
Appeal Decision

Site visit made on 10 March 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/Z1510/W/19/3242370

Littlefields, Prayers Hill, Sible Hedingham CO9 3LE

- 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 Mrs B Bass against the decision of Braintree District Council.
 - The application Ref 19/00290/OUT, dated 18 February 2019, was refused by notice dated 12 June 2019.
 - The development proposed is Outline application for a Two Storey 4 Bedroom Detached Dwelling and Garage.
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Decision

1. The appeal is allowed and planning permission is granted for Outline application for a Two Storey 4 Bedroom Detached Dwelling and Garage at Littlefields, Prayers Hill, Sible Hedingham CO9 3LE in accordance with the terms of the application Ref 19/00290/OUT, dated 18 February 2019, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The application has been submitted in outline with all matters, except for access, reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan as being illustrative only.
3. In their evidence the parties have referred to the policies of the emerging Braintree District Publication Draft Local Plan 2017 (BPDLP). However, this plan has not yet been examined and found sound. Consequently, I have afforded these policies limited weight.

Main Issue

4. The main issue is whether the site is a suitable location for residential development having regard to the accessibility of services and facilities.

Reasons

5. The appeal site is situated within a long and narrow portion of the sizeable rear garden to 'Littlefields' a large detached dwelling located just outside the village of Sible Hedingham. Directly adjacent to it is the site of the former Oxford Dairy which is now vacant and allocated for housing in the Local Plan. 'Littlefields' is bounded on the other side by another detached two-storey dwelling with sizeable grounds. The land further past this neighbouring dwelling (and its grounds) and that on the opposite side of the road to the appeal site appear to largely comprise more open agricultural land. There also appears to be agricultural land lying between the former dairy site and the main built-up area of the village.

6. Saved Policy RLP 2 of the Braintree District Local Plan Review (adopted July 2005) (BDLP) confines new development to areas within Village Envelopes stating that 'outside these areas countryside policies will apply'. Policy CS 5 of the Braintree District Council Local Development Framework Core Strategy (adopted September 2011) (BCS) and emerging Policy LPP 1 of the BPDLP also restrict new development outside of Village Envelopes to uses 'appropriate to the countryside'. Additionally, Policy CS 7 requires that new development be in accessible locations.
7. Both main parties appear to agree that as the appeal site is located outside of the Village Envelope for Sible Hedingham the proposed dwelling would be in the countryside which would conflict with Policy RLP 2, Policy CS 5 and Policy LPP 1. They also appear to agree that given its proximity to the built-up area of the village, it cannot be regarded as being isolated and from what is before me, I see no reason to disagree and therefore the restrictions set out in Paragraph 79 of the Framework do not apply.
8. With regard to the accessibility of the appeal site, I note that the road linking it and the village is unlit and devoid of a footpath meaning that pedestrians would be less likely to walk into the village, particularly when the hours of daylight would be limited. However, given that the proposal would be situated relatively close to (within 1 mile of) the main built-up area of Sible Hedingham it would be reasonable to think that the facilities and services within it could still be accessed by bicycle or on foot nonetheless and whilst this would be less likely than future occupiers using a car, it would not be impossible.
9. I also note the Council's point that the section of road outside the appeal is relatively narrow and that it bends slightly when travelling in a southern direction. However, from what I observed on my site visit, whilst it is slightly narrower than some country roads, it is not so narrow as to prevent a cyclist or walker traversing it safely. Indeed, the Appellant has provided evidence that this road is regularly and safely used by a local walking group. In any event the Highway Authority have not raised any concern in relation to the proposal and based on the evidence before me, I see no reason to disagree.
10. Accordingly, given that the area is primarily rural in character, and bearing in mind Paragraph 103 of the *National Planning Policy Framework* (the Framework) I consider the appeal site to be in a reasonably accessible location in accordance with Policy CS 7. Moreover, as the appeal site is located immediately adjacent to a site allocated for housing in the development plan and having regard to the Dartford Case¹, I also consider it to be previously developed land. As a result, given the fact that the appeal site is not isolated, is classed as brownfield land, and is in a reasonably accessible location next to an allocated housing site (and being mindful of Paragraph 78 of the Framework), I see no reason why it should not be considered as a location that would be potentially suitable for housing.
11. Therefore, (and notwithstanding the proposal's partial conflict with Policies RLP 2, Policy CS 5 and emerging Policy LPP 1) I conclude, that the appeal site would be a suitable location for residential development having regard to the accessibility of services and facilities. Consequently, the proposal would accord with Policy CS 7 which, amongst other things aims to ensure that new development is in an accessible location.

¹ *Dartford BC v SSCLG [2017] EWCA Civ 141*

Other considerations

12. Turning to the benefits, the development would provide an additional house and a social benefit. There would also be some economic investment from both its construction and subsequent occupation. Additionally, while the road to the village lacks pavement and street lighting, it would not be impossible to cycle or walk into Sible Hedingham thereby reducing reliance on the private car and representing an environmental benefit. These benefits are tempered by the small scale of the proposed development, but nevertheless carry modest weight in favour of the development.

Planning balance

13. In addition to the above, both parties also appear to agree that the Council cannot demonstrate a 5-year deliverable supply of housing land for the District. In their statement the Council estimate the supply to be approximately 4.51 years and this figure has not been challenged by the appellant. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
14. Given that the Council cannot demonstrate a 5-year deliverable supply of housing land in accordance with paragraph 73 of the Framework, relevant policies for the supply of housing should not be considered up to date. Within the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. As a result, when considered in the round, these factors weigh in favour of the proposal and the presumption in favour of sustainable development applies which points towards the granting of planning permission.
15. Therefore, while not fully in accordance with Policies RLP 2, CS 5 and LPP 1 of the development plan, the proposed development would be in accordance with Policy CS 7 and provide a suitable location for housing having regard to the accessibility of services and facilities and the specific circumstances of this case. It would also accord with paragraphs 78 and 103 of the Framework which aim to promote sustainable development in rural areas.

Other Matters

16. I note the Council's reference to two other appeal decisions where proposals similar to the appeal scheme were refused (Ref APP/Z1510/W/18/3208448 & Ref APP/Z1510/W/19/3237376). However, the circumstances applicable to these schemes are not exactly the same (with for one, the section of road outside the site having a steep gradient with views of oncoming traffic restricted by bends in it plus an objection from the Highway Authority and, for both, the sites not being located next to an allocated housing site) as those presented in this case, which I have determined on its own merits.
17. I also note that an interested party has objected to the proposal on highway safety grounds. However, as the Council have not raised any concerns in relation to this matter, I have not considered it further.

Conditions

18. I have undertaken some minor editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity. I have imposed standard conditions relating to the submission and timing of

reserved matter applications and the commencement of development. I have also imposed a necessary condition requiring compliance with the submitted plans, but only in relation to access as this is not a reserved matter. Additionally, I have imposed several necessary conditions in the interest of highway safety relating to visibility splays for the proposed vehicular access, the width of the proposed vehicular access, and the surface treatment materials to be used for the proposed vehicular access.

Conclusion

19. The proposal would accord with the Framework when read as a whole and this is not outweighed by any other consideration and the Framework indicates in Paragraph 11 that such development should be approved without delay. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale of the development hereby permitted, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay as shown on Drawing No. 2530/04, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by any vehicular traffic associated with the development and retained free of any obstruction at all times.
- 5) The vehicular access shall be widened at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge.
- 6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.