



Appeal Decision

Site visit made on 1 October 2020

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/11/2020

Appeal Ref: APP/Z1510/W/19/3243158

Little Acre, Rectory Road, Middleton, C010 7LN

- 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 Wright against Braintree District Council.
 - The application Ref 19/00921/FUL, dated 16 May 2019, was refused by notice dated 21 November 2019.
 - The development proposed is described as 'Erection of a four bedroom, one and a half storey dwelling on land adjacent to Little acre'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to Policies SP1, SP3, LPP50, LPP1 and LPP55 of the Braintree District Publication Draft Local Plan (DLP) (2017). Although the DLP has been submitted for Examination, it has not been formally adopted. Therefore, whilst I have had regard to these policies in my determination of this appeal, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I have given them limited weight as material considerations.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing, with particular reference to its location and accessibility to local services, facilities and employment opportunities.

Reasons

4. The appeal relates to the side garden area of a detached bungalow known as 'Little Acre', which is the end property in a ribbon of 9 houses on the eastern side of Rectory Road.
5. It is located outside of any Town Development Boundary or Village Envelope as defined in the proposals map of the Braintree District Local Plan Review 2005 (LP). However, it is uncontested that the site lies within the settlement of Middleton and I have no substantive reason to question this. I also appreciate that its proximity to other dwellings would allow for access to some public infrastructure, electricity, telephone services and water supply as these are already available in this part of the area.

6. Nonetheless, other than for a church and some small light industrial units at Middleton Hall Farm I could not locate any important local services, community facilities or employment opportunities in the vicinity such as schools, shops, post offices or health centres. The services provided within Middleton are therefore limited and unable to cater for the day-to-day needs of future residents.
7. The appellant states that this is typical of the rural area of Braintree and that the market town of Sudbury and larger village at Bulmer provide a wider range of schools, shops, leisure and employment opportunities. However, he also accepts that the nearest of these (Sudbury) is around a mile away and that apart from a Demand Responsive Transport Service (DaRT) there are no bus services operating in Middleton.
8. Given the lack of public transport in the area, access to these services, facilities and employment opportunities would have to involve utilising narrow unlit rural roads which in the vicinity of the appeal site have no pavements. The distances involved and the nature of the roads would therefore be likely to deter pedestrians and cyclists, particularly after dark and in bad weather. As such there would be a strong likelihood that most future occupiers would be dependent on the private car to access the majority of the services in the area and further afield.
9. I appreciate that potential future occupiers would have the same level of services as the existing residents in the area. However, to accept this argument would encourage unsustainable forms of travel and fail to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; as advised in paragraphs 102 and 103 of the Framework.
10. The appellant has drawn my attention to a recent appeal decision for three dwellings in the larger neighbouring village of Bulmer (APP/Z1510/W/18/3199016). Nonetheless, in reaching the conclusion that services and facilities were reasonably accessible, the Inspector noted that the proposed development would be within easy walking distance of a bus service to Sudbury and Halstead, which are towns with significant services and facilities. I have also had regard to another appeal that has been submitted by the appellant (APP/Z1510/W/16/3159441). However, it is also stipulated in this decision letter that the appeal site is in walking distance of some facilities and a bus service which provides access to facilities in surrounding towns. Accordingly, the circumstances of these cases are not directly comparable with those which apply in this appeal.
11. In light of the above, I therefore find that the proposal would not provide a suitable site for housing, with particular reference to its location and accessibility to local services, facilities and employment opportunities. As such it would conflict with Policy CS7 of the Braintree District Council Core Strategy 2011 (CS) and Saved LP Policy RLP90 which seek to promote sustainable modes of transport, accessibility for all and the requirement for future development to be provided in accessible locations to reduce the need to travel. The development would also not accord with Saved LP Policy RLP2 and CS Policy CS5 insofar as they seek to ensure that most development is located within settlement boundaries. Conflict would also arise with paragraphs 102 and 103 of the Framework.

Other matters

12. The appellant has put forward that the design was amended in accordance with comments received, and that the Council and Statutory Consultees raised no objections to the design, scale, massing, position, landscaping, materials or details of the proposal. However, I do not consider these matters to provide any material benefit or to overcome the harm that I have identified above.

Planning Balance and Conclusion

13. The Council now accepts it is unable to demonstrate a 5 year deliverable supply of housing land. Therefore, in light of Paragraph 11 d) of the Framework, the presumption in favour of development and the 'tilted balance' is engaged. This requires that permission should be granted 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.
14. The proposal for a single dwelling would make a contribution, albeit modest, to the Council's housing land supply and housing need in Braintree. I am also mindful that paragraph 68 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
15. The scheme would offer some economic benefits through construction jobs and spending in the local economy, which the appellant considers would help to maintain the vitality of the rural community. It has also been put to me that it would provide landscaping which could potentially contribute to biodiversity and that some ecological net gains would be provided through the retention of hedgerows and nesting boxes for birds and hedgehogs.
16. However, given the scale of the proposed housing, any benefits in all of these respects (economic, social and environmental) would be somewhat limited. I therefore conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and considerations above. The proposed scheme would therefore not result in sustainable development for which there is a presumption in favour.
17. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR