
Appeal Decision

Site visit made on 14 July 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/Z1510/W/20/3246592

Pearland Workshop (The Old Workshops), Birchleys Road, Pebmarsh CO9 2NE

- 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 Pearland Power Contracting Limited against the decision of Braintree District Council.
 - The application Ref 19/01697/OUT, dated 16 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is demolition of existing buildings and erection of four dwellings in two semi-detached pair, together with a new vehicular access (existing access to be blocked up).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission, with all matters reserved except access.
3. The development plan for the area, for the purposes of this appeal, comprises the Braintree District Local Plan Review (2005) (the Local Plan Review) and the Braintree District Core Strategy (2011) (the Core Strategy).

Main Issues

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

Reasons

Sustainable patterns of development

5. The appeal site is located outside of an identified "village envelop", therefore within the countryside, on the outskirts of Bradwell, off Birchleys Road. Birchleys Road is a relatively quiet road providing access predominantly to agricultural fields and a few residential dwellings, which are concentrated mainly on either end of the Road.

6. The closest village to the appeal site, Pebmarsh, does include a few of the services and facilities necessary for the day-to-day needs of future residents, including a pub and a convenience store. Nevertheless, the village is still located at a considerable walking distance from the appeal site and it is not easily accessible to pedestrians or cyclist.
7. There is no safe dedicated pedestrian path connecting Birchleys Road to Pebmarsh and significant stretches of the road do not have appropriate levels of street lighting or natural surveillance. These factors significantly limit its usability, particularly during the winter months.
8. Both parties agree that there is a bus stop within reasonable walking distance from the appeal site. Nevertheless, the service provided is only available at approximately 2 hour intervals and requires prior booking.
9. Although I accept that sustainable transport solutions vary significantly between urban and rural areas, the appeal is for the erection of 4 new dwellings, which would result in a net increase of 4 residential units in a location where opportunities for future occupiers to use sustainable modes of transport would be very limited.
10. The appellant also claims that the proposal would generate vastly less traffic than its current use, which should be viewed as a benefit of the current proposal.
11. Even if I were to accept this to be the case, the present proposal would still not offer future occupiers of the residential development a genuine choice of transport modes, as per paragraph 103 of the National Planning Policy Framework (the Framework). Consequently, for the reasons set above, occupants would still be heavily reliant on the use of private cars for their day-to-day needs.
12. I am mindful that the existing light industrial use may cause some disturbance to nearby residential properties and that the appellant's Economic Statement (2019) does state that the premises have no future commercial use. Nevertheless, this is not, in itself, sufficient justification to allow for the redevelopment of the site to residential, if it is not found to promote sustainable patterns of development.
13. In conclusion, the proposed development would fail to promote sustainable patterns of development. Therefore, in that regard, the proposal would be contrary to Policies CS5, CS7 and CS8 of the Core Strategy which seek to, amongst other objectives, restrict the type of development allowed within the countryside, ensure future development is provided in accessible locations to reduce the need for travel and protect the natural environment, and Policies RLP2 of the Local Plan Review which seek to, amongst other objectives, to limit new development to town boundaries and village envelopes, and the Framework.

Character and appearance

14. Close to the appeal site and Birchleys Road's intersection with Oak Road, is a small cluster of residential dwellings, including a Grade II Listed Building, The Willows. I address the effect of the proposal on the heritage asset, including its setting, in the Other Matters section of this decision.

15. In addition to The Willows, next to the appeal site is a residential dwelling called Springfield and, on the opposite side of the road, Pippins Cottage. To the west of the site are open agricultural fields.
16. It is this predominance of open agricultural green fields with interspersed sub-urban development that defines the character and appearance of the area.
17. Despite the identified cluster of dwellings being within close proximity of the appeal site, due to the size of the plots in which these residential properties are located, the area continues to maintain its open verdant character, as most residential dwellings are set back from the road.
18. The proposed four residential dwellings would be organised into two semi-detached properties. At present, the existing structures are mostly screened off from the public highway by mature well established shrubs. These shrubs greatly minimise the impact of structures on the character and appearance of the wider area.
19. No illustrative drawing have been presented by the appellant which provide an indication of the overall size, bulk, design or height of the proposed pair of semi-detached dwellings.
20. The current building structures on site, although mostly not visible from the public highway, fail to make a positive contribution to the character and appearance of the area. Consequently, and considering that the present appeal is in outline with matters such as design, scale and landscaping being reserved, the development proposal would not necessarily have a detrimental impact on the character and appearance of the area, subject to its design being able to successfully integrate and, if possible, make a positive contribution to the character and appearance of the wider area.
21. In conclusion, and in regard to character and appearance only, the proposal would be in accordance with Policies CS5 and CS8 of the Core Strategy, which aim to, amongst other objectives, protect the intrinsic value of the countryside and protect the natural environment, and Policies RLP80 and RLP90 of the Local Plan Review which seeks to protect landscape features and ensure that high standards of layout and design of development are pursued.

Planning balance

22. It is accepted by the Council that it cannot demonstrate a deliverable five year supply of land for housing. In such circumstances, in line with footnote 7 to paragraph 11 d) of the Framework, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. The benefits of the proposed development primarily relate to its modest, but nonetheless positive contribution to the housing supply in the area and the economic and social benefits associated with the construction process and the spending potential of future occupants. Also, in favour of the present proposal is the fact that it could, subject to details of the appearance, landscaping, layout, and scale of the proposed development being submitted and deemed acceptable by the local planning authority, have a positive impact on the character and appearance of the area.

24. Nevertheless, the Framework does require me to ensure that developments create places that promote sustainable transport and recognise the intrinsic character and beauty of the countryside. As I have found that the proposal would not promote sustainable patterns of development, overall and in accordance with paragraph 11 of the Framework, the benefits of the proposal would be comfortably outweighed by the harm identified when assessed against the policies in the Framework as a whole.

Other Matters

25. The Historic Buildings and Conservation Area Advice confirms that The Willows is a Grade II Listed Building late sixteenth-century timber frame house.
26. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting.
27. Limited information has been provided in order to establish the significance of the heritage asset, including its setting. Paragraph 189 of the Framework states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 187 also states that local planning authorities should maintain or have access to a historic environment record that should contain up-to-date evidence about the historic environment.
28. Considering the location of the proposed development and its proximity to the heritage asset, depending on the significance of its setting, the proposed development could, potentially, have a direct and harmful effect on its significance.
29. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR