

Appeal Decision

Site Visit made on 20 October 2020

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/Z1510/W/20/3247383

Land at Forest Nursery, White Ash Green, Halstead, Essex CO9 1PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr G Payze against the decision of Braintree District Council.
 - The application Ref 19/02042/PIP, dated 11 November 2019, was refused by notice dated 20 December 2019.
 - The development proposed is residential development.
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Decision

1. The appeal is allowed and planning permission is granted for Permission in Principle for 1 No. residential dwelling at Land at Forest Nursery, White Ash Green, Halstead, Essex CO9 1PD in accordance with the terms of the application, Ref 19/02042/PIP, dated 11 November 2019 and the plans submitted with it.

Preliminary Matters

2. I note the emerging development plan, Local Plan Publication Draft For Consultation June 2017 which, from the evidence before me, is currently under examination. However, there is no certainty that the policies within this document would be adopted, therefore I give them limited weight only.
3. While I note the description of development stated in the application form, I have used the description from the decision notice in the decision above as it is more precise.

Main Issue

4. The main issue is whether the proposed development would provide a suitable location for housing with particular regard to the character and appearance of the area and the accessibility of services and facilities.

Reasons

5. The site lies in an area generally characterised by open countryside on the northern side of the road and sporadic ribbon of development on the southern side. As such the area has a spacious rural feel. However, since there are structures on the site including a brick outbuilding, the site constitutes previously developed land.
6. The proposal would introduce a dwelling in addition to the brick outbuilding and would be likely to include paving and domestic paraphernalia that would

further urbanise the site thereby adversely affecting the rural spacious character of the area.

7. The site lies outside settlement boundaries and there are no streetlights or footpaths on Halstead Road such that future occupiers would be likely to be reliant on the private vehicle for access to services and facilities. While I note the evidence regarding a bus service, there are limited details before me such that there has not been a demonstration that it would not remove entirely the reliance on private vehicles for access to services. Therefore, the proposal would result in negative environmental effects.
8. Consequently, the proposal would not provide a suitable location for housing with particular regard to the character and appearance of the area and the accessibility of services and facilities. Therefore, it would conflict with Policy RLP 2 of the Braintree District Local Plan Review Adopted Plan July 2005 (LPR) which directs development towards larger settlements. It would also conflict with Policy CS5 of the Core Strategy Adopted September 2011 (CS), which requires development outside development boundaries to protect and enhance the landscape character of the countryside. The scheme would also conflict with CS Policy CS7 which seeks future development to be provided in accessible locations. In addition, the proposal would conflict with CS Policies 8 and 9 which together broadly seek development that would have regard to the character of the landscape and respect the local context.
9. LPR Policy RLP 90 relates to layout and design of development which are matters that are extraneous to the scope of permission in principle as set out in the Planning Practice Guidance.
10. LPR Policy 80 relates to landscape features and habitats and LPR Policy 100 relates to listed buildings and are not directly relevant to the main issue.

Other considerations

11. The proposed dwelling would contribute a single dwelling to the local housing supply. In addition, there are likely to be social benefits through the contribution of future occupiers to the local community and some temporary benefits during the construction process. Given the scale of the proposed development, these benefits would be limited.

Planning Balance

12. The LPR and CS are dated from 2005 and 2011 respectively but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the National Planning Policy Framework (Framework). The countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework which also expects development to prioritise pedestrian and cycle movements. As such, the development plan policies most relevant for this appeal are broadly consistent with the Framework and therefore carry significant weight.

13. The Council cannot demonstrate a five year supply of deliverable housing sites and the shortfall is in the region of four years. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. As the site lies near to other dwellings along Halstead Road, it would not be isolated in the terms of the Framework. In addition, I recognise that where there are groups of smaller settlements, development in one village may support services in a village nearby. I am also mindful of the Government's objective of significantly boosting the supply of homes and that the site comprises previously developed land. I also note that small and medium sized sites can make an important contribution to meeting the housing requirement of the area.
15. Given that there are substantial existing buildings on the site and that the proposal is for a single dwelling, the harm in terms of character and appearance would be localised and limited. Since the site lies a short distance from Halstead, with a wide range of services and facilities, car journeys are likely to be short and the harm in terms of accessibility would also be limited.
16. Therefore, given the limited harm that would arise as result of the proposal, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. As a result, in this particular instance, the presumption in favour of sustainable development applies, which is a material consideration of sufficient weight to indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conclusion

18. For the reasons given above, I conclude that the appeal should succeed.

R Sabu

INSPECTOR