
Appeal Decision

Site visit made on 28 March 2017

by Joanne Burston BSc MA MRTPI

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

Decision date: 15/05/17

Appeal Ref: APP/Z1510/W/16/3165920

Land west of Church Road, Wickham St Paul, Essex (Grid ref 583042 , 236563)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Granville Developments against the decision of Braintree District Council.
 - The application Ref 16/01719/OUT, dated 12 October 2016.
 - The development proposed is the erection of up to 6 dwellings with associated access, landscaping and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission, with all matters reserved. I have dealt with the appeal on that basis.
 3. The Council's Planning Committee considered this scheme at its meeting of the 10 January 2017. At this meeting the Committee resolved to advise the Planning Inspectorate that the Council would have refused the application for two reasons. In essence, the first reason related to sustainable patterns of development, citing Policies CS5 and CS7 of the Local Development Plan Core Strategy, and Policy RLP2 of the Braintree District Local Plan Review and the second reason related to highway safety.
 4. However, following the submission of the appeal the appellant has submitted an amended access plan (drawing ref 3237:001 Rev B), which the Council state would alleviate its concerns relating to the access visibility splays. Accordingly, the Council no longer wish to pursue the advisory second reason for refusal relating to highway safety. Whilst the public has not been consulted on the amended scheme it is likely to have less impact than the original proposal. In these circumstances I consider that the amendment can be accepted without causing prejudice to any interested party and I am determining the appeal on the basis of the amended plan.
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Main Issue

5. From all that I have seen and read the main issue in this case is whether or not new houses in this location are acceptable, having particular regard to the principles of sustainable development.

Reasons

Sustainable patterns of development

6. The appeal site is located outside, but adjacent to, the settlement boundary of Wickham St Paul and consists of a broadly rectangular shaped area of grassland, bounded by semi-mature hedgerows. In the vicinity of the site are a number of dwellings which vary in their design, scale and form.
7. The village of Wickham St Paul is in the main a linear settlement, with the majority of the dwellings situated along Church Road. However, at its southern end the village layout becomes more unstructured in its layout, including development set around 'The Green' an attractive grassed area. Such factors provide a spacious and verdant character to the village. At the time of my site visit the village's facilities included a church, 'The Victory Inn' Public House, a village hall with part time post office, and a farm shop with coffee shop. There are also a number of bus stops throughout the village with various services between 8am to 8pm (Monday – Saturday) to towns such as Sudbury and Halstead, which are approximately 5 miles away.
8. The Council's development plan currently comprises the Core Strategy 2011 (CS) and Braintree District Local Plan Review 2005 (RLP). Reference has also been made to the emerging Braintree Local Plan, however given its stage of preparation and that it is still subject to change I only afford it limited weight.
9. Under Policy CS 1 Wickham St Paul is classed as an 'other village'. This is the lowest tier within the settlement hierarchy for providing housing growth, restricted to infill or development on previously developed land. The RLP proposals map draws tightly defined village envelopes and the appeal site is outside that boundary.
10. The Council's decisions relate to three specific development policies. Policy RLP 2 restricts new development to within village envelopes, outside of which countryside policies will apply. Policy CS 5 strictly controls development outside village envelopes, restricting this to uses appropriate to the countryside. This is in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity of the countryside. Policy CS 7 promotes accessibility and includes the aim that future development will be provided in accessible locations to reduce the need to travel.
11. The proposals would conflict with Policies CS 5 and RLP 2, in respect of the strict control placed on development outside village envelopes. However, where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, which is the case here, Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date.
12. Nevertheless, the Framework is clear that at its heart there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Housing applications

should be considered in the context of the presumption in favour of sustainable development. This applies regardless of the position on the supply of deliverable housing sites.

13. Paragraph 7 of the Framework identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
14. In terms of the economic role of sustainability, the proposal would provide financial benefits in the form of: the New Homes Bonus; future residents would pay council tax; and construction and trade jobs would also be created. However this would be so regardless of where the new dwellings were built. I have no reason to doubt that future residents of the new houses would support the services and facilities of the village or nearby towns and villages, although in the absence of substantive evidence to demonstrate otherwise, the impact from 6 new dwellings is only modest.
15. The social role of sustainability includes supporting strong, vibrant and healthy communities. However, from all that I have seen and read there is little evidence of adequate services in this village to support the (*up to*) 6 dwellings proposed. There is no bank, school or doctors surgery. Whilst there is a bus service to nearby towns, having considered the timetable it is likely that occupiers of the housing would be mainly reliant on private car use to conveniently reach jobs and regularly required services. Furthermore, once in their cars occupiers may travel further afield to access shops and facilities, thus failing to support services in nearby villages. I accept that cycling to Halstead or Sudbury may be an option, however access to these towns is via narrow, unlit rural lanes which may limit the attractiveness of cycling to all but the keenest cyclist.
16. As a result of this, I find that services to support the future occupiers' day to day needs would not be readily accessible from the appeal site, even taking account of supermarket deliveries which may not appeal to all. The new housing would result in an increased reliance on the private motor vehicle to access even basic services. The new houses would be of limited appeal to those in the community who did not enjoy that type of personal mobility. They would be in a location that is isolated from the services and facilities required to serve the day-to-day needs of the scheme's future residents. This would conflict with the social and environmental roles of sustainability and would fail to provide people with a real choice about how they travel.
17. Further to the environmental limb of sustainable development, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of 'Shellards', which is a Grade II listed building. This listed building is set back from Church Road, to the southwest of the appeal site and is understood to be a 'Hall House' of late fourteenth century with later alterations. In part, the significance of this building rests in its vernacular architecture evident in the timber framing and use of materials.
18. The undeveloped nature of the appeal site reinforces a sense of separation between 'Shellards' and the more modern housing along Church Road and

originally, it would, no doubt, have been an isolated building and this would have emphasised its status. Nevertheless, the mature trees limit any views from Church Road, except for glimpses of the roof scape and chimneys of the listed building and given that the appeal site would be located approximately 70m from this heritage asset a sense of spaciousness would remain around the property.

19. Taking all these factors together, I am therefore of the opinion that the development would retain the sense of space that remains around 'Shellards' and consideration of the form, design and siting of the proposed dwellings through any Reserved Matters submissions would ensure that the proposal would neither challenge and/or compete with the listed building. For these reasons the proposal would not undermine the historic appreciation of the listed building or dilute its status, and so would preserve its setting and cause no harm to its significance.
20. I have no reason to doubt that the site would be landscaped to enhance biodiversity and wildlife. Nevertheless, as I saw on my site visit the present condition of the site is likely to provide a habitat to numerous birds and animals.
21. The balance in favour of the environmental and social dimensions of sustainable development is not as apparent as the economic dimension. Clearly the benefits of the development have to be set against the lack of choice regarding sustainable modes of transport. This harm is a matter to be weighed in the final balance against the benefits of the proposal.

Planning balance

22. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
23. I have had regard to the need to boost significantly the supply of housing and to the Government's White Paper 'Fixing Our Broken Housing Market', although in the absence of substantive evidence to demonstrate otherwise, the increase in housing supply from (up to) 6 new dwellings is unlikely to be discernible. This benefit combined with the economic benefits of the scheme, I attach moderate weight.
24. Nonetheless, the scheme's heavy reliance on the private car, its limited access to local services and its limited appeal to those without personal transport would outweigh the scheme's benefits. The lack of harm to the setting of the nearby listed building and biodiversity is neutral in the final balance.
25. Additionally, the conclusions reached in the recent appeals brought to my attention have been taken into account. However, each appeal must be assessed on its own individual merits as I have done here. I have also taken into account another development in Wickham St Paul promoted in the emerging local plan. Nevertheless, from the evidence before me the site referred to is located on previously developed land and so is materially

different to the site before me. This limits the weight that can be attached to any precedent.

26. Given that the 3 roles of sustainability are mutually dependent, I conclude, on balance, that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.

Other Matters

27. The appellant claims that the Council's consideration of the planning application was inconsistent with pre-application advice. Nonetheless, informal advice given before an application is made is provided without prejudice, and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors.

Conclusion

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

Joanne Burston

INSPECTOR