



# Appeal Decision

Site visit made on 30 January 2023

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20<sup>th</sup> February 2023**

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**Appeal Ref: APP/C1570/W/22/3308569**

**Land to the west of The Cottage, Snakes Lane, Ugley Green, Essex, CM22 6HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Dr Edward Perkins against the decision of Uttlesford District Council.
  - The application Ref UTT/22/1694/PIP, dated 13 June 2022, was refused by notice dated 13 July 2022.
  - The development proposed is described as "erection of a new dwelling on land to the west of The Cottage, Snakes Lane, Ugley Green CM22 6HW".
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## Decision

1. The appeal is allowed and permission in principle is granted for erection of a new dwelling on land to the west of The Cottage, Snakes Lane, Ugley Green, Essex, CM22 6HW in accordance with the terms of the application, Ref UTT/22/1694/PIP, dated 13 June 2022.

## Preliminary Matters

2. The appeal seeks permission in principle. This consent route has 2 stages. The first establishes whether a site is suitable in principle for development and the second is for detailed assessment of the proposals. This appeal relates to the first stage, so the scope of considerations is limited to location, land use and the amount of development proposed. I have determined the appeal accordingly, treating the submitted drawings as indicative with regards to siting, appearance, scale and all other such matters.

## Main Issues

3. **The main issues are the effect of the proposed development on the character and appearance of the area, and whether the appeal site is an acceptable location for housing having regard to local and national policies.**

## Reasons

### *Character and appearance*

4. Policy S7 of the Uttlesford Local Plan (the LP) states that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. **The protection of the countryside for its own sake is not in accordance with the aims of the National Planning Policy Framework (the Framework). However, the further aim of the policy for development to only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set does accord with the Framework's aim of**

recognising the intrinsic character and beauty of the countryside. The weight to be accorded to any conflict with Policy S7 is therefore moderate.

5. The appeal site is next to The Cottage, which in turn is part of a small cluster of houses at the junction of Snakes Lane and Pound Lane. The appeal site is part of an open field, one side of which shares a boundary with The Cottage. The field is otherwise in and adjoins open countryside, and the appeal proposal would extend the neighbouring residential development further into the countryside. However, the wider field is surrounded by mature trees that would restrict the visibility of the proposed development in the wider area. While it is not possible to impose conditions at this first stage these trees are well established and contribute significantly to the character of the site and area, so it is reasonable to assume that they would be retained in the future. Given the size of the appeal site, and as siting and layout fall to be determined at the second stage, the addition of one house to the existing cluster would not, subject to an appropriate design, appear unduly out of keeping in this location.
6. Given this context and the relatively concealed site, the appeal proposal would not be unduly prominent in the wider area, so would protect the particular character of the part of the countryside within which it is set. It would therefore accord with Policy S7 of the LP.

#### *Location*

7. The appeal site is not particularly well located for access to services and facilities. In accordance with the *Braintree* judgment<sup>1</sup> it is not isolated as it is next to existing houses, but services within Ugley Green are limited to a village hall and pre-school nursery. Nevertheless, the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. In this instance, Ugley Green benefits from a bus service connecting it to Elsenham, and there is a cycle path to Stansted Mountfitchet. Both these settlements have railway stations providing trains to London and Cambridge. Overall, therefore, the occupants of the proposed house would be reliant on private cars to an extent, but other options are available reasonably near to the site that would encourage movement by means other than driving a car.
8. The appellant has provided evidence that the site falls within an area of good to moderate agricultural land. The Council has not disputed this evidence, so I see no reason to find that it misrepresents the classification of the appeal site.
9. The proposed development would therefore not conflict with the identified aims of Policies GEN1 and ENV5 of the LP which, taken together, state that development must encourage movement by means other than driving a car, and that where development of agricultural land is required, developers should seek to use areas of poorer quality.

#### **Conclusion**

10. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

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<sup>1</sup> *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610