
Appeal Decision

Site visit made on 3 April 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/Z1510/W/16/3163152

**Land east of Aster Cottage, Sudbury Road, Little Maplestead, Essex
CO9 2SG**

- 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 Mrs Frances Simpson against the decision of Braintree District Council.
 - The application Ref 16/00392/OUT, dated 3 March 2016, was refused by notice dated 20 June 2016.
 - The development proposed is the construction of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access to the site. I have considered the appeal accordingly.

Main Issues

3. The main issues in this appeal are: 1) Whether the appeal site would be a suitable location for housing with particular reference to local settlement policy and the accessibility of services and facilities; and 2) The effect of the proposal on highway safety.

Reasons

Local Settlement Policy

4. Saved Policy RLP2 of the Braintree District Local Plan Review 2005 (LP) directs new developments to sites within the defined boundaries of towns and villages as a means of protecting the countryside and supporting these settlements. Policy CS5 of the Braintree District Council Core Strategy 2011 (CS) states that development in the countryside will be strictly controlled. The appeal site is located in the countryside being outside a village envelope.
 5. Saved Policy RLP 16 of the LP permits, as an exception to the above policies, some housing outside village envelopes. This is when it would involve the erection of a single dwelling in a gap between existing properties in a discernible nucleus of development. Development in the vicinity of the appeal
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site is sporadic in nature and is not a discernible nucleus. In this respect my findings are consistent with a previous appeal decision¹ at a site just to the north east of the appeal site. Moreover, due to its size the appeal site would be capable of accommodating more than one dwelling and is not therefore, the type of infill site envisaged in Policy RLP16. Consequently, the proposal does not glean support from Policy RLP 16 and is contrary to local settlement policies. It would therefore undermine the broad strategy for housing contained in the Development Plan.

Accessibility to services and facilities

6. Paragraph 55 of the National Planning Policy Framework (the 'Framework') 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' and there is no up to date local interpretation. Nevertheless, when considering 'isolation', it is necessary to evaluate a site's functional connectivity to services.
7. The nearest settlement to the appeal site is Little Maplestead, which is around half a mile away. This is a small village with no identifiable centre and very little in the way of services and facilities. Thus, save for an Indian restaurant and a commercial site to the north of the appeal site, the level of services within walking distance is very limited, including everyday facilities necessary for education, shopping and a range of employment opportunities. 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 in Halstead, Gosfield and Great Maplestead but they are not a comfortable walking distance from the appeal site.
8. The distance and unappealing walking environment is likely to deter future residents from walking to local facilities leaving future residents of the appeal scheme predisposed to rely on private motorised transport to access everyday services and facilities. 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.
9. There is a bus stop near to the appeal site and the appellant has suggested that the service is both two hourly and hourly. It is not clear which it is and a timetable confirming this has not been submitted. As a consequence I am unable to afford the bus service sufficient weight as a notable factor in favour of the appeal scheme. Furthermore, even if the bus route did link the appeal site with nearby villages, it is unclear what services are available in these villages and therefore whether the proposal would have the potential to make a contribution towards the vitality of the rural area.
10. Consequently, the appeal scheme would not be well connected to facilities and services and would thus be isolated within the context of Paragraph 55 of the Framework. This would result in inherent and significant harm when considering the social and environmental dimensions of sustainable development. This is because it would undermine the Framework, which encourages development that supports the vitality of rural areas whilst recognising the need to promote travel choices as a means of contributing

¹ APP/Z1510/W/16/3153601

towards sustainability and health objectives, including a reduction in greenhouse gas emissions².

11. Paragraph 55 of the Framework states that development in one village may support services in a village nearby. However, the appeal scheme is not located in a village and would be isolated and thus this aspect of Paragraph 55 is not determinative in this instance. Substantive evidence has not been presented that demonstrates the examples in Paragraph 55 of the Framework, which can amount to special circumstances that can justify an isolated dwelling, are met. The site may once have been occupied by a row of cottages but there are no longer obvious signs of this now. Consequently, this is not a special circumstance of sufficient force to justify the appeal scheme.
12. The Framework also recognises that opportunities to maximise sustainable transport will vary from urban to rural locations. However, when read as a whole, I do not consider the Framework is advocating car dependency in rural areas, which will be the case for the occupants of the appeal scheme were it to proceed. In conclusion, as an isolated dwelling in the countryside the proposed development would be contrary to the Framework.

The effect on highway safety

13. The appeal scheme proposes an access onto Collins Road, which is subject to a 40mph speed limit. However, surveys undertaken by the appellant have demonstrated that average traffic speeds in the vicinity of the appeal site are 24.7mph with an 85%ile speed being 34.9mph. Moreover, the surveys suggest that Collins Road is the subject of light traffic flows, which are in the region of a single two way movement every 3 minutes. There is nothing before me to suggest the methodology behind the surveys was flawed and therefore I have used these figures for the basis of my assessment.
14. As Collins Road is lightly traffic with low vehicle speeds it is reasonable to apply the visibility splays in the Manual for Streets of 2.4m by 43m in this first instance instead of those in the Design Manual for Roads and Bridges. The appellant proposes a 2m 'X' distance as the proposal cannot achieve 2.4m. This would result in the front of a vehicle protruding slightly into the road when leaving the site. Nevertheless, this would be acceptable in this instance because average vehicle speeds have been recorded as being very low, the road is lightly trafficked and visibility splays of 59m and 50m could be achieved to the west and east. As such, on the rare occasion that a motorist on Collins Road came across a vehicle exiting the appeal site, the approaching motorists would be able to see and respond to the slight protrusion of exiting vehicles.
15. I therefore conclude that the access would not prejudice highway safety and would adhere to Policy RLP90 of the LP, which requires a safe and secure environment. It would also adhere to the aims of the Highway Authority's Development Management Policies, which were adopted by the Council as supplementary guidance. These policies are consistent with Paragraph 32 of the Framework, which requires a safe and suitable access to a site.

² See Paragraphs 17, 29, 30 and 55 of the Framework

Other Matters

16. The appellant has referred to appeal decisions³ in support of her case as like applications should be considered in a like manner. The precise details behind these cases are not before me but the first relates to a much larger scheme, which would be reasonably accessible to an array of village services, including shops, public houses and a primary school. The appeal scheme on the other hand would be remote from such services.
17. The second decision relates to a site which is physically viewed as part of a village and would have good access to the limited array of services nearby. In that instance, the harm was limited and did not significantly and demonstrably outweigh the benefits. The final example relates to a scheme where the Inspector found the proposed dwellings to be remote from services but on the balance of the factors in the case, including Blackmore End being a recognisable village, found the proposal to be sustainable development. Consequently, the schemes referred to by the appellant are materially different to the appeal proposal now before me. As a consequence, there are no significant inconsistencies between my findings and those in the other appeal decisions referred to.
18. In its decision notice the Council has stated that the appeal scheme would result in the loss of a green field site that provides a transition from the village to the open countryside. The Council has not expanded upon this point in its submissions and thus it is unclear whether the Council considered this effect would amount to harm to the countryside. Nevertheless, given my findings below it has not been necessary for me to consider this point further.

Planning Balance and Conclusion

19. As residential development outside the village envelope, the appeal scheme would be contrary to the strategy for housing in the development plan. Saved Policy RLP2 of the LP and Policy CS5 of the CS are broadly consistent with the Framework, which seeks to encourage development that supports the vitality of rural areas, prevent isolated homes in the countryside and promote travel choice. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
20. However, the Council cannot currently demonstrate a 5yrs housing land supply. This is significant as Policies RLP2 and CS5 relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries. As a consequence, these policies 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 or specific policies in the Framework indicate development should be restricted. The Council have not suggested that the latter point applies and have instead applied the planning balance, as shall I.
21. Policies RLP2 and CS5, whilst broadly consistent with the Framework, have contributed to a housing supply that is in the region of 3.52 – 3.8 years, a significant shortfall. As the settlement policies are failing to provide an adequate supply of housing the conflict with the strategy for housing set out in the development plan is afforded limited weight. Nevertheless, when applying

³ APP/Z15510/W/16/3148072, APP/Z1510/W/16/3159441 and APP/Z1510/W/16/3150953 and 3150966

the policies in the Framework as a material consideration, the proposal would result in an isolated dwelling with the inherent and significant harm I have identified. I afford this conflict with the Framework significant weight.

22. The construction of the proposed dwelling would provide some economic benefits to the construction industry but these would be modest in scale and for a limited time. Given the small scale of the development the contribution to the vitality of the rural community, including the protection of local bus services, from future occupants is unlikely to be significant. The proposal would use land more efficiently, add to the cumulative supply of rural dwellings, boost housing choice and contribute to the Council's five year housing land supply but these would be limited benefits given the proposal's modest scale. The Council have not alleged any other adverse effects save for those in the decision notice but the absence of harm is a neutral matter in the balance. Altogether, I afford the benefits of the proposal limited weight.
23. Consequently, the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. I therefore conclude that the proposal would not be sustainable development for which the Framework carries a presumption in favour.

Overall Conclusion

24. The proposal would be contrary to the settlement policies in the development plan but I have afforded this conflict limited weight. More significantly in this instance, the proposal would be contrary to the Framework and would not amount to sustainable development. Accordingly, for the reasons given above and having regard to all other matters raised, including the submissions of interested parties, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR