



## Appeal Decision

Site visit made on 16 July 2019

**by L Gilbert BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> September 2019**

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**Appeal Ref: APP/C1570/W/19/3228484**

**The Stables, May Walk, Elsenham Road, Stansted, Essex**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr S Richardson against the decision of Uttlesford District Council.
  - The application Ref UTT/18/2351/OP, dated 21 August 2018, was refused by notice dated 21 November 2018.
  - The development proposed is residential development within a section of brownfield land.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal proposes outline permission relating to access, with all other matters reserved. Notwithstanding that the application form indicates 5 proposed dwellings as this is not contained within the description of development the scale of the proposal would be one of the reserved matters to be determined at a future point. As such I have determined the appeal on this basis, treating the submitted plans as illustrative only.

### Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the countryside; and
  - highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a rectangular site with the creation of new vehicular access on to May Walk bridleway and B1051 Stansted Road. The site contains a manège and grassed areas, which has been used in association with the neighbouring stables. The site is screened from the nearby B1051, M11 and May Walk by mature hedges and vegetation. The neighbouring site comprises of a single storey stable block, storage buildings and grass paddocks. Some of these buildings on the adjacent site have recently gained planning permission to be converted to residential use.

5. Paragraph 77 of the National Planning Policy Framework (the Framework) explains that in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 of the Framework refers to promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
6. Paragraph 170(b) of the Framework explains how decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
7. The appeal site is not visible from nearby roads or the bridleway due to mature vegetation growing along these boundary lines. The existing manège is enclosed by a low wooden fence, with the rest of the appeal site grassed. The site has an overall open feel within the countryside. The surrounding area is primarily open countryside with agricultural use and scattered dwellings. I acknowledge it is close to Elsenham which can be accessed via a footpath across the M11. However, the M11 also acts as a physical and visual boundary separating the main built up area of Elsenham from the appeal site. In my view, the introduction of new dwellings on the appeal site would erode the openness and harmfully alter the intrinsic character of this part of the countryside.
8. The appellant has argued that the existing manège harms the open character of the countryside. The manège has rubber chippings on the floor and a wooden fence surrounding it. I note its footprint, however it is a feature which is not necessarily uncommon in rural settings and the modest fence height does not in my view, harmfully intrude on the openness of the site. Landscaping around the proposed dwellings would not mitigate against the harm caused by the introduction of new built form.
9. The appellant's Appeal Statement refers to an approval to construct two further buildings between the existing stable block and agricultural building, however I have not been provided with details about this scheme or the nature of their intended use. Planning permission has recently been granted on two separate occasions for the conversion of stables/buildings into residential units on the neighbouring site. I acknowledge the approval of residential use, however these were for the conversion of buildings, rather than to construct new houses and therefore differs to the circumstances of the appeal before me.
10. I find that the proposed development would harm the character and appearance of the countryside, thus being contrary to saved policy S7 of the Uttlesford Local Plan (2005) and Paragraph 170 of the Framework.

*Highway safety*

11. There is dispute between the appellant and Essex County Council (ECC) as the Highway Authority as to what visibility splays can be achieved and what size splays are needed at the junction with the B1051. The road has a 60mph speed limit. Drawing PL03 shows visibility splays of 160m. The Design Manual for Roads and Bridges, (which is referenced in the ECC's Development Management Policies Supplementary Planning Document), refers to 160m as one step below desirable minimum. I have been given no satisfactory evidence to show that this or any other lower figure should be accepted at this junction.

It is my view that 215m visibility splays should be provided for highway safety reasons and because this is stated as the desirable minimum within the extract from the Design Manual for Roads and Bridges.

12. The visibility splays shown on the illustrative drawing PL03 for May Walk (43m) do not comply with the standards in the extract from Design Manual for Roads and Bridges. Therefore, there is insufficient evidence to accept the visibility splays located at either May Walk or the B1051 as shown on drawing PL03. I consider the proposed visibility splays to be unacceptable for highway safety reasons. To achieve both proposed visibility splays, there would be a loss of mature trees and vegetation. This would also result in harm to views within the countryside.
13. The application form states that there will be no changes to vehicular or pedestrian access. However, drawing PL03 and the Appeal Statement refers to upgrading May Walk to 6m wide and introducing a shared surface to conform to ECC Highway standards. There is inconsistency with the information provided. The drawing does not show the extent of the changes proposed to the bridleway. At present, May Walk is a single-track bridleway constructed from loose materials between the proposed site entrance and B1051.
14. The Highway Authority anticipates 5 dwellings in this location to generate approximately 30-40 vehicle movements a day. I have no substantive evidence to confirm the appellant's contention that the proposed dwellings would generate less traffic than the existing livery yard. The appellant refers to May Walk serving at least 12 dwellings, farms and commercial livery stables. However, it has not been demonstrated that sufficient mitigation measures would be provided to enable the bridleway to accommodate the vehicle movements from the new dwellings without harm to the users of the bridleway.
15. As highlighted by the appellant, residential use has been granted at the neighbouring site. There may be a reduction in the number of people using the livery yard, as the stables are part of the buildings subject to the conversion to residential use. However, the vehicular movements associated with a new use would require improvements to May Walk and the junctions at May Walk and the B1051 for highway safety reasons.
16. Drawing number PL02 highlights in red, the section of the bridleway between the proposed new site access and the B1051. There is a dispute between the Highway Authority and the appellant as to ownership of the bridleway; this is a private legal matter which is outside of the scope of this appeal.
17. I find that the appeal proposal would have an unacceptably harmful effect on highway safety. This would be contrary to saved policy GEN1 Uttlesford District Local Plan (2005) and Highways Authority's Development Management Policies Supplementary Planning Document (2011).

#### *Other matters*

18. I have had regard to the letters of support to the original outline application. However, whilst the support is noted, in itself it is insufficient to justify an exception to national and local policies and does not outweigh the harm I have identified.

## **Planning Balance and Conclusion**

19. It is not disputed that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Furthermore, saved Policy S7 of the Uttlesford District Local Plan is only partially consistent with the Framework. This policy sets out the approach towards the countryside, that is land outside of settlement boundaries. It is more restrictive than the Framework in that it seeks to protect the countryside for its own sake. It is therefore not fully consistent with Paragraph 170 of the Framework which seeks to 'recognise the intrinsic character and beauty' of the countryside. Consequently, it is my view that Policy S7 can be afforded only moderate weight in the determination of this appeal. As such Paragraph 11 of the Framework is of relevance to this appeal whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The proposal gives a potential indication of 5 dwellings which would make a modest contribution to the housing land supply. The appellant argues that the proposed dwellings will reduce vehicular movements as the stables will become redundant; and there would be visual improvements with the removal of the manège and addition of landscaping around the proposed houses. The Design and Access Statement also highlights sustainable technologies would be implemented. I acknowledge that some benefits would arise from the appeal proposal. However, I conclude that the appeal proposal would cause an unacceptable level of harm to the character and appearance of the countryside and to highway safety which would significantly and demonstrably outweigh the benefits.
21. Consequently, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gilbert*

INSPECTOR