
Appeal Decision

Site visit made on 4 February 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/Z1510/D/19/3238923

**Bufftons, Witham Road, Tye Green, Cressing, Braintree, Essex, England
CM77 8HU**

- 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 & Mrs John Anderson against the decision of Braintree District Council.
 - The application Ref 19/00699/HH, dated 4 April 2019, was refused by notice dated 27 September 2019.
 - The development proposed is garage and garden store.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's appeal statement and reason for refusal make reference to a number of policies within the emerging Braintree District Publication Draft Local Plan (DLP). From the details before me, it would appear that further evidence is required before the plan can proceed to adoption and no additional material has been provided to me regarding the current status of any unresolved objections to the adoption of the plan. Having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I consider that the DLP and associated policies quoted can be afforded only limited weight as they may be subject to change. As such I have considered the appeal against the current adopted development plan policies contained within the saved Braintree District Local Plan Review 2005 (LPR) and adopted Braintree District Core Strategy 2011 (CS).

Main Issue

3. The main issue to be considered is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The appeal site comprises a detached dwelling and associated land. The site sits centrally within a row of properties with associated land to the rear that despite the presence of some domestic paraphernalia, generally maintains an open and rural appearance. The appeal development seeks to erect a four-bay garage and garden store on land to the west of the dwelling that is already laid

- to hardstanding. From the details before me, I understand that this area was formerly in commercial use although such operations ceased some time ago.
5. The site of the proposed garage is separated by an established enclosure from the area immediately to the rear of the dwelling and as such the Council suggest that the proposal falls beyond the domestic curtilage of Bufftons. Although the appeal site and surrounding plots are somewhat domesticated in character, including an existing open fronted building providing covered storage within the appeal site, there is a marked change of character further to the rear of the host row of properties including that of the appeal site.
 6. Whilst the site feels distinct from more open countryside beyond, the land further to the west of the properties maintains a generally verdant and open feel albeit with a somewhat domestic character. Although some buildings and paraphernalia are evident within land to the rear of the appeal site and neighbouring plots, from my site observations none are of a commensurate height, footprint or general massing to that of the appeal proposal, that is comparable in footprint to the frontage properties. Whilst I acknowledge that there are no set guidelines with regard to the scale of such buildings and no objections have been raised to the design of the building itself, any development must be appropriate in design terms including consideration of layout, mass and design with its context, as sought by Policy RLP90 of the LPR.
 7. Views of the proposed building would be limited from the public domain by existing enclosure and the established pattern of development, although at the time of my visit glimpsed, medium range views were possible through some gaps within the hedgerow from the public right of way to the south. However, to my mind such screening benefits could not be relied upon in perpetuity and the introduction of the development of the scale and form proposed, would be evident from neighbouring land and gardens, setback significantly from frontage properties. To my mind, the appeal proposal would be poorly related to existing built form and appear as a visually distinct and singular entity and represent a visually incongruous addition, particularly when experienced within the generally open surroundings enjoyed to the rear of the row of host properties.
 8. On balance, despite the size of the plot and the debate between the parties as to whether the proposal falls within the curtilage of the host dwelling, I consider that the appeal development would represent a discordant addition within its context, excessive in its scale and divorced from frontage properties, harmful to the character of the area and the host countryside. It has been drawn to my attention that it is not the role of policy to protect the countryside for its own sake. Nevertheless, having regard to the information before me, I consider the proposal would be at odds with the design aims of Policy RLP90 of the LPR and paragraph 170 b) of the Framework that states planning decisions should contribute to and enhance the environment by recognising the intrinsic character of the countryside.
 9. The location of the proposed building falls outside of the settlement boundary, and this is not debated by the appellant. Policy RLP2 of the LPR indicates that new development will be confined to identified town development and village boundaries and outside of these areas countryside policies will apply. The supporting text to Policy RLP2 indicates that settlement boundaries are intended to protect the countryside surrounding settlements and in some cases

cut across gardens to avoid pressure for backland development. Whilst the appellant indicates that this relates to new housing only, I am not persuaded that it is not applicable to prevent other incremental harm to the character of the countryside, particularly in this case owing to the scale of the proposal that is commensurate in footprint to frontage properties.

10. Policy CS5 of the CS seeks to strictly control development to uses appropriate to the countryside, in order to protect and enhance the countryside. I note that there is debate amongst the parties as to the requirement for an agricultural justification and there is no explicit reference to this within the policies quoted within the decision notice. However, the site is located outside of a defined boundary and it is indicated that the proposal would provide storage for the appellants collection of classic cars. I am not persuaded on the evidence before me that such a use is appropriate or compatible with the aims of local or national policy.
11. I acknowledge that there is a significant area of hardstanding, where the appellant indicates there used to be a building in association with a paper cutting business. Notwithstanding this, there was no building in situ at the time of my visit and as such the scale or location of previous development does not outweigh or alter my findings above. The existing hardstanding has negligible visual impact and is not comparable to the appeal proposal. Furthermore, whilst the appellant compares the size of the proposal with other forms of domestic structures such as swimming pool enclosures, no such proposals are before me and I have only had regard to the planning merits of this particular case.
12. For the above reasons, I conclude that the appeal development would cause unacceptable harm in terms of character and appearance of the countryside and would be at odds with the aims of Policies CS5 of the CS and RLP2 of the LPR that seek, amongst other things, to strictly control development in and protect the amenity of the countryside, and the design aims of Policy RLP90, that amongst other things seeks that the layout, mass and design of buildings shall be in harmony with the character and appearance of the surrounding area. I have also had regard to the design aims of the Framework including that within Chapter 12 and paragraph 170 b) that requires that development should recognise the intrinsic character and beauty of the countryside.
13. I also find that the proposals would be at odds with the character and appearance aims of Policies LPP50 and LPP55 of the DLP. However, due to the current status of the plan I give this limited weight.

Other Matters

14. I acknowledge concerns raised with regard to the accuracy of the plans in relation to existing buildings on or around the site. Whilst I have not been provided with anything to substantiate this, having assessed the submitted details and been on site, this does not alter my conclusions on the main issue above.
15. Whilst I note the lack of objection received from the Parish Council and third parties, it is incumbent upon me to consider the proposal in line with the relevant policies. As such this does not outweigh the harm I have identified with regard to the main issues.

Conclusion

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

Robert Lankshear

INSPECTOR