



Appeal Decision

Site visit made on 30 April 2013

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2013

Appeal Ref: APP/C1570/A/12/2184181

Land west of The Cricketers, Stickling Green Road, Clavering, Essex, CB11 4QU

- 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 R and Mrs A Vila against the decision of Uttlesford District Council.
 - The application, Ref UTT/0507/12/OP, dated 8 March 2012, was refused by notice dated 23 August 2012.
 - The development proposed is the development of grazing land to create 31 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was confirmed at the site inspection that the application is in outline form with approval sought for access, layout and the scale of the proposed buildings.
3. A Section 106 Agreement has been made between the Appellants and the Council relating to matters including affordable housing, education, play area, bus stop and footpath improvements and a disabled adaptations contribution. It has been taken into account in the determination of the appeal.

Main Issues

4. Two main issues arise in the determination of the appeal. These are, firstly, whether the lack of a 5 year supply of housing land in the District has implications for the proposal and, secondly, whether the proposal would constitute sustainable development.

Reasons

Housing land supply and dwelling types

5. The main parties agree that the requirement in the National Planning Policy Framework (the Framework) for a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the Council's housing requirements is not met. This requirement is in line with the Government's determination to encourage local planning authorities to boost significantly the supply of housing. Based upon the requirements of the now revoked East of England Plan 2006, the Council's advice to the Appellants in October 2011 was that there was a supply in the District of about 4.1 years although the Appellants estimate 3.9 years worth of supply or 3.2 years if the 20% buffer to which the

Framework refers at its paragraph 47 is taken into account. Whichever figure is accepted, and taking into account recent planning permissions in the village for housing, there is a substantial shortage of housing land. This means that, as the Framework ensures, the Council's relevant policies for the supply of housing should not be considered up-to-date. These policies include Policy H1 in the adopted (January 2005) Uttlesford Local Plan which sets out the strategy for housing development in the District up to 2011. There is no evidence of the full, objectively assessed needs for market and affordable housing in the housing market area. Hence, as the Appellants point out, the Council is in a planning policy vacuum in so far as housing is concerned. The Council's Planning Officer recommended approval of the Appellants' scheme and advised that the application be considered in the context of this shortage of housing land. This is a valid and important point, but it is not the only one.

6. The proposed 31 dwellings include 13 affordable 2 and 3-bedroom dwellings, approximately 40% of the total number, in accordance with Local Plan Policy H9. There is a need for affordable homes in the village, and it is expected that they would be delivered by a Registered Provider. The proposed mix of dwellings includes 11 2-bedroom and 7 3-bedroom dwellings, in accordance with Local Plan Policy H10 which requires a significant proportion of houses as small properties. This Plan is now of some vintage, being more than 8 years old, but these remain good points in favour of the development. Like the scheme as a whole, this number, type and tenure of dwellings would make a useful contribution to the housing needs of the District and to the supply of housing land in accordance with the policy of the Framework. It would be reasonable, however, to expect this mix and amount of affordable housing on a site of this size elsewhere in a sustainable location, but a good deal of weight should still be accorded to this aspect of the proposal.
7. The Council's Strategic Housing Land Availability Assessment (SHLAA) (December 2011) includes the site as being suitable, available and achievable with good access in a location which is not particularly sensitive. This is not the same, however, as the land being included for housing in an adopted development plan. As the Council's new Local Plan is prepared, no doubt choices will be made from this and other sites where similar and/or other considerations apply. There is no dispute about the deliverability of this site; it is in one ownership with no legal constraints applying. The correspondence from Bellway Homes Limited (Essex Division) confirms the interest of a prospective developer. This advantage and the inclusion of the site in the SHLAA are important considerations, but not determining ones.
8. To conclude on this issue, the shortage of housing land has serious implications for the Council's housing policies in that they should not be considered up-to-date. Furthermore, the amount, type and tenure of the housing which the Appellants propose would make a useful contribution to the housing land supply and needs of the District. The appeal proposal should therefore be considered with regard to the presumption in favour of sustainable development, as the Framework at its paragraphs 14 and 49 requires. That requirement is especially apt in view of the shortcomings of the Council's policies for the supply of housing.

Sustainability

9. The appeal site is at the edge of the mainly built up area of a village with a number of services and facilities. The main ones are Clavering Primary School,

a supermarket/post office which offers a good range of day-to-day provisions, a village hall, 2 public houses, a Church of England church and the ecumenical Clavering Christian Centre. Of these, however, only the village hall and one public house, The Cricketers and maybe The Fox and Hounds, are close enough to the appeal site to be within a short and convenient walking distance of it. More housing could serve to support local facilities, but there is no compelling evidence to suggest that any are under threat. On the contrary, Clavering Parish Council with its local knowledge advises that the village already has an active community and does not require an influx of housing to make the community or its activities viable.

10. Most of the main facilities are at the other, southern end of the village, although the Church of England church is towards its western end. At a fairly brisk walking pace, it takes about 20 minutes to reach the Primary School and probably another couple of minutes to enter the building. It takes about 24 minutes to walk to the supermarket/post office, and no doubt longer if accompanied by a child, buggy and a bag full of shopping on the way back. The walk is a pleasant one in clement weather conditions, the land being essentially flat and alongside the village green and other attractive features. The footpath is, however, narrow in places, and Mr Gary Weston's comment that *you never see parents with children walking through this section* through the middle of the village is unsurprising. Thus the appeal site is not well located with regard to convenient access to the limited range and distribution of facilities towards the far ends of the village. These circumstances would inevitably result in a greater use of private transport and a significant increase in traffic along village roads, ill-suited to accommodate it in terms of physical and environmental capacity.
11. The village has a bus service. The evidence on it in the various representations is not entirely consistent, but the conclusions are as follows. Service No 10 provides one return journey to Saffron Walden (Saturday only service). Service No 11 provides a return school trip to Newport and Saffron Walden. Service 62 provides a once a week one return trip to Saffron Walden (off peak Thursdays). Service 306 is a return school trip to Bishops Stortford. Service SB13 is a return shopper bus service to Saffron Walden (off peak Tuesdays and Fridays). There is also a Monday to Saturday service to Haverhill stopping at Audley End rail station. From experience, it is safe to assume that any bus services on Sundays are even less frequent. The crucial point here is that, in the Council's view and that of a number of local residents, the bus service is wholly inadequate and poor and that judgement is not substantially challenged. The car is a basic necessity in this village. The Section 106 Agreement would ensure more and improved bus stops in the village, but the issue here is more about the frequency of buses than the frequency and quality of stops for them. Nor would the issuing of a "travel pack" to the new residents be likely to improve the services or the use of them to any significant degree. The low level of service gives no confidence that prospective occupants would avail themselves of it to any great extent, and it is doubtful whether another 31 dwellings, even with the implementation of other permissions in the village, would result in any appreciable improvement. There is no persuasive evidence pointing to it. There would, instead, be more use of local roads for private means of transport.
12. The nearest rail stations are at Newport, Audley End and Bishops Stortford, a distance of about 4.8, 7.2 and 11.2 km respectively from the site. With a

limited amount of employment in the village, it is reasonable to conclude that the majority of journeys to larger centres like Saffron Walden and Bishops Stortford for jobs would be by car, a far more flexible and convenient means of transport in these circumstances. The same would apply with journeys for major shopping, leisure, recreation, higher education and to rail stations. Significantly, the plans show each dwelling with 2 off-street parking spaces and an additional 8 spaces for visitors. In these respects, the site is poorly located and the proposal does not comply with Criterion e) of Local Plan Policy GEN1 which envisages development which encourages movement by means other than driving a car. This criterion is in line with the Framework which encourages transport solutions which support reductions in greenhouse gas emissions and reduce congestion. It is also in line with the spirit of its policy of supporting a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. Whilst some people might on occasion travel by bus or cycle, there is little real choice in the mode of transport to main destinations, particularly those beyond the village.

13. The site is beyond the main built-up parts of the village, outside the development limits defined in the Local Plan. It is well screened at present, especially along its northern boundary with Stickling Green Road. A landscaping scheme could reinforce this 10 m deep strip of trees, shrubs and other vegetation and, as the Proposed Layout Plan shows, additional planting could be introduced along other boundaries. This would soften the impact of a scheme of this size on the surrounding countryside. No special landscape designation applies to the site, but it is nevertheless an attractive part of the rural scene. A generous amount of landscaping is intended with a central amenity area included in the layout. As a result, however, of the size and shape of the site and the number of buildings and hard surfaces upon it, the scheme would thrust itself into the prevailing open countryside, standing out in marked and discordant contrast with the essentially linear form of development in this part of the village. It would radically change the character of the land and cause serious harm to the rural surroundings, contrary to the intentions of Local Plan Policy S7 which seeks to protect the countryside for its own sake and strictly controls new building.
14. The appeal site is Grade II best and most versatile agricultural land. But it is not cultivated and has been used for the grazing of horses for, it would seem, as long as anybody can remember. Indeed, the Council says that it has never been turned to arable. There is no evidence, however, that denies its potential for the production of food and, in line with Local Plan Policy ENV5 and the Framework paragraph 112, it is relevant to take account of the economic and other benefits of this type of land. The site amounts to no more than 1.19 ha in extent, but a limited degree of weight should still be attached to this aspect of sustainability. Suffice it to say that this consideration does not favour the appeal proposal.
15. The proposal would benefit from some sustainability credentials, including a contribution to the supply of market and affordable housing required to meet the needs of present and future generations, the presence of some village facilities and a bus service. Nevertheless, there are 3 dimensions to sustainability. The limited range of village facilities, their somewhat dispersed nature, the limited number of employment opportunities and the infrequent bus service mean that the site is not in the right place to fulfil the economic role. Similarly, this level of accessible local services would not sufficiently reflect the

community's needs nor adequately support its health, social and cultural well-being. Thus the social role would not be suitably addressed. The loss of greenfield land and good quality agricultural land would not contribute to the protection and enhancement of the natural environment and 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.

Other Matters

16. Reference is made to the planning permission granted on appeal in November 2012 for the erection of 24 dwellings at the Jubilee Works on Stickling Green Road opposite the appeal site. Judging from the buildings and hardstandings still there, this land appears to have been in industrial/commercial use. Whilst not all the evidence in that case has been made available for the current appeal, a factor was its status as previously-developed land. The Framework encourages the effective use of such land by re-using it, a material consideration which does not apply in the current appeal. Planning permission was granted on appeal for 14 dwellings at Oxley Close. This land is within a few minutes walk of the supermarket/post office and the Primary School. Again, an important distinction can be made with the current appeal proposal. These permissions give little support to the current proposal.
17. Despite its comprehensive approach to its various matters and its taking into account Local Plan Policy GEN6, the Section 106 Agreement does not make an unacceptable development acceptable. Nor would conditions. The appeal is dismissed on the substantive merits of the case.

Conclusion

18. The village has a degree of sustainability, but not enough to qualify the scheme as sustainable development. Hence the presumption in the Framework paragraph 49 in favour of such development does not apply in this case. This conclusion outweighs the admittedly serious implications of the shortage of housing land supply. In essence, the site is not in a sufficiently sustainable location, and this consideration is of greater moment than issues of housing land supply. Although the relevant policies for the supply of housing are considered not to be up-to-date, the adverse impacts of approving the scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. This approach accords with the Framework paragraph 14 concerning decision-taking. Matters of housing land supply carry substantial weight, but they do not override the conflict with the development plan, particularly its Policies GEN1 and S7.
19. I have had regard to all the other matters raised, including the lengthy negotiations between the Council and the Appellants on such matters as affordability, design, ecology, the local area of play and the availability of mains services. As requested, I have also noted the Appellants' comment that the Council had a further 6 weeks to prepare its case, *to the disadvantage of the appellant who was obliged to comply with the appeal timetable*. These matters do not, however, outweigh those planning considerations which have led to my decision.

Richard E Hollox Inspector