



Appeal Decision

Site visit made on 24 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/Z1510/W/16/3153601

Land between Coppice and Maplestead Court, Sudbury Road, Little Maplestead, Essex CO9 2SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bird against the decision of Braintree District Council.
 - The application Ref 16/00114/FUL, dated 19 January 2016, was refused by notice dated 6 May 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In light of the recent court of appeal judgement¹ pertaining to planning obligations and tariff style contributions, the Council have withdrawn the second reason for refusal. As the necessity of a planning obligation towards the provision of open space is no longer a matter in dispute, I have not considered it further.

Main Issue

3. The main issue in this appeal is whether the proposed development would constitute a suitable site for housing having regard to local and national policy and the principles of sustainable development.

Reasons

Whether the proposed development would constitute a suitable site for housing

4. Saved Policy RLP2 of the Braintree District Local Plan Review 2005 (LP) directs new development to the Town Development Boundaries and Village Envelopes as a means of protecting the countryside and focusing new development within settlements. This policy also states that outside these areas, countryside policies will apply. Policy CS5 of the Braintree District Council Core Strategy 2011 (CS) states that development in the countryside will be strictly controlled.
5. It is common ground between the appellants and Council that the appeal site is located outside of a Village Envelope. In my view, the proposal would be further sporadic development in the countryside even though it would be sited on previously developed land. Thus, the scheme would be contrary to the aims of the

¹ *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council (Planning obligations and affordable housing & tariff-style contributions)* - 11 May 2016

above policies and would undermine the broad strategy for housing and the protection of the countryside contained in the Development Plan.

6. Saved Policy RLP 16 of the LP permits, as an exception to the broad strategy of restraining most development in the countryside, some housing outside of village envelopes. This is when it involves the erection of a single dwelling in a gap between existing properties in a discernable nucleus of development. Development in the vicinity of the appeal site is sporadic in nature and is not a discernable nucleus. Consequently, I share the view of the Council that the proposal does not glean support from Policy RLP 16. Notwithstanding this, Policy RLP 16 is not wholly consistent with the Framework as, whilst it seeks to protect the countryside by located new housing in existing discernable groups, it does not consider the accessibility to services from such a nucleus of housing.
7. Saved Policy RLP2 of the LP and Policy CS5 of the CS are broadly consistent with the National Planning Policy Framework (the Framework), which seeks to encourage development that supports the vitality of rural areas, recognising the intrinsic character and beauty of the countryside and promotes travel choice. Nevertheless, I am of the view that these Policies relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries. This is significant as it is common ground between the Council and appellants that the Council cannot currently demonstrate a five year housing land supply as required by Paragraph 47 of the Framework.
8. As a consequence, the policies relating to the supply of housing in the development plan are out of date. Paragraph 14 of the Framework indicates that in such circumstances planning 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. I have determined this appeal accordingly.
9. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.
10. The appeal site is a hard standing located between a small block of flats to the east and a dwelling to the west. To the north is a commercial property and to the south an agricultural field and beyond this a loose scattering of properties in Collins Road. The development in the vicinity of the appeal site is sporadic and the does not 'read' as a discernable settlement, although the appeal site would be part of a loosely defined built up frontage along the A131.
11. The nearest 'settlement' is Little Maplestead, which the Council suggests is half a mile away from the appeal site. This a small and sprawling village with no identifiable centre from which development radiates. As such, the appeal scheme would not appear as a natural extension of a discernable settlement. Instead, it would intensify the existing sporadic built development in the vicinity of the appeal site on the approach to the village. In this respect, the appeal scheme would, to some extent, appear remote from a discernable settlement.

12. However, this harmful impact would be tempered by the presence of existing development on three sides. The appellants also suggest that the site is close to the village envelope of Little Maplestead. I have no reason to disagree. Whilst the village envelope is out of date, it is nonetheless a useful starting point in considering the relationship between a development proposal and the built form of a defined settlement. The proposal would not incongruously jut out into the countryside and the visual impact would be contained due to the flanking development either side. On balance, I am satisfied that the development would not appear physically isolated from a settlement.
13. In terms of connectivity to services and facilities, my attention has been drawn to an Indian restaurant and a florist nearby. However, the level of services within walking distance of the site is very limited, including everyday facilities necessary for education, employment and shopping. In any event, the walking environment is uninviting given the noise and speed of traffic along the busy A131, which would need to be crossed. The nearest everyday services are available in the market town of Halstead or the village of Great Maplestead. Neither is within comfortable walking distance of the appeal site.
14. The distance and unappealing walking environment is likely to deter future residents from walking to local facilities. This would be especially so for the more vulnerable pedestrians such as parents with young children and those with mobility impairments. Given the distance and inconvenient walking environment, I consider it highly likely that future residents would be predisposed to rely on a private car to access everyday services and facilities, especially in the winter months. Cycling could be an option for some future residents, but not all, depending on mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car.
15. I note that there is a bus stop near to the appeal site. The appellants suggest that this is serviced by four bus routes providing a service from early morning to 7pm Monday to Saturday. A timetable confirming this has not been submitted and, although the Council has not disputed what the appellants have suggested, it is unclear how frequent the buses run. The service described by the appellants would be a relatively good one for a rural area and therefore travel by bus could reduce the predisposition to rely on a private car.
16. However, the bus route would take future residents to either Sudbury or Halstead. As such, there would be a very limited contribution to the vitality of rural facilities if nearly all of the services used by future residents of the appeal scheme are in the local market towns rather than surrounding villages. If this is the case, a new dwelling would be better sited closer to these service centres. In any event, I am not satisfied that the absence of facilities within a comfortable walk of the appeal site is satisfactorily mitigated by a rural bus service, the timings of which may not always be convenient. Consequently, the proposed development would be a functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities.
17. This functional isolation would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by

car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.

18. In considering any special circumstances that would justify the isolated location of the appeal scheme, I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met and no other special circumstances have been advanced by the appellants.
19. I therefore conclude that as an isolated dwelling outside of a village envelope the appeal proposal presents a conflict with the development plan. More significantly in this case, the development is contrary to the Framework (Paragraphs 55 in particular), which seeks to deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way.

Conclusions

Whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

20. In considering the potential benefits of the proposal, the new dwelling would contribute to the Council's five year housing land supply as required by Paragraph 47 of the Framework. Nevertheless, a net increase of one dwelling would be a very small contribution. I therefore give this benefit only limited weight. The proposal would make use of previously developed land but the isolated location of the site means this is not a determinative matter. The proposal may 'tidy up' the site, but I do not consider the site is in such a poor state that this is a noteworthy benefit.
21. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time and could apply to new development anywhere. Furthermore, given the small scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant or focussed on rural services and facilities. In any event, such a contribution could be made by the occupants of a dwelling constructed in a more appropriate location. I therefore give these economic benefits only limited weight.
22. I have considered the benefits which would be derived from the appeal scheme but these carry only limited weight overall. The proposed development would however be in an isolated location, with the significant and inherently harmful social and environmental impacts this would bring. Overall, I attribute significant weight to the harm I have identified.
23. I therefore conclude the very modest benefits of the proposal are significantly and demonstrably outweighed by the significant harm I have identified. I therefore find that when taken as a whole, the proposal is not sustainable development for which the Framework carries a presumption in favour.

Overall Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR