



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/18/3218423

Land adjacent Stanfield Meadow, Vicarage Avenue, Church Hill, White Notley, Essex

- 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 Paul Humphreys (C Humphreys and Sons) against the decision of Braintree District Council.
 - The application Ref 18/00583/OUT, dated 12 March 2018, was refused by notice dated 12 June 2018.
 - The development proposed is demolish Dutch Barn (with planning permission for conversion into two dwellings) and construct pair of semi-detached, two-storey houses, lay out parking and amenity areas, including change of use of agricultural land to domestic garden, widen track, alter site access to Church Hill, grade adjacent field to form driver visibility splay, form passing place, 2 x turning heads and bin standing area and alter ground levels (means of access and layout submitted for agreement).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the effect of the proposal on the character and appearance of the area would be acceptable.

Reasons

3. The appeal site contains a Dutch Barn and the proposal, in summary, is that it is replaced by two semi-detached houses. Outline planning permission is sought, with the access to and layout of the development before me for consideration. Extant planning permission exists, in summary, for alterations to the barn and its conversion into two dwellings.
4. The site is outside of a defined settlement boundary, within the countryside. It is agreed between the parties that locating new dwellings in the countryside would conflict with Policy C5 of the Braintree District Council Core Strategy 2011 (the CS), Policy RLP2 Braintree District Local Plan Review 2005 (the LP) and emerging Policy LLP1 of the Braintree District Publication Draft Local Plan 2017. These policies seek to direct new development to within settlements. One of the reasons for this is to protect the character and appearance of the countryside. Whether or not the appeal proposal would cause harm to that character or appearance and if it would, whether weight attached to the

existence of a 'fallback' should outweigh that harm is where the dispute lies between the parties.

5. The site layout plan submitted with the planning application shows that the new houses would have front and rear projecting gable features, pitched roofs, front and rear gardens and parking spaces on either side of the building. These are domestic features that, irrespective of the final design of the buildings, would result in the introduction of a residential character of development within the countryside.
6. Whilst the site is near to the settlement, development associated with the urban area is located on the other side of the access road. The land around the existing Dutch Barn is very open and rural in character. Introducing a very domestic form of development into that context would cause harm to the character and appearance of the area. Whilst cottage style development can be a feature of rural areas, it does not seem to me that it is a general feature of the context within which the appeal site is located. The appellant has described that appropriate materials, elevation design and landscaping could be secured at reserved matters stage. Those details are not before me now and in any event, given the layout before me, I do not consider that such detailing would overcome my concerns.
7. There is a 'fallback' position at the site, whereby the appellant can, in summary, alter and convert the Dutch Barn to form two dwellings. The overall floorspace of the appeal scheme would be lower than the existing barn and whilst the ridge level would be comparable, the eaves level would be lower. Despite this, I do not agree with the appellant that the appeal scheme represents an improvement over the 'fallback' scheme. This is because, whilst the conversion development would alter the appearance of the barn, it would maintain much of the character of a rural building in the countryside because of its scale and form. In the context of the appeal site, I consider the converted building to be more appropriate in this location than the residential layout before me now. That the appeal scheme might be more legible in that it would look more like a dwelling than the conversion scheme does not outweigh my concerns.
8. The appellant has identified that the Council's Historic Buildings Officer considers that the appeal scheme is more desirable than the 'fallback' scheme. Be that as it may, the views of an officer of the Council, which are different to its resolved position, do not persuade me that this scheme would be an improvement against the conversion scheme. I consider that the appeal scheme would cause greater harm to the character and appearance of the area than the 'fallback' scheme and so its existence do not persuade me to reach a conclusion other than in accordance with the policies of the development plan.
9. For these reasons, I consider that the effect of the development on the character and appearance of the area would be unacceptable, in conflict with policies C5, C8 and C9 of the CS, RLP2 and RLP90 of the LP, in so far as they seek to ensure that development is appropriate to its context and that the character and appearance of the countryside is protected. The Council has made reference to emerging policies in its decision notice. Those policies are not before me, although I note that given the status of that Plan, full weight has not been given to policies within it in the Council's assessment of the planning application in any event.

Other Matters

10. Both parties have identified that the site is within proximity of the Grade II Listed Stanfield's Farm. As such, 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 that heritage asset. Given the scale of the development and the relationships between the sites, I agree with that it would not.
11. The Council has identified that the site falls within an area where an assessment of potential impacts of the development on designated sites for nature conservation in the context of the Habitat Regulations is required. They conclude that the effects of a development of this scale would be de minimis. There is nothing before me to contradict that analysis and I agree with it.
12. The Council has provided me with an update on its housing land supply position. It is not clear to me from that update whether they are saying that the Council can or cannot demonstrate an ability to meet need when measured using the appropriate methodology. In those circumstances, I have taken the precautionary approach of assessing this scheme as though they cannot and have applied the presumption in favour of sustainable development set out at paragraph 11 of the National Planning Policy Framework 2019.

Conclusions

13. The development would bring forward benefits, including the provision of two new homes, employment during construction, a possible positive impact on the local economy and extensions to neighbouring gardens. Notwithstanding that many of these benefits would also be achieved in the 'fallback' scenario, I have applied positive weight to them. However, I consider that the harm that I have identified to the character and appearance of the area would significantly and demonstrably outweigh benefits associated with the development.
14. Accordingly, this appeal is dismissed.

N Smith

INSPECTOR