
Appeal Decision

Site visit made on 30 June 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/Z1510/W/20/3245780

Land adjacent to Kistum Cottage, Cock Road, Little Maplestead, Halstead CO9 2SE

- 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 Derek Ludlam against the decision of Braintree District Council.
 - The application Ref 19/01845/OUT, dated 8 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is outline planning permission for the construction of a single dwelling house with all matters reserved apart from access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of a single dwelling house with all matters reserved apart from access at Land adjacent to Kistum Cottage, Cock Road, Little Maplestead, Halstead CO9 2SE, in accordance with the terms of application Ref 19/01845/OUT, dated 8 October 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal is for outline planning permission, with all matters reserved except access. The details submitted with the application include Site Location Plan (Ref: 11794 01), Indicative Site Layout (11794 02), Indicative Existing Street Elevation (11794 03), Indicative Proposed Street Elevation (11794 04) and Tree Protection Plan (October 2019), which on all other matters but access, I have considered as a useful guide as to how the site might be developed but purely indicative.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the countryside, particularly the character and appearance of the surrounding area; and
 - Whether the proposal would promote sustainable patterns of development, particularly in regard to location and its relationship with designated settlements and its accessibility to local services by sustainable modes of transport.

Reasons

Character and Appearance

4. The appeal site is located very close to the intersection of Cock Road with Sudbury Road, within the countryside, outside of a "village envelop" in the hamlet of Little Maplestead. Opposite the appeal site is what appears to be a restaurant called "Little India". Further along Cock Road, next to the restaurant, are a series of detached and semi-detached two storey dwellings, clearly visible from the highway, facing onto open agricultural fields.
5. Along Sudbury Road, and in close proximity to the appeal site, there are several other residential houses and some commercial developments, generally visible from the highway, but set back from the road.
6. Although the wider area is rural in character, this particular intersection seems to be dominated by urban development, which defines its character and appearance. The appeal site is therefore located within an area of transition, characterised by a semi-rural appearance with some suburban development alongside open agricultural fields.
7. Policy CS5 of the Braintree District Council Local Development Framework Core Strategy (2011) (the Core Strategy) states that development outside "village envelopes" will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character. Policy RLP2 of the Braintree District Local Plan Review (2005) (the Local Plan) re-iterates the Council's approach stating within the justification of the Policy that limits to settlements are intended to prevent extension of ribbon development and sporadic development.
8. These Policies seek to restrict development outside of urban areas in order to protect and enhance the character and appearance of the countryside.
9. The site is a triangular parcel of land, accessed off Cock Road. The proposed development would create a new detached dwelling, of a similar height to Kistum Cottage. This development would border, on one side, Kistum Cottage and, on the other, open agricultural fields. According to the illustrative drawings, notwithstanding all matters being reserved apart from access, the proposed development would be clearly visible from the main highway but in the same building line as Kistum Cottage and slightly set back. In addition, the site is at the moment, partially protected from being directly overlooked from the highway by some relatively mature vegetation.
10. The rural character of the area has been, particularly along Cock Road, eroded. This is, in no small part, due to the significant ribbon development located further along Cock Road, which protrudes unduly into the countryside and it is very dominant along the street scene, changing the character and appearance of the area to from rural to semi-rural.
11. The proposed development, due to its location and by virtue of being located in front of a restaurant and next to an existing dwelling, would not protrude into the countryside landscape and would not look out of place considering the semi-urban character and appearance of the area.
12. For the foregoing reasons, the proposed development would not have a significant effect of the character and appearance of the area.

13. Notwithstanding that there would be no significant effect on the character and appearance of the area, there would, as a matter of fact, be a conflict with Policies RLP2 and RLP80 of the Local Plan and Policies CS5 and CS8 of the Core Strategy as the proposal would result in the development of a new dwelling outside of a Town Development Boundaries or a "Village Envelope". I will deal with this matter in the Planning Balance section of my decision.

Sustainable patterns of development

14. The services provided within the hamlet of Little Maplestead are limited and unable to cater for the day-to-day needs of future residents. Nevertheless, although services are limited, there is a bus stop within easy walking distance of the appeal site.
15. According to the information provided by the Council, the stop is served by buses to Braintree, Sudbury and Halstead. These services run approximately once an hour during daytime hours Monday to Saturday. There is no service on Sunday.
16. Considering the semi-rural context of the area, the existing of a bus stop that connects the area to large local centres that are within easy commute of the appeal site, is significant. Furthermore, there is a dedicated footpath adjacent to the site which provides relatively easy safe access to the bus stop.
17. The town of Halstead is considered to provide the best level of services and facilities within the District and it is located approximately 3.5 km from the appeal site, according to the Council's own submitted information. Therefore, future occupants of the appeal site would be within easily commutable distance by public transport of a centre with a significant level of provision of services and facilities.
18. I believe it would not be unreasonable to expect that future residents of the proposal would be, at least for some of their journeys, reliant on private transport. Nevertheless, the existence of a bus line and stop within close proximity of the site to such a significant town centre, does demonstrate there is a reasonable alternative to the use of private car.
19. Taking into consideration the size and character of the location, I find the bus service provides suitable levels of access, by means other than private transport, to a wide range of service and facilities. Consequently, in terms of accessibility, the site is considered to be in a relatively sustainable location.
20. For the reasons set above, I conclude the proposal is in accordance of the Framework and I have not identified a conflict with Policy CS7 of the Core Strategy, which aims to ensure that future development will be provided in accessible locations to reduce the need to travel.

Planning balance

21. There is a disagreement between the parties on whether the Council can demonstrate a deliverable five year supply of land for housing.
22. I have not found it necessary to come to a conclusion on this matter in order to determine this appeal as, even if I were to take the Council's best position on this matter as a benchmark for decision-making purposes, which would be that the Draft Local Plan includes a five year supply figure of 5.15 years, the

conventional planning balance would still indicate that the appeal should be allowed. This is in part because, although there would be the development plan Policy conflict identified above, the proposed development would have no significant effect on the character and appearance of the area and would promote sustainable development patterns of development in the context of the area in which it is located.

23. Furthermore, the proposed development would also make a modest, but positive contribution to the overall housing supply in the area and would bring some economic and social benefits to the area as well, mostly resulting from the construction and subsequent occupation of the proposed development. I am mindful that, due to the scale of the development, these benefits would be small, but nevertheless positive.
24. I am also mindful that paragraph 127 of the National Planning Policy Framework seeks to ensure that planning decisions optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development.
25. In summary, therefore, bearing in mind that there would be no significant harm resulting from the development, the identified Policy conflict would be justified given the resulting benefits.

Conditions

26. The Council has prepared a list of suggested conditions which include the standard time limit and implementation conditions. I have considered these in light of government guidance on the use of conditions in planning permissions and made amendments accordingly, including combining conditions.
27. In order to provide certainty, a condition specifying the approved drawings so far as they relate to the details to be approved at this stage, would be necessary.
28. In the interest of highway safety, I have included conditions regarding visibility splays and the surface treatment of the vehicular access.
29. In the interest of conservation and enhancement of biodiversity, I have included a condition which requires works to be carried out in accordance with relevant ecological assessments, as a Preliminary Ecological Appraisal Report has already been submitted.

Conclusion

30. For the reasons given above, I conclude that the appeal should, subject to the identified conditions, be allowed and outline planning permission granted.

Andre Pinto

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (herein 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 the approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in case of approval on different dates, the final approval of the latest such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the following plans so far as they relate to the site boundary and the details of the access arrangements hereby approved:

Site Location Plan (Ref:11794 01)

5. Prior to occupation of the development the vehicular access shall be constructed 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 three metres, shall be retained at that width for six metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
6. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.
7. Prior to occupation of the development, all overgrown hedges either side of the vehicular access must be cut back and maintained thereafter behind the highway boundary to prevent obstruction of sight lines onto Cock Road and A131, Sudbury Road.
8. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Open Spaces Landscapes and Arboricultural Consultants Ltd, September 2019) as already submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.