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## 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: 9<sup>th</sup> August 2017**

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**Appeal Ref: APP/Z1510/W/17/3171880**

**Land south of East End, Fairy Hall Lane, Rayne, Essex CM77 6SZ**

- 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 David Wyatt of Construct Reason Limited against the decision of Braintree District Council.
  - The application Ref 16/02020/FUL, dated 24 November 2016, was refused by notice dated 24 January 2017.
  - The development proposed is erection of 2 no. detached dwellings, garages and associated works.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. It is recognised by the Council and the appellant that the appeal site is adjacent to the village envelope for Rayne and is located within the countryside. Policy RLP2 of the Braintree Local Plan Review 2005 (LPR) and Policy CS5 of the Braintree Core Strategy 2011 (Core Strategy) restricts development outside of village envelopes in order to protect the countryside.
4. Fairy Hall Lane is a narrow single track lane leading out of Rayne into the countryside. It marks a transition from the more suburban character and appearance of New Road to the openness of the countryside either side of the A120, with hedging, grass verges and paddocks fronting the lane. There are also a number of properties of varying sizes and architectural styles, set back from the lane in a linear arrangement often behind mature hedging. Several of them are large detached properties on spacious plots, including those opposite the appeal site. Many of these properties have large outbuildings set back from the lane including garages sited close to the main house. A number also have large areas of hardstanding at the front to accommodate parking.
5. The appeal site is generally hidden from the lane by tall thick hedging, with a paddock providing an area of open space. The paddock is bordered by residential development on all sides and so is separated from other paddocks and fields further south on Fairy Hall Lane which merge into open countryside.

It functions as a gap site between properties rather than as a site separating the village from the surrounding countryside. Therefore, while less built-up than other parts of Rayne, the character and appearance of the northern section of Fairy Hall Lane is residential and semi-rural rather than the open countryside found further south. The narrowness of the lane and its enclosure by hedging contributes positively to these semi-rural qualities.

6. The proposed development would maintain the linear arrangement of properties either side and would reflect the large and spacious nature of houses opposite. It would not be isolated in a physical sense. The two properties would match in design terms, but the proportions and detailing would echo the architectural details of existing properties on the lane and would not be particularly suburban or contrived.
7. The garages for each proposed dwelling would be set back from the lane. Although sited close to each dwelling, there would be gaps between each building and the massing would be no greater than the properties opposite. There would be a reasonable balance between hardstanding and soft landscaping to avoid an over-dominance of car parking. The part loss of the paddock is regrettable in terms of the open space it provides, but a considerable part of the site would remain open in the form of the remaining paddock and rear gardens for each property.
8. However, the removal of the existing hedge and grass verge along the front boundary and the widening of Fairy Hall Lane to form a passing bay would result in the loss of a substantial green boundary and would suburbanise this section of the lane. Although the passing bay would provide space for users of the lane, it would significantly alter its narrow and semi-rural nature. The effect would not be adequately mitigated by replacement hedging along the front boundary of each property, as this would do little to address the increased width of the lane. Thus, there would be harm to the character and appearance of the area.
9. Turning to the accessibility of services and facilities, Rayne has a number of locations within the village that provide for day to day needs. This includes the primary school, post office and shops, café, pub, restaurant and bus stops, all within walking or cycling distance of the appeal site. Although there are no pavements or lighting on Fairy Hall Lane, it is a relatively short walk to New Road where such features exist. Moreover, the speed limit is 30mph and the frequency of traffic is limited by virtue of its no-through route for motor vehicles.
10. There are hourly bus services between Braintree and Stansted Airport seven days a week from early morning until late evening, which offer a realistic alternative to the private car for accessing services and facilities beyond the village. I note that there appear to have been no changes in the provision of services and facilities since the previous application for this site was refused in 2015. Nevertheless, I consider that the development would have acceptable access to services and facilities and would not be overly reliant on the private car. As a result, it would not be isolated in a functional sense.

#### *Planning balance*

11. It is recognised by the Council and the appellant that the Council is unable to demonstrate a five year supply of housing land. The appellant highlights that

the Council considers the supply to stand at 3.8 years as of December 2016. As a consequence, relevant policies for the supply of housing should not be considered up to date in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), which would include Policies RLP2 and CS5. However, these policies are not automatically given less weight as a consequence. I consider that they remain broadly consistent with the NPPF in terms of recognising the intrinsic value of the countryside and landscape character and so carry reasonable weight.

12. Nevertheless, 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 policies of the NPPF indicate development should be restricted.
13. Considering the benefits of the development first, the provision of two houses would contribute towards local housing supply mindful of the current shortfall. There would also be benefits in terms of the construction of the buildings and the support towards local facilities once occupied. The passing bay offers a benefit in terms of providing space for users of the lane. However, these benefits are tempered by the amount of development and the limited contribution it would make in addressing the housing land supply deficit. Thus, they only carry modest weight in favour of the proposal.
14. In terms of the adverse impacts, the development would erode the narrow and semi-rural qualities of Fairy Hall Lane by widening the lane and removing the existing mature hedgerow. This would have a significant negative effect on the character and appearance of the area that would not be adequately mitigated by replacement planting. Although the design and layout of the houses would be acceptable given the surrounding built form, this does not diminish the harm I have identified in terms of the lane itself.
15. In the context of paragraph 14 of the NPPF, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not represent sustainable development.
16. In conclusion, while the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities, it would not do so in terms of its overall effect on the character and appearance of the area. Therefore, it would not accord with Policies RLP2 and RLP90 of the LPR or Policies CS5 and CS9 of the Core Strategy. These policies seek to safeguard the countryside with proposals that respect and respond to local context. While the development would not result in isolated housing in the countryside that paragraph 55 of the NPPF seeks to avoid, it would conflict with the NPPF in terms of not responding to local character or recognising the intrinsic value of the countryside.

### **Other Matters**

17. I note that interested parties have raised concerns with a number of other matters. However, given my findings on the main issues it has not been necessary for me to address these matters.

## **Conclusion**

18. 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