



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: 16 September 2019

Appeal Ref: APP/Z1510/W/19/3221214

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 18/01208/FUL, dated 29 June 2018, was refused by notice dated 4 December 2018.
 - The development proposed is a new Passivhaus type dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Peter and Janine Schwier against Braintree District Council. This application is the subject of a separate Decision.

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.

Reasons

4. The appeal site comprises an area of garden land adjacent to but outside of the village envelope of Great Maplestead. The proposal is for a detached, Passivhaus style dwelling on the site, which the appellant describes as meaning that it would be self-sufficient in terms of its water, waste and energy needs.
5. I saw on my visit that the location of the site would mean that future occupiers of the proposed dwelling would need to heavily rely on the private car for fulfilling most day to day activities. This is because of the lack of facilities and employment opportunities within walking distance of the site and the infrequency of the bus service between Sudbury and Halstead. The appellant describes that the house would be 'future proofed' with electric charging points, but there is nothing before me to suggest that occupiers would necessarily own or use an electric car.

6. A similar conclusion was reached by another Inspector in consideration of a proposal for residential development on the site in 2017. In that decision¹ the Inspector found that there were few facilities, services or employment opportunities within the village and the local bus service was infrequent. Based on observations at my site visit I agree with those findings on the accessibility of the site.
7. Accordingly, I find that the proposal would conflict with policies CS5 and CS7 of the Braintree Core Strategy 2011 (the CS) and policies RLP2 and RLP90 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 and non-renewable, natural resources and to reduce the need to travel and promote the use of sustainable transport.
8. In reaching my conclusion on the acceptability of the proposal I have taken into account the court decision² referred to by the appellant. Both parties agree that as a result of the decision, the proposal should not be regarded as an isolated home in the countryside for the purposes of paragraph 79 of the Framework.
9. That the proposal should not be regarded as 'functionally isolated', in the terms of paragraph 79 of the Framework, does not necessarily mean that the location of the site should be regarded as sustainable. The physical relationship of a site to its nearest settlement does not necessarily render that settlement capable of meeting day to day needs without heavy reliance on a private car. In this case, I have found that the location of the site would not be sustainable because occupiers of the dwelling would need to rely on car travel for most of their needs given the distance of services and employment and the modest availability of public transport.
10. The Council's position as to whether or not it can demonstrate an ability to meet its housing need when using an appropriate methodology is not clear. I am directed by the appellant to a recent appeal decision³ where the Inspector determined an appeal on the basis that they could not.
11. Whilst I find the evidence in this regard largely inconclusive, I have had regard to Paragraph 11 of the Framework which requires that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.
12. There would be benefits associated with the proposal including a contribution towards local housing supply, employment during construction and the energy efficiency of the dwelling. Some local services may benefit to an extent by new occupiers to the area. However, like the previous Inspector, given the modest scale of the development, I only attach limited weight to these benefits. I note that the development would not result in other harms, to the character and appearance of the area, for example, but find that to be a neutral matter.
13. The adverse impacts are that the site is not in a sustainable location. Occupiers would likely need to travel, mostly by car to meet the majority of their day to day needs. That would not be socially or environmentally sustainable. Access to

¹ APP/Z1510/W/17/3172840

² Braintree District Council v (1) Secretary of State for Communities and Local Government (2) Grey Reid Limited (3) Granville Developments

³ APP/Z1510/W/18/3207509

high spend broadband in the near future may reduce reliance on car travel to an extent, but not to a level that would render the site sustainable in my view.

14. Paragraph 92(e) of the Framework requires an integrated approach to considering the location of housing, economic uses and community facilities and services and Paragraph 103 requires that the planning system actively manages patterns of growth in support of sustainable transport objectives, whilst acknowledging that opportunities will be different in urban and rural areas, for example.
15. The use of natural resources associated with one dwelling in this location would not likely be very significant, but it would be an adverse impact, nevertheless.
16. Overall, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits associated with the scheme, when assessed against the policies of the Framework taken as a whole. Accordingly, I consider that the proposal would not constitute sustainable development and that planning permission should not be granted.

Other Matters

17. I have identified a conflict with Policy RLP90, whereas the previous Inspector referenced compliance with it. Although I note that he was addressing the effect of the development on the character and appearance of the area, rather than the sustainability of the location of the site. I also note that Policy CS7 was not referenced in that decision, although I do not know whether that Policy was before that Inspector at that time.
18. The previous Inspector referenced the relationship between the appeal site and development with Barretts Hall, a grade II listed building. 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 relationship between the sites, I agree with that it would not, however, the lack of conflict in this regard is only neutral factor in the overall planning balance, and it does not justify allowing the appeal given the harm that I have identified.

Conclusions

19. For the reasons that I have described, the appeal is dismissed.

N Smith

INSPECTOR