
Appeal Decision

Site visit made on 31 August 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 23rd September, 2016

Appeal Ref: APP/Z1510/W/16/3150292

Land off Greenhills, Ashen Road, Ashen, Essex CM10 8LG

- 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 Joseph Hedges against the decision of Braintree District Council.
 - The application Ref 15/01255/OUT, dated 6 October 2015, was refused by notice dated 27 November 2015.
 - The development proposed is redevelopment of established (permanent) residential caravan site to create 2 no. replacement dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for redevelopment of established (permanent) residential caravan site to create 2 no. replacement dwellings at land off Greenhills, Ashen Road, Ashen, Essex CM10 8LG in accordance with the terms of the application, Ref 15/01255/OUT, dated 6 October 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The application was submitted in outline, with all matters reserved except access. I have dealt with the appeal on that basis, treating the site layout plan as illustrative only, except in respect of access arrangements.
3. The Council refers to its Pre-Submission Site Allocations and Development Management Plan, but this has not yet been examined, and may be subject to change. Accordingly its policies are given little weight in my consideration of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. It is not disputed that the appeal site sits outside any town development boundary or village envelope defined in the Braintree District Local Plan Review 2005 (LP). It sits towards the edge of a residential outlier of Clare, around three quarters of a mile from the town centre. The houses in the area are of mixed age and design, and are generally modest in size. They mostly line the
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north side of Ashen Road and are set in gardens running down towards the adjoining fields or margins of the River Stour. The rural feel of the area is enhanced by the substantial naturalised hedgerow to the south of Ashen Road, thickly scattered with mature trees.

6. The appeal site itself is of closely cropped grass, bounded on either side by high hedges, with a number of specimen conifers to the front. The end of the site furthest from the road tails off into an area of overgrown vegetation and mature trees. A chalet building and a small caravan with a small timber-clad extension sit towards either side of the site, each served by a wide timber gate in the low chain-link fence to the front boundary, but by no made access or hard standing.
7. Notwithstanding the absence of a Lawful Development Certificate, the appellant has submitted information which indicates that the presence of caravans on site is lawful. The current buildings are very modest in scale. They are serviced by a number of other structures including a further small caravan, small sheds and lighting and external fuse boxes, which, while taking up relatively little of the site area, diminish its open feel by creating clutter within the site.
8. The existing buildings are however of low visual quality. The grassed frontage of the site itself, although largely open, is of limited visual interest, while the openness of the site as a whole is curtailed by the high flanking hedges. The naturalised vegetation and trees to the rear of the site have some picturesque qualities, and are not included in the area to be developed.
9. The appeal proposal is for the replacement of the existing temporary residential buildings and associated paraphernalia with two permanent structures. In its statement the Council has acknowledged that the site is capable of accommodating two dwellings. While the proposal would introduce a higher level of site coverage and larger buildings, the effects of these on the overall character of the area are capable of being managed through the approval of the layout, landscaping, appearance, and scale of the proposed buildings as reserved matters. While much would therefore depend on the determination of these matters, there is no evidence to suggest that the proposal would be visually harmful to the appearance of the countryside in the area.
10. The Framework sets out the presumption in favour of sustainable development. It also reminds us that the starting point for determining planning applications is the local development plan unless material considerations indicate otherwise, and that a local plan should not be considered out of date for the purposes of decision making simply because it was adopted prior to the publication of the Framework. Policy RLP2 of the LP and Policy CS5 of the Braintree District Council Local Development Framework Core Strategy 2011(CS) in directing new development to sites within development boundaries, both seek to protect the countryside, including its character.
11. I conclude however that as the appeal proposal would not have a significantly harmful effect on the character and appearance of the area, it would not therefore compromise the otherwise restrictive approach to development in

the countryside set out in Policy RLP2 of the LP or Policy CS5 of the CS. It would also accord with the objective of the Framework to recognise the intrinsic character and beauty of the countryside and support thriving communities within it.

12. The caravan and chalet themselves are temporary structures, although evidently well-established on the site, and are not of conventional construction. The proposed replacement buildings would inevitably have a greater height and footprint and a greater impact. While, therefore, the appeal proposal would not in absolute terms meet the requirements of LP Policy RLP 15 which controls the replacement of existing dwellings in the countryside, I do not find any significant harm in this. There would be some potential for benefits in terms of an improved appearance to the site.
13. The appeal site is separated to the east from the run of other houses along Ashen Road by a large, overgrown site, and to the west by Mallards, a large bungalow in an open and well-planted garden, and beyond that the working buildings of Mill Farm and fields beyond. The site is not, therefore, set directly between existing dwellings, and since it is capable of accommodating two buildings, I conclude that it may not be considered a gap site for the purposes of Policy RLP 16 of the LP.

Other Matters

14. A local resident has pointed out the lack of cycle parking in the submitted plan. This is an issue capable of being addressed in the consideration of reserved matters.

Conclusion

15. For the reasons set out above and having regards to all other matters raised, I conclude that the appeal should be allowed.

Conditions

16. Apart from the standard outline conditions, the Council has suggested seven conditions. Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. No convincing justification for doing so has been put before me. Conditions in relation to facing materials, hard or soft landscaping works, or means of enclosure relate to parts of the proposal to be addressed at a later stage. The site is in an area which has the potential to yield archaeological and palaeoenvironmental remains, and to ensure that these are appropriately addressed a condition is added requiring the implementation of a programme of archaeological work prior to any ground disturbance. I consider it reasonable and necessary to impose a condition regarding surface water drainage, in the interests of highways safety.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development or preliminary ground works of any kind shall take place on site until the applicant has first secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the local planning authority.
- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.