The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 1st August 2017

Appeal Ref: APP/Z1510/W/17/3172840
Long Fen, Church Street, Great Maplestead CO9 2RJ

- 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 Peter and Janine Schwier against the decision of Braintree District Council.
- The application Ref 16/01932/FUL, dated 3 November 2016, was refused by notice dated 12 January 2017.
- The development proposed is new passivhaus type dwelling in garden of existing house.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that reference to Policy RLP89 of the Braintree Local Plan Review 2005 (LPR) in the reason for refusal was a typographical error and that Policy RLP80 of the LPR should have been referenced instead. I have thus had regard to Policy RLP80 rather than Policy RLP89.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities and the character and appearance of the area.

Reasons

4. It is acknowledged by both main parties that the appeal site lies beyond the village envelope and is considered to fall within the countryside. Policy RLP2 of the LPR and Policy CS5 of the Braintree Core Strategy 2011 (the Core Strategy) restrict development outside of village envelopes to protect the countryside and non-renewable and natural resources.

5. There are few services and facilities within Great Maplestead other than the primary school, church and village hall / playing field. These are a short distance from the appeal site and are safe to walk to along a pavement and 30mph road. However, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. I saw little evidence at my site visit of any significant employment sites close to the appeal site. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking distance along roads that contain

national speed limits and lack pavements or lighting, which also makes cycling less attractive.

6. A bus service between Sudbury and Halstead stops near to the appeal site and provides an alternative to the private motor car on Mondays to Saturdays. Nevertheless, the service is not particularly frequent and, according to the Parish Council and other interested parties, is due to be withdrawn later in 2017. Thus, there is likely to be a reliance on the private motor car for occupiers of the development and so the proposal would be functionally isolated. This would result in negative environmental effects in terms of the use of natural resources and negative social effects in terms of accessible local services. As a consequence, this would be contrary to Policy RLP2 of the LPR and Policy CS5 of the Core Strategy. It would also be contrary to paragraph 55 of the National Planning Policy Framework (NPPF) which seeks to avoid isolated new homes in the countryside.

7. In terms of effects on character and appearance, Great Maplestead is a small village surrounded by open countryside. Most of its properties are focused along Church Street on ground that rises from the stream at Long Fen to the church and primary school. There is a wide variety of properties in terms of size, ages and architectural design.

8. The appeal site forms part of the grounds to Long Fen. As such, it has the character and appearance of a large domestic garden with lawn, planting and outbuildings. From Church Street, there is an earth bund with planting and a wide grass strip which partially screens the site from the road past the site. I note comments from interested parties that there was a substantial tree screen to Church Street that has now been removed. However, there is little to indicate that its removal was unlawful and I can only assess the proposal against what exists on site now.

9. The proposed development would have a very contemporary design and would be a large property. Nevertheless, given the mix of properties in the village, it would not look out of place in terms of its appearance. Moreover, located next to Long Fen at the bottom of the run of properties on Church Street, it would not be physically isolated from the rest of the village or encroach into the countryside.

10. The roof design would not be confusing as the pitched and flat roof elements would be distinct and separate. The earth bund, planting and grass verge would provide some screening. The property's position, set well back from the road, would avoid significant effects on public views across the site. In addition, the access drive to the property could use sympathetic materials and design. For these reasons, the development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policies CS8 and CS9 of the Core Strategy and Policies RLP80 and RLP90 of the LPR. Amongst other things, these policies seek a high standard of design that has regard to the character and appearance of the surrounding area.

11. In assessing the effects of the character and appearance of the area, I have had regard to the proximity of the listed building at Barretts Hall to the south-west of the appeal site, which is set back from the road with planting in the front garden. Given the distances between the proposed dwelling and the listed building, plus the intervening vegetation, there would be no adverse effect on the setting of the listed building.

Planning balance

12. It is recognised by the Council and the appellant that the Council is unable to demonstrate a five year supply of housing land. The Council in its appeal statement considers the supply to stand at 3.91 years. As a consequence, relevant policies for the supply of housing should not be considered up to date, which would include Policies RLP2 and CS5. However, the weight to be attributed to these policies remains a matter for the decision-maker and is not merely based on their age and whether or not they are up to date. This approach is reinforced by the recent Supreme Court judgement[1]. I consider that the policies remain broadly consistent with the NPPF in terms of recognising the intrinsic value of the countryside and seeking to protect natural resources, and so carry reasonable weight.

13. Where relevant policies are out of date, paragraph 14 of the NPPF states that 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 NPPF taken as a whole or specific polices of the NPPF indicate development should be restricted.

14. Considering the benefits of the proposed development first, it would provide an additional dwelling mindful of the housing land supply position. There would also be benefits arising from the construction of the dwelling and investment into local services and facilities. The environmental credentials of the building are also noted. However, these benefits are tempered by the small amount of development and the limited contribution it would make in addressing the housing land supply deficit. Thus, I can only afford these benefits modest weight in favour of the proposal.

15. Turning to the adverse impacts, there would be negative environmental and social effects arising from a reliance on the private motor car and the functional isolation of the dwelling. A single dwelling is unlikely to generate a significant number of vehicle movements and so the extent of the effects on natural resources would be modest. However, national policy seeks to avoid isolated new homes in the countryside under paragraph 55 of the NPPF unless special circumstances apply. The only special circumstance that has been advanced in terms of this appeal is the design of the dwelling being of exceptional quality or innovative nature. The dwelling would be of high environmental standard and adaptable for future needs, and it would have an acceptable effect on the character and appearance of the surrounding area. However, there is little in the evidence before me to suggest that it would be truly outstanding or innovative and would significantly enhance its immediate setting. Therefore, no special circumstances have been demonstrated for this proposal. Given the conflict with national policy, I afford the adverse impacts significant weight.

16. In the context of paragraph 14 of the NPPF, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. As a consequence, the proposal would not represent sustainable development and would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would conflict with Policy RLP2 of the LPR and Policy CS5 of the Core Strategy which seek to restrict development in the countryside.

[1] *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37*

Other Matters

17. The appellant has provided two appeal decisions[2] elsewhere in the district where the Inspectors considered that the accessibility to services and facilities was acceptable notwithstanding the location of development. However, I do not know the full circumstances of each case. Moreover, both decisions were issued before the Supreme Court judgement where less weight was given to Policies RLP2 and CS5. Thus, these decisions do not alter my conclusion on this appeal.

18. I note that there are number of letters of support for the development in terms of its design and environmental credentials. However, this support does not outweigh the conflict I have identified regarding the accessibility of services and facilities.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR

[2] APP/Z1510/W/16/3159441 and APP/Z1510/W/16/3150953 & APP/Z1510/W/16/3150966