



Appeal Decision

Site visit made on 9 March 2020 by Darren Ellis MPlan

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/Z1510/W/19/3241165

8 Abbots Cottages Annex, Rowley Hill, Sturmer, CB9 7XN

- 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 I Hirst against the decision of Braintree District Council.
 - The application Ref 19/00660/FUL, dated 9 April 2019, was refused by notice dated 14 October 2019.
 - The development proposed is extensions to annex to form a three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council's appeal statement and reasons for refusal make reference to a number of policies in the emerging Braintree District Publication Draft Local Plan (DLP). The Council goes on to state that further evidence is required before the plan can proceed to adoption. Having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I consider that the DLP can be afforded only limited weight. As such I have considered the appeal against the current adopted development plan policies contained within the Braintree District Local Plan Review 2005 (LPR) and Braintree District Core Strategy 2011 (CS), and I attach little weight to the DLP policies that are referred to.

Main Issues

4. The main issues are:
 1. Whether the site is a suitable location for housing with particular regard to its accessibility to local services; and
 2. The effect of the proposal on the character and appearance of the area.
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Reasons for the Recommendation

Whether the site is a suitable location for housing

5. The appeal site comprises the side garden and detached annex at 8 Abbots Cottages. The proposal seeks permission to extend the annex to form a three-bedroom dwelling. The site is situated on Rowley Hill and is part of a ribbon development that extends from the village of Sturmer. While Sturmer is designated as an 'Other Village' in the CS, where limited development should be justified by local need or to support local services, the site is located outside of the defined village envelope. The site is therefore deemed to be in a countryside location.
6. Policy CS5 of the CS states that development outside of a village envelope will be strictly controlled to uses appropriate to the countryside. Policy RLP2 of the LPR states that new development shall be confined to areas within town development boundaries and village envelopes, with exceptions made for affordable housing schemes that meet certain criteria. Therefore, the proposal would be in conflict with these policies. However, this policy position is at odds with paragraphs 77 and 78 of the Framework which require a more balanced approach to rural housing developments that reflects local needs. Therefore, this conflict only attracts moderate weight.
7. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, the Planning Practice Guidance (the PPG) states that a wide range of settlements can play a role in delivering sustainable development in rural areas¹.
8. The site is within walking and cycling distance of Sturmer, however I saw that the village only offers a very limited range of services. The town of Haverhill, the other side of Sturmer to the appeal site, has a comprehensive range of services which would meet the day to day needs of future occupiers. Whilst they are not within a convenient walking distance, the services at Haverhill are within cycling distance and there is a bus stop a short walk from the appeal site. However, from the evidence before me, the bus services are limited in their frequency, during the day on weekdays with no evening or weekend services.
9. The appellant has submitted details of guidance regarding the distance occupiers would be prepared to walk to bus stops. I note that the nearest bus stop would be within the suggested distances, however due to the limited frequency of the bus service I consider that it is still likely that there would be a reliance on private cars to access services and facilities contrary to the requirement of paragraph 110 of the Framework to facilitate access to high quality public transport and paragraph 8 to provide development with accessible services to help move towards a low carbon economy.
10. Paragraph 103 of the Framework states decision making should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst I acknowledge that there is nothing in the Framework to suggest that the use of a private car would not in itself make a development unsustainable, it is clear that to promote sustainable

¹ Ref ID:67-009-20190722

development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the site is not isolated, in the sense that it adjoins existing buildings, I am not persuaded that it is well connected to the services and facilities in Haverhill.

11. For these reasons, the proposal would be contrary to policy CS7 of the CS, which requires development to be provided in accessible locations, and to the Framework objective of maximising the use of sustainable transport modes.

Character, appearance and intrusion into the countryside

12. The appeal property is one of a group of semi-detached properties on the north-eastern side of Rowley Hill. On the opposite side of the road are open fields. The group of dwellings are of a similar design, although some have been previously extended, and some have outbuildings to the side of the main dwelling. These are though clearly subservient to the host dwelling. There are large gaps between each pair of dwellings, which contribute positively to the rural character of the countryside and provide a regular rhythm to the built form.
13. The existing annex is to the side of the host property and is highly visible from the road, and as such it has reduced the gap between the host property and the neighbour at No 9 Abbots Cottages. However, while the proposed dwelling would be set behind the front elevation of No 8, the proposal would see the construction of a substantially larger building in terms of height, width and depth. A significant gap would remain to No 9, and the gap between No 8 and the annex would remain unchanged. However, the increased scale of the new building would place more emphasis on this uncharacteristic small gap with both No 8 and the new dwelling being two-storey buildings. As a result, the considerable bulk and mass of the proposed building would erode the open rural character of the area, consolidating the built form to an unacceptable level.
14. Furthermore, the proposed dwelling would be a detached property amongst the group of semi-detached properties. The property has been designed as a modern interpretation of a timber framed Essex barn, however the design is at odds with the design of the group of semi-detached properties. The proposal would therefore not reflect the pattern of development in the street and would detract from the open character of the area by forming an overly obtrusive addition to the streetscene.
15. I note the Council's concern that the proposal would set a precedent for the consolidation of ribbon development. However, any such future proposals elsewhere along Rowley Hill would require their own planning application and would be determined on their own merits.
16. For these reasons, the proposal would cause significant harm to the character and appearance of the street scene and the countryside and as such would be contrary to policy CS9 of the CS and policy RLP90 of the LPR which both seek, in various ways, for development to reflect and respond to the local context, and that the scale, massing and density of buildings should reflect or enhance local distinctiveness.

17. Policies CS7 and CS9 of the CS and RLP90 of the LPR align with the aims of part 12 the Framework to achieve well designed places and as such I attach full weight to the conflict these policies.

Other Matters

18. The appellant refers to policies and supporting text regarding development within the settlements of Sturmer and Haverhill. However, as the appeal site is outside of these settlement boundaries and envelopes, these policies have no bearing on this proposal.

Planning Balance and Conclusion

19. It is agreed that the Council is not able to demonstrate a 5-year housing land supply. Consequently, paragraph 11 of the Framework and the presumption in favour of sustainable development applies. Paragraph 11(d)(ii) of the Framework requires planning permission to be granted where the policies which are most important for determining the application are out-of-date, 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.
20. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the provision of one additional unit would make little meaningful difference. There would be a small benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house. However, given that the economic benefits related to construction would be temporary and given that I have found that it is likely that residents would be largely reliant on the car to access services outside the village, it is likely that many of the economic benefits would be received outside of Sturmer. Furthermore, I have found that the appeal site would not be an accessible location to accommodate the proposal and that there would be significant harm in terms of impact on the character and appearance of the area. As a result, the proposal would not accord with the social and environmental roles of planning and I give this considerable weight in my decision.
21. Therefore, in applying the tilted balance of paragraph 11 of the Framework, the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole. Moreover, for the reasons set out above, the proposal does not constitute sustainable development, which the government is seeking to promote.
22. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations including the provisions of the Framework and paragraph 11 in particular.
23. Therefore, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Z Raygen

INSPECTOR