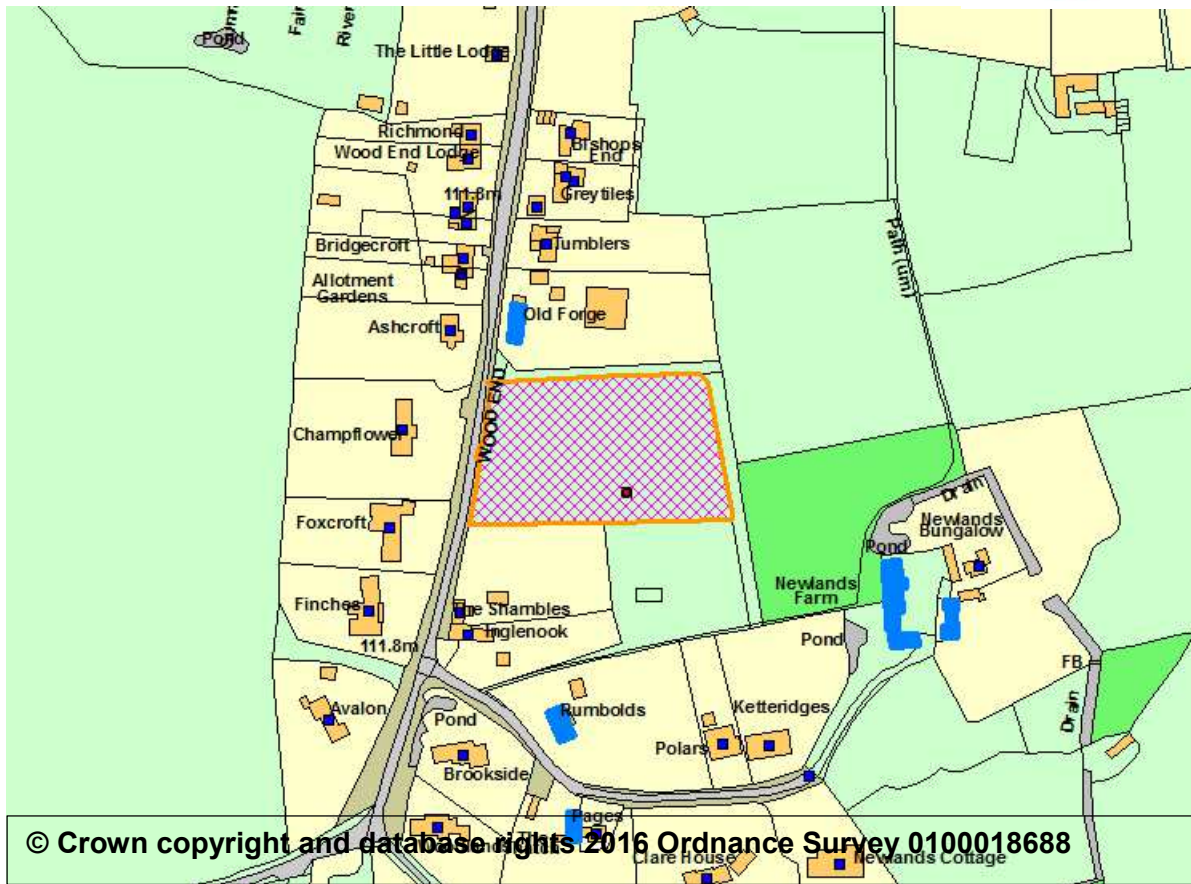
that planning permission should be refused.

RECOMMENDATION – REFUSAL

Reasons

1. The proposed development would cause the loss of an open, undeveloped area, to the detriment of the rural character and appearance of the area and in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application Number: UTT/17/0216/FUL
Address: Land at Wood End, Wood End Widdington



Organisation: Uttlesford District Council
Department: Planning
Date: 21 March 2017