

UTT/17/1311/FUL (Great Dunmow)

Referred to Committee by Cllr G Barker. Reason:

The above application is the third submitted by the applicant to convert a tractor store to a residence. The previous applications (UTT/15/2853 and UTT/16/2738) were rejected by officers by reason of being "not sustainable" and an "isolated building". The new application postulates that the proposed building could be considered as acceptable within the NPPF. I would like to call in the matter for consideration by the Planning Committee. The purpose being to decide if the proposal is "unsustainable" and an "isolated building".

PROPOSAL: Convert the existing tractor store at Trutons Farm into a single storey two bedroom dwelling with associated amenity space

LOCATION: Trutons Farm Ongar Road Dunmow Essex CM6 1JD

APPLICANT: Mr Jon Wright

AGENT: Mr M Ranner

EXPIRY DATE: 14 July 2017

CASE OFFICER: Mrs M Jones

1. NOTATION

1.1 Outside development limits. within 2km of SSSI

2. DESCRIPTION OF SITE

2.1 The site is located at the end of a long drive and is part of a larger complex of converted farm buildings within a large site. The application building is situated to the east of the converted barn behind the tennis court which is screened by a high ever green hedge. The site boundaries to the north east and south east are predominantly lined with mature vegetation which provides screening of the site from the adjacent agricultural fields. The site is located south west of the town of Great Dunmow on the southern side of Ongar Road.

3. PROPOSAL

3.1 The proposal is for the conversion of the existing tractor store into a single storey two bedroom dwelling with amenity space.

4. APPLICANT'S CASE

The application is supported by a Planning statement and a completed Biodiversity Questionnaire

Summary of Planning Statement:

4.1 The building subject to this application has been in situ for many years, although underwent significant works, including rebuilding approximately during 2006. When the applicant sought planning permission to convert the building to residential use in 2015 (LPA Ref: UTT/15/1773/FUL), the Local Planning Authority (LPA) questioned the lawfulness of the structure due to the aforementioned works. Whilst the

- 4.2 applicant did not consider there to be a need to regularise the matter, efforts were nevertheless made to fully cooperate with the Council and the aforementioned application was withdrawn and superseded by a full planning application to retain the building in retrospect (LPA Ref: UTT/15/2853/HHF). This application was consequently granted unconditional approval on the 5th November 2015 before a follow up application was submitted for its change of use to residential (LPA Ref: UTT/15/3511/FUL). Unfortunately this application was subsequently refused by the LPA under delegated powers on 21st January 2016 on the basis that, in the Councils view, the proposal would not constitute sustainable development, contrary to the NPPF and policies S7 and H6 of the Local Plan.
- 4.3 Further to this a second application was submitted seeking the conversion of the building to a dwelling (LPA Ref: UTT/16/2738/FUL), which sought to address the concerns of officers. However, this application was also refused on 5th December 2016 and for ease of reference the single reason for refusal is replicated below: "The proposal would result in the creation of an isolated dwelling in the countryside. The proposed development does not need to take place there and is not appropriate to the rural area. There are no material considerations which would justify the development of the site outside of the Development Limits. Given the location of the site the occupants of the proposed dwelling would be almost entirely reliant on a car to access shops, schools, services and is therefore would result in an unsustainable development. The proposal is contrary to advice contained with the National Planning Policy Framework (2012) and to Policies S7, and H6 of the Uttlesford Local Plan (adopted 2005)."
- 4.4 The building subject to this application forms one of a group of loose knit buildings that once formed an old farmstead, with the two main buildings comprising a former farm house and a listed barn, the latter of which is currently occupied by the applicant as a dwelling. Just off to the north east of these buildings are a tennis court with ancillary residential accommodation/tennis pavilion and the tractor store itself, with the access road routed within the property passing to the north of the store. All sit within a generously sized landscaped parcel of land bordered by hedging and post and rail fencing, which is well kept and residential in character. The surrounding area is typical of the district, comprising arable farmland, broken by hedgerows and pockets of woodland. Just under 0.7 kilometres to the north east of the site the landscape is punctuated by the A120 dual carriageway, beyond which, a further 0.14 kilometres distance, lies the outer limits of the town of Great Dunmow. The surrounding area is typical of the district, comprising arable farmland, broken by hedgerows and pockets of woodland. Just under 0.7 kilometres to the north east of the site the landscape is punctuated by the A120 dual carriageway, beyond which, a further 0.14 kilometres distance, lies the outer limits of the town of Great Dunmow. The application site is located within the countryside wherein policy S7 of the adopted local plan applies. The conversion of rural buildings to residential use is, subject to other policy considerations, acceptable in principle within the countryside. Policy H6 addresses more specifically such proposals and sets out a number of criteria as set down in paragraph 4.3 of this statement. It is apparent from the previous aforementioned refused application that officers were satisfied that the proposal complied with the criteria as set down by policy H6 and as a consequence these will not be addressed here.
- 4.5 In the circumstances, paragraph 14 of the NPPF is engaged and the existence or not of a five year land supply does not alter this position. Similarly, whilst Paragraph 55 of the NPPF stipulates that isolated dwellings in the countryside should be avoided, it critically identifies the reuse of redundant or disused buildings within the countryside as appropriate development, which

constitutes a special circumstance to justify an isolated home in the countryside. In this respect, policy H6 conflicts with the NPPF and in these circumstances the NPPF is clear, as stipulated by paragraph 215, that greater weight should be afforded to the NPPF

- 4.6 In this case the application site, unlike the majority of the district is situated close to one of its key service centres, Great Dunmow less than a kilometre away. The site in itself is not physically isolated within its countryside setting, being set within the grounds of two existing dwellings, the applicants dwelling 'Trutons', which is set approximately 55 metres from the site, and the former farmhouse, set approximately 82 metres away. Other domestic paraphernalia including the tennis court and associated building and existing access and service road will all ensure that the conversion of the building will not appear an 'isolated dwelling' on an otherwise undeveloped 'greenfield' site. There are a further 21 dwellings located within 600 metres of the application site, and it is noteworthy that there are two new residential developments on Ongar Road currently under construction, the nearest located only 0.4 of a kilometre away. To reiterate the site is also located as little as approximately 0.84 km's from the edge of the large service town of Great Dunmow, which provides a wide variety of facilities. If such a site that lies so close to a large town were to be adjudged as 'isolated' when assessed against policies S7 and H6, this would likely preclude the majority of residential conversions across the district, which is at a time when central government legislation is actively seeking to encourage the sustainable reuse of rural buildings to provide additional housing within rural areas.
- 4.7 Public footpaths link the site with the Ongar Road towards Great Dunmow, although it is recognised that public transport is limited to a community bus service and a bus route which passes the site. Improvements are to be made to the public transport facilities within the locality of the site, with one of the aforementioned residential developments located only 0.4 km away to provide, as part of the planning permission, a new bus stop and improved service. The owners (applicants) also enjoy a private right of way, which provides quick and easy pedestrian/cycle access to Clapton Hall Lane to the south, which in turn accesses the Ongar Road, in the vicinity of the new aforementioned development. However, having conveyed these points, paragraph 8 of the NPPF makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system
- 4.8 Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the applicants do regularly bike into Gt Dunmow and the surrounding area, often to pick up provisions, it is accepted that most journeys are likely to be made by private car. However, it is of importance to note that, the NPPF, whilst promoting sustainable transport, recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Moreover, transport is only one aspect of sustainable development and in this case should be balanced against other objectives.
- 4.9 The proposal will represent the reuse of an existing redundant building, which in itself constitutes the sustainable use of an existing resource. Socially, this will provide an additional small dwelling within the district, which in turn will help support local services, albeit in a small way, in accordance with paragraph 55 of the NPPF. The provision of a single dwelling resulting from this application will make a small but meaningful contribution to housing land supply within the district, which weighs

in favour of the proposal. Economically, the proposal will be beneficial in the short term, providing work for local tradesman during the construction period

- 4.10 For the aforementioned reasons, the proposed development represents a sustainable form of development within the countryside in accordance with the NPPF. Also it is not proposed on an “isolated site in open countryside located well away from existing settlements”, with other dwellings and the large town of Great Dunmow located close by. It is therefore not necessary to consider whether any of the special circumstances set out under paragraph 55 of the NPPF apply in this case. However, even if the site were to be judged as isolated by the LPA despite the assertions made in this statement, the reuse of redundant buildings as set down by paragraph 55 constitutes a special circumstance in justifying isolated new homes in the countryside
- 4.11 It is clear from a casual inspection of the planning register that the previous two refusals pertaining to this proposal very much go against numerous other UDC decisions for residential building conversions within the countryside, particularly concerning the councils assessment of the sustainability of such proposals. For example at the time of writing, a look at the latest weekly list highlights a similar proposal in the form of a proposed conversion of a former agricultural building to a new dwelling at Batchelors Meadow, Bumpstead Road, Hempstead (LPA Ref: UTT/17/0236/FUL). Despite occupying a far more remote rural location than the proposal at hand and not being located anywhere near to any of the settlements key service towns, this was approved on 29th March 2017. Officers were not concerned in this case that the proposed development would be reliant on the use of the private car and their interpretation of policy S7 was quite different. This is one of numerous such decisions across the district (many others can be quoted if requested) and in this respect the continued resistance to this proposal on sustainability grounds is difficult to understand and is clearly inconsistent with UDC’s general approach and interpretation of planning policy concerning proposals for the residential conversion of buildings within the countryside. For ease of reference the officers text from the report of recommendation for the aforementioned planning approval is replicated below:
“Whilst it is considered that the proposed development would fail to comply with Local Plan Policy S7, it is also recognised that the planning policy context has changed significantly since the Local Plan was adopted. In particular, the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas; it has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach. Paragraph 17 of the NPPF, alongside recognising the intrinsic character and beauty of the countryside, supports thriving rural communities.
Paragraph 55 of the NPPF sets out that ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
It is considered that the proposal would be acceptable in this planning policy context. It is noted that it would not be an isolated dwelling, but would be located within a group of dwellings located just over 1 kilometre away from Hempstead.”
- 4.12 The applicant has completed a biodiversity Questionnaire and supporting statement in respect of biodiversity.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/3511/FUL – Refused. Change of use of tractor store to residential use 21st January 2016
- 5.2 UTT/15/2853/HHF – Retrospective application for the reconstruction of a tractor store. Unconditional Approval
- 5.3 UTT/16/2738/FUL – Refused. Change of use of tractor store to residential use
- 5.4 UTT/16/1078/HHF - Erection of 3 bay cartlodge. Conditionally approved.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S7- The Countryside
- H6 – Conversion of rural buildings to residential use
- GEN2 – Design
- ENV2 – Development affecting Listed Buildings
- GEN1 – Access
- GEN8 - Vehicle Parking Standards
- GEN7 - Nature Conservation
- Gt Dunmow Neighbourhood Plan

Supplementary Planning Documents

- Essex County Council Parking Standards.
- Accessible homes and playspace
- Essex Design Guide
- Essex County Council Parking Standards: Design and Good Practice

7 TOWN COUNCIL COMMENTS

Although no reply has been received, on previous applications the Parish Council have supported the application.

8. CONSULTATIONS

Essex County Council Ecology

8.1 No objections

In order to ensure legal compliance in relation to protected species and ensure a net gain in biodiversity in accordance with the NPPF (2012) and the NERC Act (2006), I would like to recommend a number of biodiversity enhancements for this proposal. This application offers potential to enhance existing biodiversity features, such as by installing bat/swift bricks into the development itself, or by putting up bird and/or bat boxes on vegetation or buildings. The garden areas could be enhanced by the planting of native species, such as nectar-rich flowers to encourage insects and subsequently bat foraging activity, or species-rich native hedgerows and/or trees. Hedgehog-permeable boundaries should be incorporated into the site design

through natural features such as hedgerows and/or tree lines, and/or through installing hedgehog-friendly fencing (<http://www.hedgehogstreet.org/pages/link-your-garden.html>). This will ensure continued access for this declining priority species.

Essex County Council - Highways

- 8.2 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

9. REPRESENTATIONS

- 9.1 The occupiers of three neighbouring properties have been notified and the application has been advertised. No representations have been received. Expiry date 13th June 2017.

10. APPRAISAL

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

- A Whether the principle of the development is acceptable (UDC local policies S7 & H6 and the NPPF).
- B Whether the design and appearance of the development is acceptable and impact on neighbours amenity (UDC local policy GEN2 & ENV2 and the NPPF).
- C Whether the access and parking provision is appropriate (UDC GEN1, GEN8 and SPD Parking Standards)
- D Impact on Biodiversity (UDC policies GEN7 and the NPPF)

A Whether the principle of the development is acceptable (UDC local policies S7 & H6 and the NPPF).

- 10.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 10.2 Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new building. 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. An assessment of the compatibility of Policy S7 with the NPPF has concluded that this policy is partially consistent. It complies with one of the core planning principles set out in section 17 of "recognising the intrinsic character and beauty of the countryside". Whilst Policy S7 has a strict control on new building the NPPF does support well designed buildings to support sustainable growth and expansion. S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states 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. Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.

- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The Council's Housing Trajectory and 5 Year Land Supply Statement published in November 2015 represents the most up to date published assessment of the Council's 5 year supply and demonstrated that the Council had a 5.4 year supply of housing land. That assessment was based on data at April 2015 and is now somewhat dated. The Council did not publish an assessment of 5 year housing supply in April 2016 although initial work was carried out and reported to the Planning Policy Working Group in June 2016 indicating that the Council could demonstrate a 5 year supply but with a slight shortfall. Since that time, the Council has been involved in a Public Inquiry for development at Felsted and evidence emerged that some of the larger sites which the Council was relying on in its April 2015 trajectory, had either not been started or had not been built as quickly as anticipated. As a consequence, the supply was adjusted at the Public Inquiry in an attempt to reflect this situation
- 10.5 However, adjusting the supply on this basis and not adjusting other aspects of supply, created other inaccuracies and the final position on 5 year supply at that inquiry was not considered by the Council to be an accurate representation of the present position. The Council has therefore reviewed the draft figures which formed the basis of the calculations provided to the PPWG in June 2016 and has firmed them up so that they can be published and provide a more accurate assessment of supply. These figures have also been adjusted to take account of the lack of delivery on some of the sites as agreed at the Felsted inquiry. The Council has therefore now produced a short interim document which sets out a more accurate assessment of the situation at April 2016 and allows a calculation to be made of the Council's 5 Year Supply of Housing land as at April 2016. This document will be superseded as soon as the Council finalises its work and publishes the April 2017 Housing Trajectory and 5 Year Land Supply.
- 10.6 Calculations based on the interim 2016 Housing Trajectory suggest that the Council is able to demonstrate only a 4.5 year supply of housing land as at April 2016 based on its housing requirement of 568 dpa and applying a 5% buffer. The Council has applied a windfall allowance of 50 dpa to the trajectory. A recent report to PPWG advises that, based on evidence, this should be increased to 70dpa and this will be included within the April 2017 housing supply assessment. Whilst there is an argument that this could be added to the April 2016 assessment, and would increase the Council's supply, it is considered that the revised figures will still show a shortfall and will not demonstrate a 5 year supply of housing land.
- 10.7 For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and Paragraph 49 of the NPPF is applicable which states that policies contained in the Local Plan that are relevant to the supply of housing cannot be considered to be up to date.
- 10.8 Paragraph 14 of the NPPF requires development that is regarded as being sustainable to be granted. Where the development plan is absent, silent or relevant

policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

- 10.9 A recent Supreme Court Judgement has ruled that policies restricting the location of development are not policies in relation to the provision of housing. This is a shift in thinking as previously established by the lower courts which determined that a wider definition should be given to policies in relation to the provision of housing, including those that restrict the location of new housing. Therefore, the weight to be given to Policy S7 must be considered in respect of its compatibility with the NPPF as a whole. Policy S7 takes a prohibitive approach towards development in the countryside whereas the NPPF takes a protective approach and development which is sustainable can be permitted.
- 10.10 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged.
- 10.11 The NPPF emphasises that sustainability has three dimensions (Paragraph 7); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment).
- 10.12 The NPPF states that the three roles of sustainability should not be taken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 10.13 The economic role relates to development contributing to a strong, responsive and competitive economy. The development of this site would result in the temporary creation of jobs during the conversion phase. Long-term the development would result in a small increase in local population which could support existing local services such as the businesses at Great Dunmow
However, the short-term employment benefits and level of economic benefits arising from the proposals would be limited.
- 10.14 The social role relates to supporting strong, vibrant and healthy communities by creating development with accessible local services. The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
Due to the distance to the town and the unavailability of regular transport services, future residents would be unlikely to consider other modes of transport as alternatives to the private car. Given the location of the site the occupants of the proposed dwellings would be almost entirely reliant on a car in order to access shops, schools, community services and facilities. A benefit of the proposal would be that the proposed building would be a bungalow which would provide suitable housing for an elderly population.
- 10.15 Paragraph 35 of the NPPF state: that development should be located and designed where practical to give priority to pedestrian and cycle movements and have high access to high quality public transport facilities.
- 10.16 The environmental role seeks to protect and enhance the natural, built and historic Environment. The change of use only requires minor changes to the exterior/interior of the existing building and would therefore have limited impact on the character of

the openness of the countryside. The encouragement of private transport would not assist the move towards a low carbon economy.

- 10.17 The dwelling would be poorly located in relation to services and facilities, leading to a reliance on the private car. These environmental harms would outweigh any limited economic or social benefits that would arise from the provision of the development, which includes new housing. As such the proposal would conflict with the development plan and would not amount to sustainable development as promoted in the Framework and the proposals should therefore be resisted.
- 10.18 The site is some distance away from services, schools etc and I conclude from this that it is evident that any occupier of a dwelling would need to rely on private vehicles to meet their everyday needs, including employment, healthcare, secondary education, shopping and leisure facilities. There is limited public transport provision conveniently available. The agent has stated that there is a public footpath linking the site to Great Dunmow. However, the site is located on a main road, close to a bend and the road at this point does not have any pavements.
- 10.19 The foregoing means that the site can neither be viewed as sustainable or preserve environmental credentials of the site in accordance with the NPPF. Development must be both sustainable and preserve character. Housing should be located where it would enhance or maintain the vitality of rural communities and in doing so, isolated new homes in the countryside, such as this, should be avoided.
- 10.20 The encouragement of private transport would not assist the move towards a low carbon economy. Hence the environmental role is not served. For all these reasons, the proposal would not constitute sustainable development.
- 10.21 The NPPF (paragraph 55) states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: The essential need for a rural worker to live permanently at or near their place of work in the countryside or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. This application would re-use a redundant building. Paragraph 55 of the NPPF also states that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to say " where there are groups of smaller settlements, developments in one village may support services in villages nearby" The site is not considered to be close enough to Great Dunmow to be considered to be part of the settlement and the converted barns on the site are not considered to be a large enough group to be regarded as a settlement in their own right.
- 10.22 The applicants' comments regarding the reason for the change of use have been noted, however, although the proposed dwelling would not have any detrimental impact on the character and setting of the listed buildings it is not considered that would be justification for allowing a new residential dwelling in an inappropriate location.
- 10.23 The proposed development does not need to take place there and is not appropriate to the rural area. There are no material considerations which would justify the development of this site outside of the Development Limits. The proposal is contrary to advice contained with the National Planning Policy Framework (2012) and to Policies S7 and GEN2 and of the Uttlesford Local Plan (adopted 2005).

- 10.24 Policy H6 also states that the conversion of rural buildings to dwellings will be permitted if certain criteria are met. This proposal does meet all of the criteria a) to e) , however H6 also states that conversion will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements. This site is considered to be isolated and is some 1.5.km from the settlement limits of Great Dunmow. The site is not located on the edge of a settlement. The road from the site to Great Dunmow does not have a pavement and is a busy road unsuitable for walking on a regular basis. The proposal therefore does not comply with policy H6. This is consistent with paragraph 55 of the NPPF that states Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The proposal does not represent any of the special circumstances listed.
- 10.25 The following recent appeal decisions in the Uttlesford district make reference to comments on the interpretation of “sustainability and isolated”
UTT/16/2681/OP APPEAL APP/C1570/W/17/3168638: Paragraph 13:
“The proposal is located some distance from the nearest village and the services and facilities it provides. Although the appellant suggests that this is walkable, there are no footpaths, the road is unlit and this is not a journey which would be conducive to walking. The facilities and services available at the closest village are also limited. On this basis I am of the view that the proposal is in a relatively isolated location which the Framework seeks to avoid and is not such that it would enhance or maintain the vitality of the rural community.” Overall I conclude that the proposed development would result in material harm to the character and appearance of the surrounding countryside and that the dwellings would be poorly located in relation to services and facilities, leading to a reliance on the private car. These environmental harms would outweigh any limited economic or social benefits that would arise from the provision of the development, which includes new housing. As such the proposal would conflict with the development plan and would not amount to sustainable development as promoted in the Framework and the proposals should therefore be resisted.”
- 10.26 UTT/16/1554/FUL – APP/C1570/W/16/3137468 -
“The proposed development would be located outside of the defined development limits of Felsted and would thus be contrary to the broad aims of saved Policies S7 and H1 of the Uttlesford District Local Plan 2005 (LP), which seek to direct new development to sites within defined development limits. Nevertheless, the proposed houses would be located a short, level and comfortable walk from the centre of the village, which is well served by a number of everyday facilities. The appeal site is also broadly located opposite the telephone exchange and is adjacent to residential development to the north. As such, I am satisfied the proposed development would not be ‘isolated’ within the meaning of Paragraph 55 of the National Planning Policy Framework.”
- 10.27 UTT/16/0331/FUL – APP/C1570/W/16/3155334
“The appeal site is located towards the periphery of Hadstock and outside of the development limits. It fronts onto an apparently busy road and there is not a pavement linking the appeal site back into the village. Notwithstanding this, the village appears to have very few everyday facilities that would be available to future occupants of the dwelling. As such, I would need to see further evidence before I was satisfied the proposed dwelling would not be isolated from everyday services and facilities with future residents reliant on private cars.”

10.28 UTT/15/3512/FUL – APP/C1570/W/16/3155482 – INTERPRETATION

As an important material consideration my attention has been drawn to Paragraph 55 of the Framework, which specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically and spatially isolated relative to a settlement and whether it is functionally isolated from services and facilities.

10.29 The appeal site is located to the south of Radwinter, which is the nearest settlement with a defined development limit. The distance and intervening countryside separating the site from the settlement means the appeal site is 'read' as being physically isolated from the built form of Radwinter. This would undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside.

10.30 Given the distance involved, the appeal site is not a comfortable walk from the everyday services and facilities available in Radwinter, or other settlements nearby, listed by the appellant. The distance is likely to deter future residents of the proposed bungalow from walking to local facilities. As such, I consider it highly likely that future residents of the appeal scheme would be predisposed to rely on a private car to access everyday services and facilities, especially in the winter months. Reliance on home deliveries from supermarkets would not wholly mitigate this. I have not been presented with details of exact bus routes, the position of bus stops¹ or the relevant timetables so am unable to consider this further as an alternative to private car use. In any event, this alone is unlikely to be determinative given the sites inaccessibility to services if walking. Cycling to services and facilities could be an option for some future residents of the bungalow, but not all, depending on mobility and proficiency. Consequently, I find that the proposed development would be a functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities. This functional isolation would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.

10.31 In considering any special circumstances that would justify the isolated location of the appeal scheme, the appellant has suggested that the proposed bungalow is necessary to enable her to live on site and manage the holiday let at the Midden and the land around it. However, I have not been provided with any substantive evidence to suggest that it is essential for the proper functioning of the holiday let for there to be an on-site presence, that the business has suffered losses from there not being an on-site presence and that it is financially sound and likely to endure into the future. As such, I do not consider this would amount to a special circumstance that justifies the appeal scheme I do not have substantive evidence before me to suggest that the other examples of special circumstances listed in Paragraph 55 of the Framework are met. However, the list is not exhaustive and the appellant has advanced a case that the proposal would allow her, as a long term resident of the area, to remain nearby. I have not however, been provided with evidence to demonstrate that there is a shortage of accommodation in the area,

which would otherwise enable this aim to be realised. As such, I afford this very limited weight as a matter in support of the appeal scheme.

- 10.32 The appellant suggest that the appeal site is part of a residential garden and thus the proposal would amount to development within a residential curtilage rather than the development of undeveloped countryside. Be this as it may, I have found that the proposed development would be physically and functionally remote from a discernible settlement. Consequently, this is not a special circumstance that would justify the isolated location of the development.
- 10.33 I therefore conclude that as an isolated dwelling outside of the development limits of a defined settlement, the appeal proposal would present a conflict with Saved Policy S7 of the Local Plan. I also conclude that the proposal would conflict with the aims of Policy S7 by harmfully urbanising the existing open and rural character of the appeal site. The proposed development would also be contrary to the Framework (Paragraphs 17 and 55 in particular), which seeks to deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way whilst recognising the intrinsic character and beauty of the countryside. The proposal would provide a single family dwelling that would increase the rural housing stock, provide flexible occupation and modern construction standards. However, this would be in a location isolated from services with the inherent harm this would bring. A single dwelling could provide some very limited assistance towards the vitality of rural communities and services. But most of the facilities future occupants would likely use on a regular basis are in Radwinter, Saffron Walden and surrounding villages and therefore a dwelling would be better sited closer to these settlements. Consequently, I do not find these social benefits as persuasive in justifying the dwelling. Nor do I find the very modest economic benefits that would be derived from the construction of the dwelling, the future 'spend' of occupants and possibly business synergy with Warner's Farm bed and breakfast, as overriding benefits either.
- 10.34 Consequently, I do not find that the social, environmental or economic matters, advanced as material considerations, are sufficient to outweigh the conflict with the development plan. I therefore find that when taken as a whole, the proposal is not sustainable development within the meaning of the Framework."
- 10.35 UTT/15/3031/OP – APP/C1570/W/16/3151054
"The accessibility of the site to local services has been given considerable attention, and I went around most of the village in order to observe its layout and services. The village store, bus stop, rail station and employment opportunities are all about 800 metres from the site. Much of this distance is along parts of Royston Road without a proper footway and, near the site, without street lights. Although this is typical of much of the village, the site is just within the 30 mph limit and I observed traffic passing quite briskly. In this situation, I consider that a private car is likely to be the preferred means of transport to and from the site, albeit that other modes would be feasible. This could be acceptable in a rural area, as the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas. I consider my finding in this respect confirms the rural setting of the site, and that it is not well integrated into the fabric of the village. On balance, I consider that the limited economic and social benefits of the proposal would not materially outweigh the environmental harm, having regard to the rural setting. As a result, I have not found a strong presumption in favour of sustainable development such as to offset this harm or override the provisions of Policy S7 in the Local Plan."

- 10.36 UTT/15/2274/FUL – APP/C1570/W/3146989
“Future occupiers could be expected to make similarly modest contributions to the viability of local facilities and services and to social cohesion. With regard to the environmental role, whilst the Council has found nearby sites to be sustainably located, I am not persuaded that the appeal site can be regarded as highly accessible. I note that the nearest facilities are a 10-15 minute walk from the site and that bus services in the vicinity are hourly. As such, the sustainability of the appeal site location does not offer significant weight in support of the proposal.”
- 10.37 The agent has made reference to a recent decision UTT/17/0236/FUL; however it is not considered that this is a similar case in that the application relates to a former agricultural building. The site was in walking distance to a frequent bus service. The building the subject of this application is not a former agricultural building and not in safe walking distance to a bus stop and indeed there was no planning permission in place prior to the retrospective application to retain the tractor shed under UTT/15/2853/HHF in 2015. The recent change in National Permitted Development rights relating to conversion of agricultural buildings to residential clearly also shows the Government’s intention that agricultural buildings should be regarded differently in planning terms to outbuildings.
- 10.38 It is considered that the proposal would not constitute sustainable development and therefore the principle of the development is not acceptable.

B Whether the design and appearance of the development is acceptable and impact on neighbours amenity (UDC local policy GEN2 & ENV2 and the NPPF).

- 10.39 The proposal only involves minor changes to the exterior/interior of the existing building. In view of the separation distances from neighbouring properties location, the proposal would not result in any material detrimental impact to neighbours amenity.
- 10.40 Adequate parking, to comply with the adopted parking standards, to the front of building would be provided for the new dwelling. Adequate amenity space would also be provided to comply with the recommended amenity space within the Essex Design Guide.
- 10.41 In view of the separation distance from the Grade II Listed building and the landscaping screening separating the site from the main house, the proposal would have limited detrimental impact on the character and setting of the listed building. The proposal complies with policies GEN2 and ENV2.

C Whether the access and parking provision is appropriate (UDC GEN1, GEN8 and SPD Parking Standards)

- 10.42 The adopted parking standards require that two bedroomed dwellings must have a minimum of two parking spaces each measuring 2.9m x 5.5m. The dwelling would have sufficient parking spaces to meet the adopted standards.
- 10.43 The dwelling would use an existing access (which is shared with Trutons). Essex County Council Highways has been consulted on the proposal and raise no objections. As such, the proposal complies with Policies GEN1 and GEN8.

D Impact on Biodiversity (UDC policies GEN7 and the NPPF)

- 10.44 Policy GEN7 of the Local Plan states that development that would have a harmful

effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 10.45 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted. The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
 - There must be "no satisfactory alternative"; and
 - The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. The biodiversity questionnaire answered no to all of the questions. With regards to this application it only involves minor changes to the exterior of the property and therefore has limited potential to have an impact on biodiversity. Essex County Council ecologists have been consulted and have no objections to the proposal and state that no further surveys are required. It is considered unlikely that there would be any adverse impact on protected species caused and therefore complies with Policy GEN7.

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

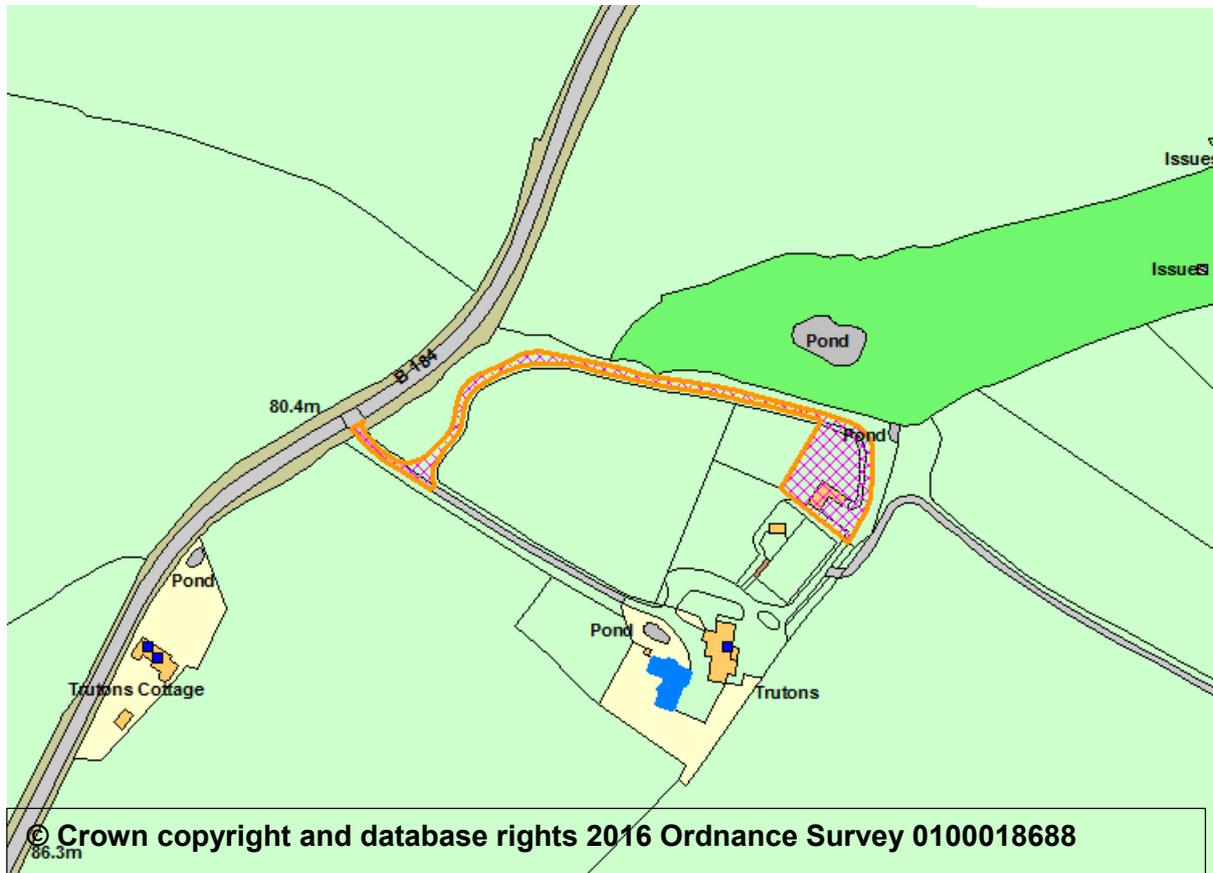
- A The proposal does not represent sustainable development and therefore is not acceptable in principle.
- B The proposal would not have any material detrimental impact on neighbours amenity
- C The access arrangements have been considered by Essex County Council and no objections are raised to the proposals. The proposal has demonstrated that sufficient parking can be provided to meet the adopted parking standards.
- D The proposal would not result in any significant harm to protected species or habitats.

CONCLUSION: The proposal does not represent sustainable development and therefore is not acceptable in principle.

RECOMMENDATION: REFUSAL

The proposal would result in the creation of an isolated dwelling in the countryside. The proposed development does not need to take place there and is not appropriate to the rural area. There are no material considerations which would justify the development of this site outside of the Development Limits. Given the location of the site the occupants of the proposed dwelling would be almost entirely reliant on a car to access shops, schools, services and is therefore would result in an unsustainable development. The harm caused would not be outweighed by the benefits of the development. The proposal is contrary to advice contained with the National Planning Policy Framework (2012) and to Policies S7, and H6 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/1311/FUL
Address: Tractor Store at Trutons Farm Ongar Road Dunmow



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