
Appeal Decision

Site visit made on 27 January 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/Z1510/W/19/3237372

Pudsies Paddock, Station Road, Earls Colne CO6 2ER

- 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 & Mrs Hockney against the decision of Braintree District Council.
 - The application Ref 18/02115/OUT, dated 14 November 2018 was refused by notice dated 29 March 2019.
 - The development proposed is construction of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this case are whether the countryside location is an appropriate location for new residential development and the effect of the proposed development upon the character and appearance of the area.

Reasons

4. Policy RLP2 of the Braintree District Local Plan (the Local Plan) directs development to within designated village envelopes/town development boundaries. This policy indicates that outside of these boundaries countryside policies will apply. Local Plan Policy RLP90 relates to layout and design of new development and requires design to recognise and reflect local distinctiveness. Policy CS5 of the Braintree District Core Strategy (the Core Strategy) indicates that development will be strictly controlled in the countryside in order to protect and enhance the landscape character and amenity of the countryside. The site is located outside of any designated village envelope/town development boundary and is within the countryside for the purposes of planning policy.
5. The countryside to the west falls away into a valley. The land west and south is predominantly open countryside in character hosting some equestrian paddocks. To the north and east beyond the track the land is treed. A belt of

trees to the east separates the site from both established residential development and land that has permission in place for future housing development. The appeal site is situated at an elevated position within the landscape and is clearly visible in views from the countryside, against the backdrop of existing trees that visually separates the site from residential development to the east. There are no substantial boundary enclosures or landscape features that would reduce the visibility of the site in views from the wider landscape.

6. The appeal site comprises stables, a yard and paddocks. The existing stables are of modest size and are of an appearance typical of a rural area. The proposal would replace these with a dwelling, which the planning application form indicates would be single storey. Although potentially creating a development of a similar scale and footprint to that of the existing stables, the development, being a dwelling, would have a domesticating visual impact that would substantially change the appearance of the site. It would, therefore, have an urbanising impact upon the rural landscape and this would diminish the rural character and appearance of this part of the countryside.
7. New landscaping could offer some screening of the site in views from the wider landscape. However, such landscaping would be brought about as a result of the proposal and would likely to be reasonably substantial and of domestic form, such as a hedge, to obviate the visual appearance of the dwelling in wider views. This type of landscaping would not reflect that of this countryside landscape and would represent a further diminution of the rural appearance of the countryside.
8. Taking these matters collectively, the proposed development would be out of keeping in this rural location. Furthermore, given the appeal site's elevated siting within the landscape, the residential development would be clearly visually prominent and intrusive within this rural landscape. Therefore, the visual harm of the proposal to the character and appearance of the countryside would be significant. This would be so despite the site representing a brownfield site and not falling within a designated landscape.
9. I have been directed to an appeal decision at Meadow Croft, at the opposite side of Station Road, Earls Colne that related to a new dwelling at the edge of the settlement. In that case the Inspector found that proposed development would not be particularly out of keeping. However, the circumstances of that case, being near to existing low-density development and the site itself being largely screened in wider views by structures and vegetation, differs to that of the circumstances of the site that is before me. I, therefore, do not consider that decision offers support for the proposal before me, which I consider can and should be considered on its own merits.
10. For the above reasons, I conclude that the proposed development would not be an appropriate location for new residential development as it would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies RLP2 and RLP90 of the Local Plan and Policy CS5 of the Core Strategy. I consider these policies to be in line with objectives of the National Planning Policy Framework (the Framework) that require planning decisions to contribute to and enhance the natural environment and, therefore, can be afforded substantial weight.

11. Policy CO7 of the Core Strategy seeks future development to be located at sustainable locations to reduce the need for travel. Earls Colne is identified within the Core Strategy as a key service village. The appeal site, although at the edge of Earls Colne settlement, would not be so far from the settlement centre and future occupiers would have reasonable access to the services and facilities at Earls Colne by bicycle or by foot utilising the existing footpath along Station Road. In this respect, I do not find the proposal would significantly conflict with Policy CO7.
12. I have been directed to appeal decisions relating to land off Flitch Way, Braintree and Meadow Croft that I have already referred to above. I have, also, been referred to the housing development that has been permitted on the west side of Station Road that is in close proximity to the appeal site. The appellant contends that in those cases the Council's adopted policies in relation to housing supply and restraint were not considered up-to-date and this raised the presumption in favour of sustainable development.
13. The Council has advised that its Annual Monitoring Report from 2018, published in January 2019, indicates that the Council is able to demonstrate a five-year supply of housing sites using the standard methodology. The Council also highlights that in February 2019 the Government revised the standard methodology. In applying the revised methodology by adding the backlog from previous years, the Council advises that this results in a higher five-year supply.
14. Notwithstanding the above, the Secretary of State found in relation to the more recent Flitch Way decision of June 2019 that the authority had not 'confirmed' its five years land supply. Furthermore, in that case the Secretary of State concluded that the Council could not demonstrate that it had a five-year supply of deliverable housing sites in place as it was considered that some sites should be removed from the trajectory.
15. It, therefore, appears to me that the most recent indications are that the Council does not have a five-year supply of deliverable sites in place. I have not been directed to any more recent evidence that would indicate otherwise. In such cases, paragraph 11d) of the Framework sets out that the development should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. I have found that the proposed development would be out of keeping within the countryside and that the proposal would be visually harmful for this reason. I consider this harm to the countryside landscape would significantly and demonstrably outweigh the benefits brought about by one windfall dwelling that would only make an extremely limited contribution to the District's housing supply and vibrancy of the local community. I have concluded that the proposal would conflict with Policies RLP2 and RLP90 of the Local Plan and Policy CS5 of the Core Strategy. The policy conflict I have identified is of such importance that I find that the proposal is in conflict with the development plan as a whole. The Council has referred to a number of emerging plan policies. However, given this plan is some time from adoption I give its policies very limited weight at this time.

Conclusion

17. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR