



Appeal Decision

Site visit made on 20 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/Z1510/W/19/3229551

Valley Farm, Halstead Road, Sible Hedingham CO9 3AN

- 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 Mike Stannard against the decision of Braintree District Council.
 - The application Ref 18/01684/FUL, dated 17 September 2018, was refused by notice dated 21 November 2018.
 - The development proposed is described as repairing and refurbishing the existing barn to create a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn to a number of policies from the emerging Braintree District Publication Draft Local Plan which is currently undergoing an Examination in Public. The National Planning Policy Framework (the Framework) sets out at paragraph 48 that Local Authorities can attribute weight to emerging plans depending on their stage of preparation. Whilst the examination is at an advanced stage, the plan is not yet adopted and policies may still be subject to some change. I have not been provided evidence on the status of any unresolved objections to these policies, and as such, I could only attach limited weight to them at this time. As such, the current development plan for the area comprises the Braintree District Local Plan Review (2005) ('the BDLPR') and the Braintree District Local Development Framework Core Strategy (2011) ('the BDCS'), and I have considered the appeal on that basis.

Main Issue

3. The main issue in this appeal is whether the appeal site is a suitable location for housing, having regard to local and national policies for housing in the countryside, accessibility to services and facilities, and alternative uses.

Reasons

4. The appeal site comprises a white timber clad barn situated on a spacious plot adjoining the main dwelling at Valley Farm. The land in front of the barn is laid to grass with an access track leading to a separate gate providing access. The site has previously been used as a horticultural nursery, and there remains a large polytunnel showing evidence of such visible during my site visit.

5. Policy RLP2 of the BDLPR seeks to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply. The site is located off Halstead Road some distance from the nearest settlements of Sible Hedingham and Halstead and would therefore be in the countryside in policy terms. Adjoining the property are several other large dwellings on the other side of the road. Having regard to the proximity of the barn to the main dwelling and the presence of other properties, I consider that the proposal would not result in an isolated dwelling that paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid. However, due to its location, I consider that the proposal would conflict with the Council's housing strategy for the area by introducing a further dwelling outside development boundaries. Therefore, this would not protect the countryside as expected by the aims Policy RLP2.
6. In terms of access to services and facilities, Sible Hedingham and Halstead both have a range of services and facilities that could support day-to-day needs. Halstead Road appeared lightly trafficked, although there are no footways or streetlights. There is no evidence that would indicate the presence of any regular form of public transport services in the vicinity, and due to the distances involved to the aforementioned settlements, the lack of footways and lighting, it is unlikely that any journeys will be made on foot or cycle. As such, future occupants would almost certainly rely on using private vehicles to access services and facilities in nearby settlements. However, despite the fact it would not result in the creation of an isolated dwelling, I consider that due to the poor access to services and facilities and likely reliance on private vehicles the proposal would not be in a suitable location for housing.
7. The site history indicates that there was previously economic activity taking place at the site in the form of the plant nursery business. Policy RLP38 of the BDLPR deals with the conversion of rural buildings and indicates that residential use will only be acceptable where every effort has been made to secure a suitable employment or community use in the first instance. I consider that the policy does broadly accord with the Framework insofar as it does not impose blanket restrictions on residential reuse and it supports economic reuse as a preference. This would be consistent with the Framework's support for a prosperous rural economy as set out in section 6. Policy RLP38 sets out a stepwise approach to the considerations that proposals should follow, including evidence to demonstrate the efforts to secure alternative uses. Whilst the Framework does not specifically require a marketing exercise, the Planning Practice Guidance (Paragraph: 001 Reference ID: 66-001-20190722) indicates that it may be relevant to take into account whether there is evidence that the site has been actively marketed for such uses. Therefore, I consider it appropriate to give weight to the guidance and that weight should be afforded to the need to evidence the consideration of alternative uses for a period of time.
8. The building itself is relatively modern and in a generally good state of repair. It has been fitted with a large roller shutter door in the north western side elevation. Internally, it would provide good height and an open layout. As such, it would not require significant reconfiguration or reconstruction to support an economic reuse. The separate access to the barn would also avoid any harm to the living conditions of occupiers of the main dwelling from vehicles using the site for employment purposes. As such, I consider that physically the building

would be capable of being used for other purposes. However, whilst I consider the building would be capable of accommodating employment use, and indeed, the site history indicates that such activity has taken place, it has not been demonstrated whether there is demand for such in the area. As such, it has not been demonstrated that every reasonable effort has been made to reuse the building for employment or other uses.

9. Therefore, for the reasons set out above I conclude that the proposed development would not be in a suitable location for housing having regard to its access to services and facilities and consideration of other uses. As such, the proposed development would be contrary to Policies RLP2 and RLP38 of the Braintree LP which seek to control the pattern of development in the district and the residential use of rural buildings subject to efforts to secure economic reuse, and Policies CS5 and CS7 of the Adopted Braintree Local Development Framework Core Strategy (2011) which seek to ensure appropriate uses in the countryside and that future development is in accessible locations which reduce the need to travel.
10. Given that it has not been demonstrated that the building is not suitable for employment use, I further conclude that the proposal would not accord with Paragraph 83 of the Framework, which seeks to support a prosperous rural economy.

Other Matters

11. The Council has indicated that their land supply position is unclear. My attention has been drawn to a recent appeal decision¹ which found that the Council could only demonstrate 4.15 years land supply. Paragraph 11 of the Framework indicates that where an authority cannot demonstrate a five year land supply then the most important policies for determining the application are out of date and the 'tilted balance' would apply, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
12. While the proposal would bring various benefits associated with the provision of an additional dwelling, including for the local economy, these benefits would be modest in relation to one dwelling and there would be only a very limited benefit arising from the contribution to the land supply position. I have found the sites' location to be unsuitable for housing in terms of its access to services and facilities, and that the potential reuse of the building for employment has not been satisfactorily explored. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal.
13. My attention has been drawn to a scheme on the opposite side of the road to Valley Farm². This proposal was for the development of holiday accommodation rather than a permanent residential dwelling. As such, this is a different scheme than that before me and would have a different policy position to permanent residential dwellings, and so my findings above are not altered.

Conclusion

14. In light of the above, and even if the Council cannot demonstrate a five year land supply as required by the Framework, I consider that the harm I have

¹ Appeal reference APP/Z1510/W/16/3162004

² Planning reference 18/00983/FUL

identified significantly and demonstrably outweighs the benefits of granting planning permission. As such, the appeal is dismissed.

P Mileham

INSPECTOR