
Appeal Decision

Site visit made on 15 January 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2020

Appeal Ref: APP/Z1510/W/19/3235040

Choats Farm, Panfield Road, Braintree CM7 5BJ

- 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 Bird against the decision of Braintree District Council.
 - The application Ref 19/00513/OUT, dated 15 March 2019, was refused by notice dated 17 July 2019.
 - The development proposed is erection of two detached bungalows with detached garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks outline permission, with all matters reserved except access, layout and scale.
3. The decision notice refers to a Policy LPP1 of the Local Plan Publication Draft for Consultation (2017) (LPD). This emerging Local Plan has undergone recent examination hearings. I therefore intend to determine this appeal on the basis of an assessment of the proposal against the relevant policies in the current development plan.

Main Issue

4. The main issues are:
 - whether the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities; and
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Whether the site is an appropriate location

5. The appeal site is defined as countryside with respect to the development plan. According to Policy CS5 of the Braintree District Council Local Development Framework 2011 Core Strategy (CS), development is strictly controlled to uses appropriate to the countryside. Policy RLP2 of the Braintree District Local Plan Review (2005) (LP) states that new development will be confined to the areas

within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. These policies follow the approach of Paragraph 170 of the National Planning Policy Framework (the Framework) in recognising the open and rural character of the countryside for its intrinsic character and beauty. However, the site lies close to groupings of other properties, including dwellings, nearby. The site, therefore, is not remote from other dwellings and would not result in the creation of isolated homes in the countryside which the Framework seems to avoid.

6. Nonetheless, the Framework does not imply that dwellings have to be isolated in order for restrictive policies to apply and there may be other circumstances where development in the countryside should be avoided. In that respect, there are other relevant policies of the development plan in terms of the suitability of the location which relate to matters such as the accessibility of local services and facilities.
7. The site is located 1.9 miles by car from the town of Braintree according to the Council. Braintree offers a wide range of services and facilities. The site itself is located by a busy road and there is no pavement or streetlighting by the appeal site, which would discourage future occupiers from walking into Braintree. There are wider verges further along the road, but this does not overcome the fact pedestrians would have to either walk along a narrow verge or cross a busy road in order to reach them. The verges are also not an ideal walking surface, especially in wet weather. The initial stretch of road outside the site is not an ideal cycling route due to the speed of vehicles I witnessed travelling along the road and due to a bend along the road which would restrict visibility. Although the appellants have referred to a bus stop 130 metres away from the site, public transport options are unlikely to be utilised frequently as there is no formal footpath linking the appeal site to the bus stop. As a consequence, there would inevitably be some dependence on the use of a private car to meet day to day needs as a matter of convenience.
8. I acknowledge, Paragraph 103 of the Framework recognises sustainable transport solutions vary between urban and rural areas. The appeal development is for a net increase of 2 residential dwellings. Although the site is relatively close to Braintree, future occupiers of the 2 dwellings would be heavily reliant on private vehicles to access services and facilities due to the site location. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made. Over time this would amount to a considerable number of trips and would be at odds with the development plan.
9. Accordingly, the proposal is not consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities and would be contrary to Policies CS5 and CS7 of the CS and RLP2 of the LP that seek amongst other things, that development will be strictly controlled to uses appropriate to the countryside and future development be provided in accessible locations to reduce the need to travel. Although not adopted, the proposal would also fail to accord with Policy LPP1 of the LPD.

¹ Ref APP/Z1510/W/18/3197293 (13 June 2019) by the Secretary of State and APP/Z1510/W/18/3214136 (11 July 2019) for an Inquiry

Character and appearance

10. The site is part of a large grassed open field, located adjacent to two detached bungalows. The northern side of the road contains the appeal site and is characterised by attractive rolling fields, with hedgerows and trees demarking field boundaries and sporadic residential dwellings and a farm. The southern side of the road, opposite the appeal site is more built up with larger buildings due to the former Townlands Equestrian Centre and a few residential dwellings.
11. An interested party refers to the area as within a Special Landscape Area designation, known as the Landscape Character Area of Blackwater/Brain Valley. He is concerned with the visual impact of the proposal on the countryside. As I have no further information with respect to this designation, I have assessed the character of the area from what I saw on site. The Council has also raised concerns with the proposed layout of the appeal development within the Delegated Report, although it was not directly referenced in their reason for refusal.
12. The proposal would introduce two new bungalows to the site. The proposed layout indicates they would be set back from the site with detached garages. There would be one shared access that would lead to the driveways and turning areas. Each bungalow would have a large rear garden, with landscaping and a hedgerow at the front of the properties. Although this would provide some screening of the site the bungalows would be partially visible from the road. The layout would also introduce built form across the site, which would erode the existing openness of the site and would be more akin to an urban setting. The layout would differ to the neighbouring bungalows which are set in more spacious plots and together the proposal would create a group of linear properties along the northern side of the road. The proposal would undermine the characteristic spacing between the properties in the countryside, to which the site contributes. The proposal would result in harm to the intrinsic character and beauty of the countryside through the erosion of the openness of the site and the loss of the sporadic development pattern along the northern side of the road.
13. Consequently, I conclude that the proposal would harm the character and appearance of the area and would be contrary to Policy of the CS5 of the CS and the Framework which seek amongst other things, to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside and recognises the intrinsic character and beauty of the countryside.

Planning Balance

14. The Council maintains it has a 5 year supply of deliverable housing sites but recent decisions call this into question. Appeal decisions¹ found the Council was unable to demonstrate a 5 year housing land supply of deliverable sites. Notwithstanding the Council's own assessment, if such a shortfall of 5-year housing land supply as identified in these recent appeals was found then the most important policies for determining the application are considered to be out-of-date. In any case, I consider that those specific policies – Policy RLP2 of the LP and Policy CS5 of the CS are not fully consistent with the Framework in terms of its approach to the countryside. Therefore, in light of footnote 7 of

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Paragraph 11 of the Framework it is clear that in this instance the tilted balance is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

15. The proposal would provide two dwellings for the local area and would make a modest contribution to the Council's housing land supply and offer modest economic benefits through construction jobs and spending in the local economy via the future occupiers. The site is also not isolated and could provide a safe and suitable access to the highway network. On the other hand, I have found that the proposal would result in a heavy reliance of the future occupiers on the private car. The proposal would also result in significant harm to the intrinsic character and beauty of the countryside.
16. Even if there is a shortfall in 5 year housing land supply as suggested by the appellant and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits highlighted above.
17. Accordingly, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR

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