



Appeal Decision

Site visit made on 8 October 2020

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/Z1510/W/20/3249970

Land East of Church Road, Rivenhall, Essex, CM8 3PQ

- 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 H Siggers (Granville Developments) against the decision of Braintree District Council.
 - The application Ref. 19/01462/OUT, dated 1 August 2019, was refused by notice dated 1 November 2019.
 - The development proposed is an outline application for up to 8no. dwellings with associated garages and access road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This is an outline application with all matters except access reserved for subsequent approval. A plan has been submitted which shows the access arrangements for determination at this stage, but the siting of eight dwellings and associated garages shown on that plan is for illustrative purposes. The appellant confirms that dwellings on Plots 1 and 8 are intended to be single-storey.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the area; and (2) whether occupants of the proposed development would have reasonable access to services, facilities and employment.

Reasons

Character and Appearance

4. The appeal site forms part of the rural vista on approach to the village of Rivenhall from the south. The development pattern in the settlement varies between the eastern and western sides of Church Road, with residential development mostly focused to the west, with the housing elevated and set back behind an open green. In contrast, the eastern side of Church Road comprises linear development, with the exception of properties such as The Rectory, a large dwelling set further back from the road. The properties to the east of Church Road are largely screened from view from the south by mature hedgerow planting to the appeal site and on other boundaries.

5. The appeal site is an arable field that is designated 'countryside' in the adopted and emerging Local Plans, with the village envelope for Rivenhall along the northern boundary of the site, and on the western side of Church Road. The site is part of an attractive rural landscape around the valley of Rivenhall Brook. A public footpath runs alongside the southern boundary of the appeal site towards the brook, and has an open outlook of fields either side. The hedgerow planting to the boundaries of The Rectory and the recreation ground form a clearly defined boundary to the built up area of the village on its eastern side. The site's location, at the edge of the village, gives it a degree of sensitivity, and it contributes to the transition between the housing along Church Road and the open countryside beyond.
6. The Council's published Landscape Character Assessment (2006) [LCA] confirms that the site is within the Blackwater River Valley Area, and its character includes that of a shallow river valley with predominantly arable farmland on the valley slopes. With regard to housing, the character area is classified as being sensitive to changes to the skyline of the valley slopes, although in this case I note that views of rooftops within the village are already visible in the landscape.
7. Although there is planting to the southern boundary, there are gaps through which the site is visible, and the appellant's commissioned Landscape and Visual Impact Appraisal (LVIA) confirms that the wider rural character surrounding the site is evident to the south and east, with arable fields, trees and hedges extending across the rolling countryside, and that to the north-west of the site the main body of the village forms a strong visual edge with houses on gently rising ground. This is consistent with the assessment of the LCA.
8. The appeal site has an area of 0.49 hectares and up to 8 dwellings are proposed. Although the submitted layout plan is only illustrative, it demonstrates that a development of up to 8 units on the site would be low density, and at odds with the more close-knit development pattern that prevails in the village. Whilst this may serve to minimise the visual impact of housing on the site, it would also appear as a suburban development somewhat disjointed from the housing in the locality. The LVIA suggests that the existing dense block of houses to the west is not in keeping with the historic, more linear layout of the village, which the proposal would seek to rectify. However, rather than rectify, the proposal would consolidate development and extend it into otherwise open countryside. Whilst I note the appellant's view that the site is well contained, the boundary planting is fragmented, and visually the site is more closely related to the surrounding countryside than the settlement.
9. Furthermore, in order to provide safe vehicular access to the site, the existing roadside planting would be removed, albeit the illustrative plan shows that a new hedge would be planted behind the access sightlines. Viewed across the proposed access road, the new development would be a visual intrusion into a currently open landscape. This would be exacerbated by the site levels, with the new properties sited towards the upper levels of the appeal site.
10. The proposal includes a planning obligation to secure the planting and long term maintenance of a wild flower meadow adjacent to the roadside. This seeks to create a visual funnel with the green space on the opposite side of

Church Road. However, to achieve this any roadside hedging would need to be low, thereby limiting the screening potential for the new dwellings.

11. The LVIA notes that when viewed from Beech Road and the footpath to the south of the site the impact significance would be medium-high even after 15 years, and when viewed from the footpath the proposal would introduce a large component within the view and cause deterioration to existing visual amenity, and be of long duration. So, even if the nearby easterly views along the PROW were to be mainly out and across the wider landscape, going the other way, the built form of the development and its associated domestic paraphernalia would detrimentally intrude into the present open field. I acknowledge that long-distance views would not be unduly affected due to vegetation and topography. However, I find that the proposal would fundamentally change the character and appearance of the appeal site, and would diminish the important openness and sense of space on the eastern side of Church Road. This positively contributes to the rural setting of the village at this sensitive edge.
12. Braintree Core Strategy (CS) Policy CS5 seeks to strictly control development outside of village envelopes to uses appropriate to the countryside, in order to protect the landscape character, biodiversity, geodiversity and amenity. Policy RLP 2 of the Braintree District Local Plan Review 2005 (LP) confirms that countryside policies will apply outside of Town Development Boundaries and Village Envelopes. The Council concedes that these policies can be ascribed 'more than moderate but less than significant weight' as a result of their age and the housing supply position. However, the aims of CS Policy CS5 are consistent with those of the National Planning Policy Framework (the Framework) for planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. In this context, I conclude that the proposal would harmfully detract from the character and appearance of this edge-of-village site, and would unacceptably erode the rural setting of the village. This would be contrary to the aims of the Framework, CS Policy CS5, and Local Plan Policy RLP2.

Accessibility

13. Rivenhall is categorised as an 'other village' in the CS, and as a 'third tier' village in the Braintree Publication Draft Local Plan June 2017 (DLP). These smaller villages are not identified in the DLP as locations for new housing, noting that the third tier settlements lack most of the facilities required to meet day to day needs, and often having very poor public transport links.
14. However, the Council's strategy in the emerging Plan is still subject of examination. Moreover, the words "often" and "normally" in the text allow some flexibility, and it was evident at the appeal site visit that the site is a short walking distance from a primary school, village shop, church, and village hall. Bus stops are nearby, and offer a regular day time service to settlements providing access to employment, higher order services, and rail services. Whilst paragraph 103 of the Framework advises that significant development should be focused on locations which are or can be made sustainable, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making.

15. In this context, I do not consider a development of up to 8 dwellings to be "significant". Given the regularity of bus services operating throughout the day (excluding Sundays), public transport would offer a feasible alternative to car-borne travel. It is accepted that car trips will be generated by this proposal, but this is not inconsistent with paragraph 103 of the Framework.
16. I therefore conclude that future occupants of the proposed housing would have reasonable access to services, facilities and employment by means other than the private car. The proposal would therefore comply with the aims of the Framework, and CS Policy CS7, which seeks to provide development in accessible locations to reduce the need to travel. I have given some weight to DLP Policy LPP 44, but do not find the proposal inconsistent with its objective for sustainable modes of transport to be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

Planning Obligation

17. A unilateral undertaking which would secure the provision and retention of a wild flower meadow at the front of the site has been submitted. This is consistent with the requirement of CS Policy CS8 for all development proposals to ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geo-diversity. I am satisfied that the obligation would comply with Regulation 122 of the Community Infrastructure Regulations and the tests set out in Paragraph 56 of the Framework. I have therefore taken the obligation into account in reaching my decision.

Other Matters

18. Subject to the conditions recommended by the highway authority, the proposed access arrangements that are for determination at this stage would be acceptable in terms of highway safety.
19. The appellant has drawn attention to an appeal decision for housing in Finchingfield¹. Whilst some of the conclusions in that decision are relevant to this proposal, the context of the two schemes would appear to be materially different: the Finchingfield site was assessed as being level and with 'low-density residential development to each side', and being 'less open with the housing beyond, running alongside its western boundary, providing the clearly defined outward edge to the built-up village on this side of the road'. As a less prominent site enclosed by housing, the site-specific assessment offers limited support to this proposal.
20. Concerns have been raised in representations about the effect of the proposal on local infrastructure, including schools and medical services. However, no evidence has been provided to suggest that an additional 8 dwellings would place undue pressure on existing facilities. Whilst I note the comments made regarding the effect on local parking and traffic conditions, this is not supported by the response of the highway authority.
21. There is a Scheduled Monument to the north of the recreation ground, and the Grade I listed Church at the northern end of the village can be glimpsed from the footpath to the south of the appeal site. However, having regard to the

¹ APP/Z1510/W/19/3226390 & APP/Z1510/W/19/3226391 - Land west of Hill House, Brent Hall Road, Finchingfield

distances involved, the proposal would have no material impact on these heritage assets.

Planning Balance and Other Material Considerations

22. The Council has confirmed that its latest 5-year housing supply position shows a supply of 4.52 years, and that the presumption in favour of sustainable development set out in paragraph 11 of the Framework is engaged. However, as noted by the Council, this does not mean that all developments should be permitted at any cost.
23. Paragraph 12 of the Framework confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, albeit the weight afforded to Policies CS5 and RLP2 is only 'more than moderate but less than significant' as a result of their age and the housing supply position.
24. The proposal would have some social and economic benefits. It would provide up to 8 dwellings in a village location which would offer future residents reasonable access to services, facilities and public transport. I give significant weight to the provision of housing, but the actual contribution made by 8 open-market houses to the Council's housing shortfall would be relatively modest. That said, having regard to paragraph 79 of the Framework, the proposed housing would help to enhance or maintain the vitality of the rural community, and introduce residents to support local services, including the bus service. The construction phase of the development would benefit the local economy.
25. A planning obligation would secure the provision and maintenance of a wild flower meadow at the site, and the submitted Ecological Appraisal confirms that this would be a significant biodiversity enhancement compared to the current use of the land. However, I take a similar view to the Inspector in the Finchingfield appeal, that biodiversity benefits achieved through landscaping and landscape management is a consideration that attracts moderate weight; and that as the purpose of the flower meadow is primarily to mitigate harm arising from the development (by reducing the effect of the development in the street scene, and offsetting the removal of the existing roadside planting), it is a consideration that does not attract any more than limited weight.
26. These benefits must be balanced against the harm to the character and appearance of the area and the rural setting of the village, at this edge-of-settlement location. Having balanced the various considerations, I conclude that the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. For the reasons given above I conclude that the appeal should be dismissed.

H Lock

INSPECTOR