



Appeal Decision

Site visit made on 9 September 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Appeal Ref: APP/Z1510/W/19/3231094

Stone Lakes, Sloe Hill, Halstead, Essex CO9 1PA

- 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 John Ioannou against the decision of Braintree District Council.
 - The application Ref 19/00473/FUL, dated 5 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is construction of new detached dwelling with detached garage, demolition of outbuildings and planting of new woodland areas.
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Decision

1. This appeal is allowed and planning permission is granted for the construction of a new detached dwelling with detached garage, demolition of outbuildings and planting of new woodland areas at Stone Lakes, Sloe Hill, Halstead, Essex CO9 1PA in accordance with the terms of the application, Ref 19/00473/FUL, dated 5 March 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, SL-001-16 A, SL-002-16 A, SL-003-16 A, SL-004-16 A, SL-005-16 A.
 - 2) Prior to occupation of the new dwelling, details of the proposed boundary treatment shall be submitted to and approved in writing by the local planning authority.

Procedural Matters

2. The Council accepts their development plan is not up-to-date. Policy RLP2 of the Braintree District Local Plan Review Adopted Plan July 2005 (LP) and Policy CS5 of the Braintree District Council Local Development Framework 2011 Core Strategy (CS) restrict the supply of housing. In the appeal Braintree BC v SSCLG (2018) it explains the Inspector found 'there would be conflict with policies CS5 and RLP2 but those policies are out-of-date and are worthy of limited weight'. Even if the Council is now able to demonstrate a five year supply of housing land, I agree with the Inspector in that these policies can be afforded limited weight as they are not fully consistent with the National Planning Policy Framework (the Framework).

Main Issue

3. The main issue is whether the proposed development constitutes sustainable development.

Reasons

4. Planning permission was previously granted in November 2016 on the site for a new detached dwelling with detached garage. The difference between this approved scheme and the appeal development is for the retention of the existing dwelling and garage on site.
5. The Framework identifies a presumption in favour of sustainable development, which comprises of environmental, economic and social elements. Paragraph 78 of the Framework refers to promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
6. Policy RLP2 of the LP restricts development to within Town Development Boundaries and Village Envelopes and CS5 of the CS strictly controls development within the countryside. The development proposed is within the countryside and therefore does not comply with these policies. However, these policies have been afforded limited weight.
7. Both Policy LPP1 of the Braintree District Publication Draft Local Plan (DLP) and the Framework recognise the intrinsic character and beauty of the countryside. Planning permission has been granted for the new house which is under construction. This is of contemporary design with a detached garage. The proposal involves the retention of the existing house and detached garage, along with the removal of structures from the site. Some have already been removed to accommodate the new dwelling. The proposed tree planting by the lane will help to screen the new dwelling. Part of the site slopes down from the lane which helps to reduce the prominence of the existing house from the road. There are large trees near to the existing house which adds screening. Consequently, due to the removal of several structures on site and the position and scale of appeal development, I do not consider the scheme would harm the intrinsic character and beauty of the countryside.
8. The grade II listed Sloe House is located around 160m from the proposed dwelling. I do not consider there would be harm to the setting of this listed building due to its position, and vegetation by the boundary offers screening between the sites.
9. Policy CS7 of the CS states 'the Council will work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change. Future development will be provided in accessible locations to reduce the need to travel. Traffic and car parking will be carefully managed to encourage sustainable travel.' The site itself is not far from the town of Halstead (1.2 miles away by car according to the Council) and is therefore near to services and facilities and consequently is not functionally isolated. This route is along a single-track lane which joins to Sloe Hill, which has a national speed limit. Part of this route has no pavement, there is a narrow verge with no streetlights and a bend in the road. An alternative route is via a Public Right of Way which is not surfaced or lit. The appellant has highlighted they walk to Halstead weekly. Although not ideal, I consider there is an option to

cycle or walk into Halstead which could be utilised due to the proximity of the site to this town. The appeal development is for a net increase of one residential dwelling. As the site is only a short trip by private vehicle to Halstead, I consider this to be an acceptable distance to travel to services and facilities from the countryside.

10. The main environmental negative is the reliance on private transport, however there are environmental benefits such as existing structures will be removed and the gross footprint of the site will still be reduced if the existing dwelling is to be retained; avoids the demolition of an existing house and sees the planting of a significant number of trees on the site. On balance I consider that because of the proximity of the site to the town of Halstead and it is for a net increase in one dwelling, the environmental benefits would overall outweigh the negative considerations.
11. The economic benefits are construction jobs in building the new house and a new household would also spend in the local economy, which are limited benefits.
12. A new house is a social benefit to the local community. However, reliance on private vehicles at times is a disadvantage to future occupiers.
13. Consequently, I find the environmental, social and economic benefits would outweigh the harm I have identified and the proposal would comply with the Framework and Policies CS7 of the CS and LPP1 of the DLP. Only limited weight has been afforded to policies RLP2 of the LP and CS5 of the CS.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude the proposed development would be acceptable and thus the appeal should be allowed.

L Gilbert

INSPECTOR