



Appeal Decision

Site visit made on 14 May 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/Z1510/W/19/3220045

Land adjacent Bridge Hall and Bridge Hall Barn, Hollies Road, Bradwell, CM77 8DZ

- 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 Mr J Forbes-Brown against the decision of Braintree District Council.
 - The application Ref 18/00934/OUT, dated 21 May 2018, was refused by notice dated 13 September 2018.
 - The development proposed is construction of four dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the effect of the development on the character and appearance of the area would be acceptable; and
 - Whether the location of the development would be acceptable, with regard to its proximity to facilities and services.

Reasons

Character and appearance

3. The site comprises land used for paddocks and open grazing within the grounds of Bridge Hall. The proposal is to build for houses at the appeal site. Outline planning permission is sought, with all matters reserved and so whilst drawings have been provided, I have taken them to be indicative.
4. The open, rural and green nature of the site is important to both the appearance of the wider site and to the character and appearance of the area more generally. The introduction of four dwellings, including ancillary structures, such as garages, an access road and residential paraphernalia, such as boundary treatment, would inevitably have an urbanisation impact on the site. That impact would be harmful because it would erode the open and green character of the site, that I have identified as being important to its character and appearance.

5. Existing trees and hedgerows screen the appeal site to an extent, but I saw on my visit that views of the site from the public realm can readily be achieved from a number of viewpoints. Whilst no landscaping scheme is before me, it may be that enhancements could mitigate the visual impacts of the development to an extent, but I do not consider that they could likely screen the development from view entirely, particularly if the houses were two storeys tall.
6. I acknowledge that there are other clusters of housing in the local area and that the Bradwell and Pattiswick Parish Village Design Statement makes reference to a preference towards new housing coming forward in a similar arrangement, but that does not override the harm that would be caused by this development, which I consider would be serious.
7. Overall, I consider that the effect of the development on the character and appearance of the area would be unacceptable, in conflict with Policy CS5 of the Braintree Core Strategy 2011 (the CS) and Policy RLP2 of the Braintree Local Plan Review 2005 (the LP) which seek, in general terms, to direct new development towards settlements so as to protect the countryside, including its character.

Location of the site

8. Whilst outside of a designated settlement, the parties agree that the development would not result in isolated new homes in the countryside, in the terms of paragraph 79 of the Framework. The Council's concern is that future occupiers of the development would rely on the private car, and so the location of the site would not be sustainable.
9. However, and whilst I note that the Council describes Bradwell as a 'third tier' village, it does have a local shop, church and a local restaurant. Moreover, there is a fairly frequent bus service to Braintree, Colchester and Chelmsford, where a wide range of facilities, services and employment can be found, and the bus stop is within walking distance of the site. There is also a school bus service. Whilst walking opportunities into Braintree would be limited, I see no reason why it would not be within a reasonable cycling distance, despite the road being used by larger vehicles.
10. Overall, for the scale of development proposed, I find that the location of the site would be sustainable and suitable, in accordance with Policy CS7 of the CS, which requires that future development will be located in accessible locations to reduce the need to travel and Policy RLP90 of LP which advocates the use of the most sustainable modes of transport.

Other Matters

11. The Council also references policies from the emerging Braintree District Publication Draft Local Plan. Given the apparent status of that plan, I have relied on adopted and national policy in reaching my conclusions on this appeal.
12. The wider site contains two grade II listed gazebos. I have had regard to the special duty placed on decision makers in sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Neither party suggests that any harm would be caused by the development to the setting of those heritage

assets. Given the scale and location of the development, I agree with that it would not.

13. The appellant has directed me towards a number of other decisions, including appeal decisions. I do not have full details of those cases before me and so cannot be sure that they are directly relevant. In any event, the harm that I have identified relates to the effect of the development on the character and appearance of the area, which is of course, quite specific to this site and the local area before me now.

Conclusions

14. The situation in so far as the Council's housing land supply position is concerned is not clear to me. The officer's report says that a positive land supply position can be achieved, but its Statement appears to shed some doubt on that in the absence of clear statement on that matter either way. In the circumstances, I am minded to take a precautionary approach in assuming that they cannot. Accordingly, I have applied the presumption in favour of sustainable development set out at paragraph 11 of the Framework and planning permission should be granted unless the adverse impacts associated with the development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
15. Turning first to the benefits, the development would result in four new homes, including the opportunity for self-build units and future occupiers could support services and facilities in neighbouring settlements. There would be a degree of employment resulting from the construction process. I attach positive weight to these benefits, although it is tempered by the modest scale of the development, and so attach only moderate weight overall. That the scheme would comply with other development plan policies is, overall, a neutral matter.
16. However, the development would result in harm being caused to the character and appearance of the site and I consider that harm to be serious. There would be a conflict with development plan policies and those policies are, I consider, consistent with the Framework in so far as they seek to protect the intrinsic character and beauty of the countryside. I attach significant weight to the adverse impacts of the development, and I consider that they would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
17. As a result, and whilst I have found with the appellant in so far as the location of the site is concerned, I do not consider that the development would be sustainable overall, and so the appeal is dismissed.

N Smith

INSPECTOR