

UTT/19/0484/OP (Farnham)  
(Called in by CLLR Loughlin if recommended for refusal)

**PROPOSAL:** Outline application with all matters reserved for the demolition of existing garage and erection of 1 no. detached dwelling with shared access

**LOCATION:** Friarton, Chatter End Road, Farnham

**APPLICANT:** Mr and Mrs King

**AGENT:** Lucy Carpenter

**EXPIRY DATE:** 7<sup>th</sup> June 2019

**CASE OFFICER:** Chris Tyler

---

**1. NOTATION**

1.1 Outside Development Limits,

**2. DESCRIPTION OF SITE**

2.1 The application site is located to the south of Chatter End Road in the parish of Farnham. The site is within the existing garden area serving Friarton. Friarton is a two storey detached property set towards the front of the site with a large garden and outbuildings. The site is mainly bound by hedgerow and fencing

**3. PROPOSAL**

3.1 This this outline planning application is for all matters reserved for the demolition of the existing garage and erection of a single detached dwelling with shared access. The access, appearance, landscaping, layout and scale will be assessed in a subsequent reserved application.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

**5. APPLICANT'S CASE**

5.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is an ecological appraisal

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/15/0525/OP- Outline application with all matters reserved for the demolition of outbuildings and the erection on 1 no. dwelling.

REFUSED 1/5/2015

Refused due to the unsustainable location of the site and impact the character of the area.

UTT/1435/09/OP – Outline planning permission for a single two storey dwelling.

REFUSED 2/3/2010

Refused due to the unsustainable location of the site and impact to the character of the area, highway safety impact.

## **7. POLICIES**

- 7.1 National Policies

- 7.2 National Planning Policy Framework (2019)

### **7.3 Uttlesford Local Plan (2005)**

Policy S7 –The Countryside

Policy GEN2 – Design

Policy H4- Backland Development

Policy GEN7 - Nature Conservation

Policy ENV2- Development affecting Listed Buildings

### **7.4 Supplementary Planning Documents/Guidance**

Uttlesford Local Residential Parking Standards (2013)

Supplementary Planning Document- Accessible homes and play space homes

Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No comments received – expiry date 5/4/2019

## **9.0 CONSULTATIONS**

### **The Highways Authority**

- 9.1 From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The applicant has failed to demonstrate that safe and suitable access to the site can be achieved in accordance with current safety standards and the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety.

Therefore this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

#### Informative

The applicant should demonstrate that visibility splays can be achieved for the ambient speed of the traffic, across either land within the control of the applicant or highway land. Furthermore, the geometric layout and construction of the access must be adequate for the proposal.

#### **ECC Ecology**

- 9.2 No objection subject to securing biodiversity mitigation and enhancement measures.

#### Recommended conditions

#### **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, Feb 2019 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

*This includes hedgehog permeable boundaries, installing two bird nest boxes and one hedgehog box.*

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

## **10 REPRESENTATIONS**

- 10.1 Neighbouring properties consultation- expiry 1/4/2019  
Site notice and advertisement expiry- 19/4/2019  
9 Letters of support received

## **11 APPRAISAL**

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

- A The principle of development of the site (NPPF, ULP Policies S7, GEN2, H4 and the NPPF)
- B Impact on residential amenity (ULP Policy GEN2 and the NPPF);
- C Nature Conservation (ULP Policy GEN7)
- D Impact to the setting of the listed building (ENV2)
- E Any other material considerations

- A The principle of development of the site (NPPF, ULP Policies S7, GEN2, H4, and the NPPF)**

- 11.1 The proposal is located outside of any development limits, within the countryside. As a result, Local Plan Policy S7 applies. This states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.
- 11.2 The introduction of the dwelling will by virtue result in a conflict with ULP Policy S7, whilst it is considered that the proposed development would fail to comply with Local Plan Policy S7, it is also recognised that the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural area. It has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach. The following paragraph sets out the assessment of the principle of the development in regards to the NPPF and sustainable development.
- 11.3 Paragraph 170 of the NPPF, along recognising the intrinsic character and beauty of the countryside, protecting and enhancing valued landscapes. Paragraph 78 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.
- 11.4 It is noted that Uttlesford District Council cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that when it has a shortfall that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. It is important for the Council to continue to consider, and where appropriate, approve development which is sustainable, to ensure delivery in the future and to ensure that the level of housing supply is robust and sustained over time in the years to come.
- 11.5 As identified in the most recent housing trajectory document (March 2019), the Council's housing land supply is of 3.29 years for the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.. Paragraph 11 of the NPPF considers the presumption of sustainable development , this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered).

This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.

- 11.6 Economic:  
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the house would contribute to the local economy in the long term, as such there would

be some, but limited, positive economic benefit.

11.7 Social:

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. The nearest social facilities will be located in the village of Farnham. There are no footpaths from the application site to village the nearest bus stop and the most frequent bus service takes local children to secondary schools, this would likely prevent a resident attending full time in larger main settlements unless travel is undertaken by private car, as such the development would not support sustainable transport.

Although the application site outside of the main village area it is in close proximity to other neighbouring properties, taking in consideration recent case law Braintree DC v SSCLG [2018] EWCA Civ. 610 it is considered the site is not an isolated location, however the site is clearly separated from a village settlement, the site includes a scattering of dwellings however is mainly isolated from social facilities.

Although the development will support nearby village this would not outweigh the harm cause due to then unacceptable level of social sustainability.

11.8 Environmental

The landscape performs the function of clearly defining and containing the extent of built form. Whilst the layout, design, landscaping and access of the proposed development will form part of a subsequent reserved matters application the proposal will include the introduction of a single dwelling on this site.

An indicative plan has been included with the application demonstrated a proposed layout, although the layout of the development is a reserved matter it will result in the introduction of dwelling to the rear of the site and to the rear of the dwelling of Friarton, this significant built form to the rear of the site will result in a harmful impact to the character of the open rural site. This back land positioning of the development will result in the introduction of significant built form that will be visible while approaching the site along Chatter End Road, this will not protect the intrinsic character and beauty of the countryside, as such conflicting with the aim of paragraph 170 of the NPPF.

Although the introduction of the dwelling would contribute to the housing numbers this would not be outweighed by the by the limited environmental sustainability.

11.9 ULP Policy GEN2 advises that development will be permitted if it is considered compatible with its surroundings. The proposed dwelling will be to the rear of the existing dwelling, the positioning of the development would be of a backland position, this is out of character with the general form of development within this area. It is appreciated that some neighbouring dwellings are set back from the road, but these buildings have a historical context with the landscape, the application site and its initial surrounding mainly consist of linear form of development along the highway. As such the proposed development to the rear of Friarton would be out of character with the rural setting of the site and therefore not in accordance with ULP Policies S7, GEN2 and the NPPF.

11.10 ULP Policy H4 considers back land development, in the context of the principle of the development this policy advises development of a parcel of land does not have a road frontage will be permitted if:

- There is significant under use of the land and the development would make more effective use of it
- There would be no material overlooking or overshadowing of nearby properties
- Development would not have an overbearing impact on neighbouring properties
- Access would not cause a disturbance to nearby properties.

11.11 In regards to ULP Policy H4:  
The large site could accommodate a new dwelling on this site and would make better use of the large unused area.

Material overlooking or overshadowing and overbearing impacts of nearby properties cannot be considered in this outline planning application and will be assessed in the subsequent reserved matters application.

The access to the site is a reserved matter.

As such it is considered the proposed outline proposal is in accordance with ULP Policy H4

## **B Impact on residential amenity (ULP Policy and the NPPF)**

11.12 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

11.13 The application is for outline planning permission with all matters reserved, the impact to neighbouring properties will be assessed in the subsequent reserved matters application. However it is considered the introduction of a single dwelling is unlikely to result in an intensification of noise and disturbance that will have a significant harmful impact to neighbouring properties.

## **C Nature Conservation (ULP Policy GEN7)**

11.14 The applicants submitted an ecology assessment with the application, Essex County Council ecology officers have been consulted and have not made any objections subject to the imposition of a condition regarding mitigation measures.

As such it is considered the proposal is not considered not to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7.

## **D Impact to the setting of the listed building (ULP Policy ENV2 and the NPPF)**

11.15 ULP ENV2 Policy affirms that development affecting a listed building should be in keeping with the scale, character and surroundings. The NPPF advises that development should be refused if it would lead to substantial harm or total loss of the significance of a heritage asset.

11.16 The neighbouring property to the west of the site (Kettlewell Cottage) is a listed

building, whilst the conservation officer has not objected to this outline planning application it is noted that the dwelling in this site will be a significant departure from the existing development pattern in this location, particularly as an overly domestic appearance in its form. Subject to reserve matters details the proposal accords with ULP Policy ENV2 and the NPPF.

## **E Any other material considerations**

- 11.17 Any other material considerations:  
The following policies are included in Regulation 19 Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of the countryside  
D1- High quality design  
EN8- Protecting the natural environment.  
EN4- Development affecting listed buildings

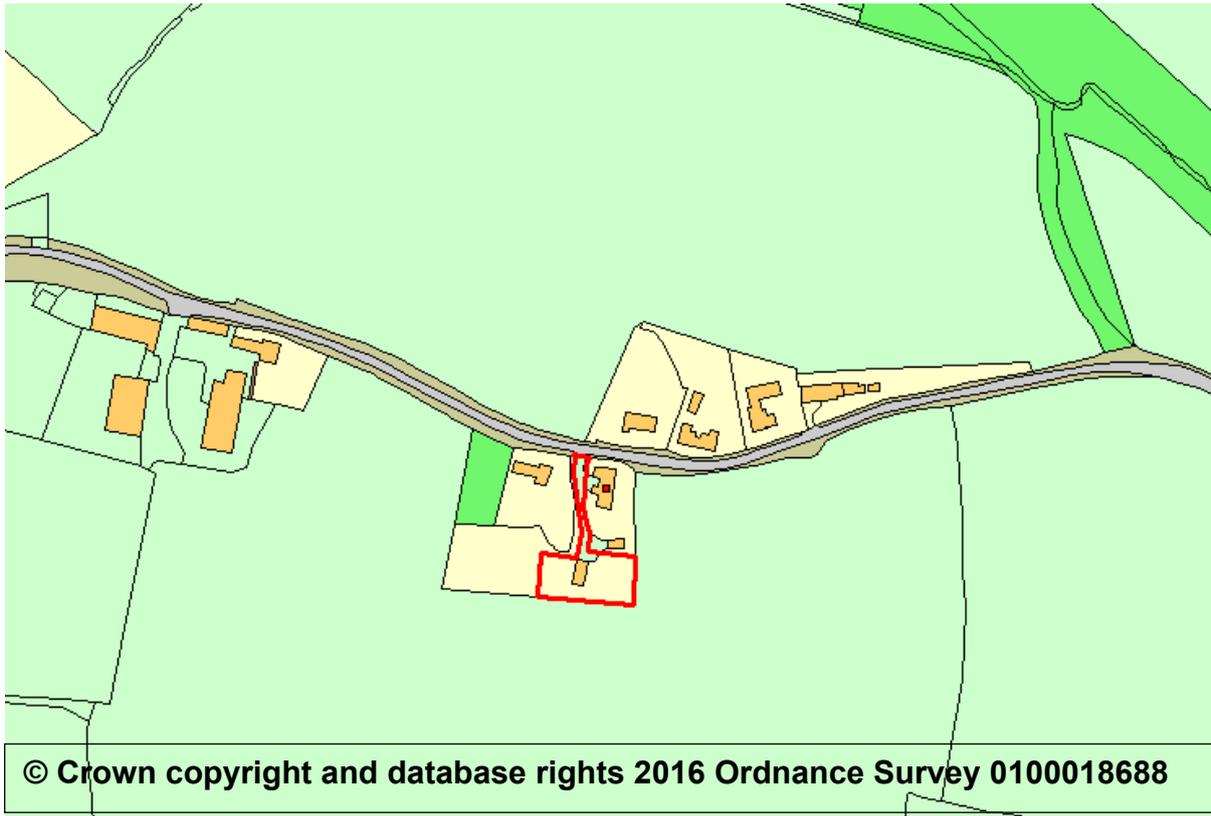
## **12. CONCLUSION**

- 12.1 In conclusion, the proposal does not accord with the development plan or the NPPF. No material considerations indicate that planning permission should be granted. It is therefore recommended that planning permission be refused.

## **RECOMMENDATION – REFUSAL**

### **Refusal Reasons:**

1. The proposed dwelling will represent the introduction of built form to this back land position; this is out of character with the general form of development within this area. The application site and its surrounding mainly consist of linear forms of development along the highway. As such the introduction of the proposed development would be out of character with the surrounding rural setting of the site and will have a harmful impact. The development is not in accordance with ULP Policies S7, GEN2 and the NPPF.
2. The proposed application site is as an isolated site and void of amenities, services and not within close proximity of and other nearby villages. The proposal does not represent a sustainable form of residential development at this rural location and would not in the circumstances be consistent with the social strand of sustainable development within the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 16 May 2019