

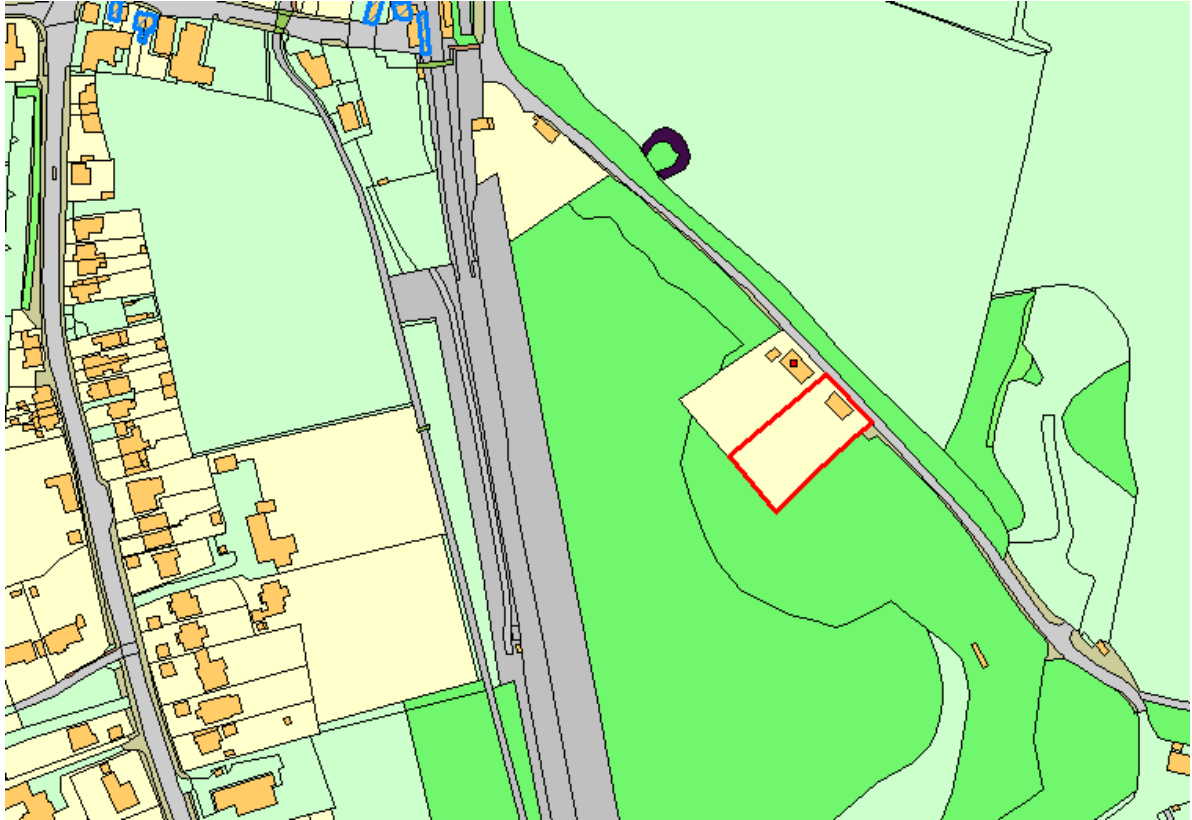
ITEM NUMBER: 9

**PLANNING COMMITTEE 02 August 2023
DATE:**

REFERENCE NUMBER: UTT/23/1311/FUL

LOCATION: Chalk Farm, Chalk Farm Lane, Newport

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 01 July 2023

PROPOSAL: Erection of a single storey bungalow and associated works, following the demolition of the existing garage building

APPLICANT: Ms S Gibson

AGENT: Mr N Hansford (Inigo Architecture Ltd)

EXPIRY DATE: 17 July 2023

EOT EXPIRY DATE: 04 August 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within County Wildlife Site (Newport Pond Chalk Pit).
Within 2km of SSSI.
Public Right of Way (Byway – Front).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Hargreaves)

1. EXECUTIVE SUMMARY

1.1 This is a full planning application for the erection of 1 no. single storey bungalow and associate works, following the demolition of the existing outbuilding.

1.2 The site is located within the countryside to the south-east of Newport. As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5-year housing land supply (5YHLS) paragraph 11(d) of the National Planning Policy Framework (NPPF) 2021 is engaged. As such, a detailed 'Planning Balance' has been undertaken of the proposal against all relevant considerations (see Section A of the analysis and Section 16 of the report). It has been concluded that the benefits of the development would not significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be refused for the reasons set out in section 17 of this report.

1.3 The proposed development would introduce built form in the countryside with urbanising effects, failing to recognise the intrinsic character and beauty of the countryside. The proposal, by reason of its location,

residential use, scale and design, would create a visual barrier to the rural, open and verdant character of the area, consolidating sporadic development to the detriment of the character and appearance of the countryside. In addition, following the advice of the Highway Authority, it has not been demonstrated that an appropriate visibility splay in accordance with the current standards can be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto the public byway number 20 (Newport) resulting in an unacceptable degree of hazard to all byway users to the detriment of highway safety.

1.4 All other planning considerations are acceptable.

2. **RECOMMENDATION**

That planning permission be REFUSED for the reasons set out in section 17.

3. **SITE LOCATION AND DESCRIPTION:**

3.1 The application site comprises a shed (previously used as a garage, light industrial workshop, B2 use and blacksmiths forge), as well as open and verdant land, located outside development limits to the east of Newport. The host dwelling (Chalk Farm) is a 2-storey detached building with extensive grounds. The overall area contains a distinct open, rural countryside character. Part of the site is within a County Wildlife Site. The location is historically connected with the extraction of chalk. The railway lines are to the west of the application site.

4. **PROPOSAL**

4.1 This is a full planning application for the erection of a single storey bungalow and associated works, following the demolition of the existing garage building. The proposal does not include affordable housing.

4.2 The application includes the following documents:

- Application form
- Design, access and planning statement
- Letter from Concord ecology
- Preliminary ecological appraisal
- Transport statement
- Biodiversity checklist.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposed development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/22/2803/OP	Outline application with all matters reserved for the erection of 1 no. detached dwelling with double garage.	Refused (25.01.2023)
UTT/0811/88	Outline application for erection of two detached chalet bungalows	Refused (07.07.1988)
UTT/1673/89	Change of use from cow shed to blacksmiths forge (not farrier) use.	Approved with conditions (09.11.1989)
UTT/1602/89	Change of use from light industrial/craft workshop to B2 use.	Approved with conditions (01.11.1989)
UTT/1886/88	Change of use of garage to light industrial use/craft workshop.	Approved with conditions (30.12.1988)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application advice was sought prior to the submission of the application.

7.2 No consultation exercise was carried out and no Statement of Community Involvement was submitted with the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Objection. The application has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto Byway no 20 (Newport) resulting in an unacceptable degree of hazard to all Byway users to the detriment of highway safety (see full response in Appendix 1).

9. PARISH COUNCIL COMMENTS

9.1 No objection in principle:

- Outside development limits.
- Within the curtilage of an existing dwelling.
- The proposed form would appear incongruous in its setting.
- Fails to reference the design of any of the buildings in the area.
- Angled differently to the neighbouring dwelling.
- Inappropriate form, materials and colours.
- A modern design could work.

- Good example of modern building referencing local vernacular is Flint Green, Quendon.
- The byway is in very poor condition.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services (Ecology)

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to a landscaping condition.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties.

11.2 Support

11.2.1 Cllr Hargreaves wrote:

- I'm not sure reasons are required for a refusal call in, but this is a replacement application of smaller scale to one recently refused. The substantive refusal reason given was introducing built form. But it did not state it was on the footprint of a substantial building to be demolished and so was adding to built form but not introducing it.
- Should it be permitted please can lighting conditions be set to require the absolute minimum? This was referred to in the D&A statement, but that is not enforceable. This is for the protection of wildlife.
- Further, the foul sewerage is to be septic tank. Septic tanks have output. The ecological report refers to protecting the Cam which is on the far side of the railway. But immediately adjacent is an expanse of lowland wetland which it is vital to protect. The assessments done around 2007 considered designating this as a LoWS, but it missed the cut. It is wet much of the year and is full of wildlife and I assume wetland plants. So stringent discharge conditions would be advisable.
- The eco report talks about the Debden Water SSSI and the Debden Road verges which are pretty irrelevant to this site but hasn't picked up on what is adjacent to the site. Although it does note the presence of egrets.

11.3 Object

11.3.1 No comments received.

11.4 Neutral

11.4.1 No comments received.

11.5 Comment

11.4.1 All material planning considerations raised have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, as they refer to legal matters.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Local Plan 2005

13.2.1 S7 - The Countryside
GEN1 - Access
GEN2 - Design
GEN4 - Good Neighbourliness
GEN5 - Light Pollution
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
H10 - Housing Mix
ENV3 - Open Space and Trees
ENV8 - Other Landscape Elements of Importance for Nature Conservation
ENV10 - Noise Sensitive Development
ENV11 - Noise Generators
ENV12 - Protection of Water Resources
ENV13 - Exposure to Poor Air Quality
ENV14 - Contaminated land

13.3 Newport, Quendon & Rickling Neighbourhood Plan

13.3.1 The Neighbourhood Plan was 'made' on 28 June 2021 with its following policies being relevant:

13.3.2 NQRHA1 - Coherence of the villages
NQRHA2 - Connection with the countryside
NQRHD1 - Parking standards
NQRHD2 - Housing design

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Principle of development**
B) Appearance, scale, layout, landscape / Housing mix / Climate change
C) Residential amenity
D) Access and parking
E) Ecology
F) Contamination

14.3 A) Principle of development

14.3.1 The proposal follows the refused UTT/22/2803/OP, for a single detached dwelling however, the latter was an outline application with all matters reserved, whereas the current one is a full application. Notwithstanding this, the principle of the development was refused on the basis of its location and residential use.

14.3.2 With the Local Planning authority (LPA) unable to demonstrate a 5-Year Housing Land Supply (5YHLS)¹, paragraph 11(d) of the NPPF applies, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would 'significantly and demonstrably' outweigh the benefits.

14.3.3 Applying policies S7 and GEN1(e) in conjunction with paragraph 8 of the NPPF

In economic terms, the proposal provides a small contribution towards the wider local economy during construction via potential employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.4 In **social** and **environmental** terms:

14.3.5 Location – Isolation:

Recent case law² defined 'isolation' as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is isolated as it neighbours only the host dwelling (Chalk Farm), being spatially and physically separate from Newport to the east of the railway line and River Cam. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. The development fails to comply with paragraph 80 of the NPPF and policy NQRHA1 of the Newport, Quendon & Rickling Neighbourhood Plan as none of the exceptions apply.

14.3.6 The Newport, Quendon & Rickling Neighbourhood Plan was made on 28 June 2021, and as such, it is no longer fully protected under the provisions of paragraph 14 of the NPPF. However, the housing policies of the Newport, Quendon & Rickling Neighbourhood Plan still carry significant weight in decision-making (albeit less than full). Paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Therefore, the conflict with policy NQRHA1 is still afforded significant (less than full) weight.

14.3.7 Location – Services and facilities:

Newport has a range of services and facilities. The nearest serviced³ bus stop (Station Road stop – 4' walk) is 443m to the north-west of the application site. Newport Railway Station (2' walk) is 260m to the north-west of the site. The nearest school (Newport Primary School – 16' walk) is 1.4km from the site and the nearest supermarket (Tesco Express – 1h9' walk) is 5.7km from the site in Saffron Walden. There are no pedestrian footpaths, lit, continuous and maintained, that link the application site to the bus stop and the above services and facilities.

14.3.8 The occupants of the proposed dwelling would be able to safely access sustainable public transport of a satisfactory frequency and some everyday services and facilities within walking distances. There is a realistic alternative that some movements to and from the site would not be undertaken by car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development. Therefore, the sustainability credentials of the site are satisfactory in NPPF terms, and the development complies with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.9 Previously developed land – Effective use of land:

The site is previously developed land⁴ as it forms part of the curtilage of Chalk Farm and the existing permanent structure is lawful (see photographs and planning records UTT/1673/89, UTT/1602/89 and UTT/1886/88). However, the NPPF definition for previously developed land is clear that it should not be assumed that the whole of the curtilage should be developed. In addition, development on a site outside a settlement would not necessarily be more effective use of the land as paragraph 120(c) of the NPPF gives substantial weight only to the use of brownfield sites within settlements. Paragraphs 119 and 120 of the NPPF are not supportive of the development.

³ Bus services 301 and 441.

⁴ In the context of the NPPF glossary and a Court of Appeal decision: Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.



14.3.10 Character and appearance (countryside, pattern):

The local character contains a distinct rural feel and countryside setting with views to the wider landscape and an intrinsic sense of openness (see photographs). The development is not tucked away from the public realm and the area includes very limited residential uses to the east of the railway line and the river (only Briar Cottage on this part of Newport). The development introduces built form in the countryside with urbanising effects⁵. Therefore, the development is contrary to policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside. As such, the conflict with part of policy S7 should be given significant weight. The development also conflict with policy NQRHA2 of the Newport, Quendon & Rickling Neighbourhood Plan.



14.3.11 When quantified, countryside harm is significant. The site, by reason of its open and verdant nature, positively contributes to the countryside character and appearance of the area. The proposed bungalow, by reason of its location, residential use, scale and design⁶, would be a visual barrier to this rural character. The proposal would consolidate sporadic development⁷, intensifying the presence of built form and domestic paraphernalia in an area that currently allows a smooth transition between the existing dwelling (as a single incident of built form) and its surrounding countryside. Therefore, the proposed development would fail to preserve the character and appearance of the area and site.

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated.

⁶ See Section B of this report for further analysis on the matters of scale and design.

⁷ Notwithstanding the differences in policy, legislation and planning merits, 2 no. detached chalet bungalows were previously refused on site in the 1980s (UTT/0811/88), with the then case officer also referencing the unacceptable consolidation of sporadic development to the detriment of the character and appearance of the countryside.

14.3.12 Infill:

Paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. The site is not a ‘small gap’ positioned between existing properties with only Chalk Farm in the vicinity, and as such, it does not comprise an infill opportunity.

14.3.13 Other material considerations:

It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, will depend on the specific characteristics of a site and scheme. On this occasion, the recent refusal (UTT/22/2803/OP) is afforded significant weight and UTT/0811/88 (see footnote 7) limited weight; however, these decisions show consistency in decision-making.

14.3.14 Conclusion:

The planning balance under paragraph 11(d) of the NPPF tilts against the principle of the development (see Conclusions).

14.3.15 Overall, the principle of the development is not acceptable, and fails to comply with policy S7 of the Local Plan, and the NPPF.

14.4 **B) Appearance, scale, layout, landscape / Housing mix / Climate change**

14.4.1 In terms of size, scale and layout, the proposed bungalow has a lower height (3.15m) to the existing outbuilding (4.5m). However, the footprint of the built form on the site will increase from 97sqm (existing outbuilding) to 148sqm (proposed bungalow), which represents a significant increase of 35%⁸. Although proportionate within the site, the additional footprint on this countryside location and the separate residential use and paraphernalia, would significantly alter the rural character and appearance of the area as the domesticated appearance of the site would be intensified and its intrinsic sense of openness would be lost. The separate curtilage to the host dwelling and the parking and turning areas to the front of the bungalow would further exacerbate this domestication and urbanisation.

14.4.2 The visual connection to the countryside would also be lost from the presence of the new dwelling, including the existing views into and from

⁸ Notwithstanding the comments from the ward councillor that were thoroughly reviewed, the previously refused scheme (UTT/22/2803/OP) was in outline, meaning that any details of scale and footprint were indicative. This is why the previous in-principle concerns related to the location and residential use only.

the countryside, in conflict with policies NQRHA2 and NQRHD2(e) of the Newport, Quendon & Rickling Neighbourhood Plan.

- 14.4.3** The public byway on the frontage is elevated in relation to the application site and affords clear views into it, meaning that the proposed development would not be hidden from public gaze. The practical implications are therefore that the effect, not only on the rural character of the area, but also on the appearance of the countryside would be significant. The NPPF provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside (paragraph 174). It also states that decisions should ensure developments will add to the quality of the area over their lifetime and are sympathetic to local character, including the landscape setting (paragraphs 130(a), 130(c)). The proposal fails to comply with these NPPF policies, and policy GEN2 of the Local Plan.
- 14.4.4** In terms of design and form, the proposed bungalow would introduce a sub-urban style development in the countryside due to its “contemporary feeling”⁹ and the site’s location outside Newport, further exacerbating its impact on the character and appearance of the area. Bungalows are not typical on isolated locations in the district. The proposed development fails to comply with policy NQRHD2(a)-(b) of the Newport, Quendon & Rickling Neighbourhood Plan as its design does not relate well to its surrounding countryside context nor does it make a positive contribution towards the distinctive character of the village, shown in Sections A and B of this report.
- 14.4.5** In terms of landscape, trees and boundaries, the application proposes to “*maintain the current soft landscaped areas where possible*” and introduce post and rail fencing “*which will separate the new dwelling from the existing dwelling*”¹⁰. The Landscape officer raised **no objections** subject to a landscaping condition as the size of the site would not create unacceptable impacts on the wider landscape. He also noted that a mixed native species hedge to separate the curtilage from the host would be more appropriate than the current proposal. However, no landscaping measures or conditions can sufficiently mitigate the development’s impact.
- 14.4.6** The Local Planning Authority has adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Policy, which prioritises to improve energy performance and reduce carbon. The proposed water and energy efficiency measures and construction techniques are positive. However, such measures cannot make the location acceptable for new housing.
- 14.4.7** Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is more than 0.1ha and for 1 no. dwelling, thus H10 is

⁹ Design, Access and Planning Statement, p.8.

¹⁰ Design, Access and Planning Statement, p.9.

relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties. Therefore, the development complies with policy H10.

14.4.8 Overall, the proposal is not acceptable, and fails to comply with policies S7 and GEN2 of the Local Plan, the Essex Design Guide, and the NPPF.

14.5 C) Residential amenity

14.5.1 In terms of the residential amenity of the occupants, the dwelling has the following occupancy and a gross internal area (GIA) of more than the minimum threshold set out in the Nationally Described Space Standard (see brackets):

- 3B4P¹¹ (> threshold 74sqm).

14.5.2 In terms of private amenity (garden) space, the dwelling has an adequate garden (100sqm threshold, see Essex Design Guide). The host dwelling (Chalk Farm) retains an adequate garden.

14.5.3 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions (see also Section F).

14.5.4 In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the dwelling in relation to the neighbouring dwelling, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. The set-back position of the proposal in relation to Chalk Farm protect the privacy of its future occupants despite the side facing windows at first-floor level on the existing property.

14.5.5 Overall, the proposal does not materially harm residential amenities, and complies with policies GEN2, GEN4, GEN5, ENV10, ENV11 of the Local Plan, the Essex Design Guide, and the NPPF (insofar as they relate to this section).

14.6 D) Access and parking

14.6.1 From a highway and transportation perspective, having considered the available information, the Highway Authority raised **objections** in the interests of highway safety, as the proposed development fails to comply with the Essex County Council Supplementary Guidance – Development

¹¹ 3B4P = 3 no. bedrooms – 4 no. persons.

Management Policies (Feb 2011), paragraphs 110(b), 111 and 112 of the NPPF, and policy GEN1 of the Local Plan for the following reason:

1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto public Byway no. 20 (Newport), resulting in an unacceptable degree of hazard to all Byway users to the detriment of highway safety.

14.6.2 The proposed bungalow would have 3 no. bedrooms, and as such, parking standards would require 2 no. parking spaces of appropriate dimensions. The proposed development would include 3 no. parking spaces and an appropriately sized turning area that would allow vehicles to leave the site in a forward gear. Parking arrangements would meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.3 Overall, the proposal would fail to accord with policy GEN1 of the Local Plan, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The development accords with paragraphs 43, 174(d) and 180 of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with policies GEN7, ENV8 of the Local Plan, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health Officer raised **no objections** subject to conditions to protect human health and the environment.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

16. CONCLUSION

16.1 The planning balance in paragraph 11 of the NPPF tilts against the principle of the scheme.

16.2 The benefits include:

- Contribution to the 5YHLS – limited benefit.
- Economic benefits – limited benefit.
- Energy and water consumption efficiency measures – limited benefit.
- Self-build and custom build – limited weight.
- Ecological enhancements – limited benefit.
- Some services and facilities / sustainable transport options – moderate benefit.

The adverse impacts include:

- Countryside harm to the rural character and appearance of the area / urbanising effects / scale, design – significant harm.
- Consolidation of sporadic development in the countryside – significant harm.
- Substandard access (visibility splays) / compromise in highway safety – significant harm.

16.3 The adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.4 It is therefore recommended that the application be refused, as it fails to comply with policies S7, GEN1, GEN2 of the Local Plan, and the NPPF.

17. REASONS FOR REFUSAL

- 17.1** The proposed development would introduce built form in the countryside with urbanising effects, failing to recognise the intrinsic character and beauty of the countryside. The proposal, by reason of its location, residential use, scale and design, would create a visual barrier to this rural, open and verdant character, consolidating sporadic development to the detriment of the character and appearance of the countryside. The adverse impacts of the development would significantly and demonstrably outweigh its minimal benefits. Therefore, the proposal would fail to comply with policies S7 and GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).
- 17.2** It has not been demonstrated that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would consequently lead to a substandard access onto the public byway number 20 (Newport), resulting in an unacceptable degree of hazard to all byway users to the detriment of highway safety. Therefore, the proposed development would be contrary to policy GEN1 of the adopted Uttlesford Local Plan (2005), the Essex County Council Supplementary Guidance – Development Management Policies (February 2011), and the National Planning Policy Framework (2021).