
Appeal Decision

Site visit made on 13 October 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/Z1510/W/20/3252997

Waltham, Henny Street, Great Henny CO10 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs P Rowe against Braintree District Council.
 - The application Ref 19/02040/FUL, is dated 9 November 2019.
 - The development proposed is construction of single dwelling.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council has referred to several relevant policies within the Braintree District Publication Draft Local Plan (DLP). However, it is not clear when this will be adopted, or whether there are any unresolved objections to its policies. I therefore afford the policies of the DLP only limited weight, and have determined the appeal having regard to the policies in the Council's adopted development plans.

Background and Main Issues

3. There have been a number of previous planning applications on the site, which have been refused and withdrawn, as well as two appeals which were dismissed. The most recent appeal was dismissed¹ on the grounds of character and appearance, as the proposal was considered to be not compatible with the site or its surroundings. This appeal results from the Council's failure to determine the planning application within the prescribed period. Nevertheless, its statement of case clarifies that if it were still able to determine the planning application, it would have refused it for two reasons. Therefore, on the evidence before me, I consider that the main issues are:
 - whether the proposed development would be in a suitable location, having regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the site and the surrounding area.

¹ APP/Z1510/W/18/3194787

Reasons

Suitability of the location

4. The appeal site is located outside of any development boundaries as designated by the Local Plan (LP) (2005). The nearest settlement to the site is at Henny Street, which is approximately 160 metres north of the site and has no services or facilities, except for a public house.
5. The village of Great Cornard is approximately 2km away, where there is a High School, a Primary School, a nursery, and two shops. However, the shortest route to the village from the site is not straight forward or easily accessible due to needing to cross the River Stour, a railway line and open fields. Therefore, it is more likely that future occupants would follow the road in order to access any services in the village, which would be a much longer route. There is also a nearby town, Sudbury, which is approximately 6km away. There is a much greater range of services and facilities at Sudbury, including a train station, schools, shops and doctors.
6. The appeal site is some distance from the nearby town and village and walking or cycling to them would be potentially dangerous, given that it would involve using roads which are narrow and unlit. Therefore, it is unlikely that the future occupants would walk or cycle to access the nearby settlements, especially during hours of darkness or in inclement weather. The Council has also highlighted that there are no public bus routes outside the site.
7. I acknowledge that the site is not isolated in the context of Paragraph 79 of the National Planning Policy Framework (the Framework), and that the proposal could potentially play a part in enhancing or maintaining the vitality of rural communities. However, the appeal site is some distance from the majority of day-to-day services and facilities and the routes to them would not favour the use of sustainable transport. Consequently, future occupants would be heavily reliant on the use of private motor vehicles.
8. The appeal site would not be a suitable location for residential development as it would not afford suitable access to services and facilities, which would place heavy reliance on travel by private motor vehicles. Therefore, it would be contrary to Saved Policy RLP2 of the LP and policies CS5 and CS7 of the Core Strategy (CS) (2011). These policies require, amongst other things, that development outside development boundaries be strictly controlled to uses appropriate to the countryside and that development be in accessible locations, which reduces the need to travel and can encourage sustainable travel.

Character and appearance

9. The appeal site is an enclosed parcel of land situated next to Street Farm and has a number of trees and hedgerows along the boundary. It is a narrow, but elevated plot of land and is predominately bound by open fields. The long narrow site rises up from the road boundary towards the edge of the boundary at the end of the site. The access to the site is overgrown, and it leads to what appears to be an abandoned building and abandoned mobile home. The road outside the site is a narrow single track road, with the River Stour sitting beyond it. To the south there is a small collection of residential dwellings and to the north there is a public house.

10. The character and appearance of the site and surrounding area described by the Inspector in the previous appeal does not appear to have greatly altered or changed since it was determined. Features such as the tight frontage development of garden walls and buildings to the south, which become more sporadic and open to the north remain. Overall, the site and its surroundings have a verdant and rural character.
11. The overall design of the proposal would lack sympathy to either the group of dwellings of Henny Street, or the gentle slopes of the Stour Valley. As such, it would be an unusual addition to the site and the surrounding landscape and would result in a prominent and visually intrusive new building in the countryside. The site is prominent in the local landscape, and the proposal would introduce built form and residential paraphernalia into the countryside, where none currently exists, with a subsequent urbanising effect on the site.
12. I note that references have been made to precedents and design features present in the area, as well as the historical agricultural elements. However, not all of these are related to the local characteristics of the site and the immediate context. The proposal with its multitude of design features and influences, along with incoherent elements and proportions, would appear as an alien feature in relation to the character and appearance of the area. Whilst I acknowledge that the appellants have sought to amend the proposal from the previous appeal to better integrate it with the landscape, however, it would still represent an intrusive development in this countryside location.
13. The appellants have suggested that the retention of the screening around the site would lessen the impact of the dwelling. However, landscaping cannot be considered a permanent feature, or as way to obviate harm. Furthermore, some of the existing landscaping appears to be outside the red line boundary of the site, and it is not indicated whether this is in the appellants' control. Therefore, there is no guarantee that it would remain.
14. My attention has also been brought to Paragraph 131 of the Framework. It states that great weight should be given to outstanding or innovative designs, which promotes high levels of sustainability, or helps raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The proposed scheme would be unique in its design, and it is commendable to seek to achieve high standards of design.
15. However, there is no substantive evidence before me to suggest that the proposal would be particularly innovative or outstanding in terms of its use of renewable technology or sustainable measures that could be incorporated into the building's fabric. I find that there would be nothing particularly pioneering in that respect. Furthermore, the proposal would not fit with the overall form and layout of its surroundings, and therefore it fails to raise the standard of design in the area.
16. The development proposed would therefore cause unacceptable harm to the character and appearance of the surrounding area. Therefore, it would be contrary to policies CS5, CS8 and CS9 of the CS and saved policies RLP80 and RLP90 of the LP. These policies require, amongst other things, that development outside development boundaries be strictly controlled to uses appropriate to the countryside development to protect and enhance the landscape character and any development shall be in harmony with the character and appearance of the surrounding area.

Other Matters

17. I note the appellant has raised concerns around not being able to access comments from the Design advisor at the Council. However, this is not a determinative matter for the appeal.
18. I acknowledge that there were no objections from the landscape, highways, archaeology, environmental health and ecology consultees. However, this is a neutral consideration and I have made my own judgements on the proposal.

Planning Balance and Conclusion

19. The Council has stated that it cannot demonstrate a 5 year supply of housing land as required by paragraph 73 of the Framework. The Council has stated that its latest Five year supply position 2020-2025 shows a supply of 4.52 years. Although, it has also suggested that at a recent inquiry the land supply figure was found to be between 3.72 years and 4.52 years. Therefore, it is clear that the supply is short of the required figure and that the relevant policies of the development plan are considered to be out-of-date. As a consequence, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is engaged. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The Government is seeking to significantly boost the supply of housing and the proposal would provide a high quality house. There would be a social benefit, through the provision of one additional dwelling, and the contribution that it would make to the Council's shortfall of five year housing land supply, albeit the impact would be limited by the small scale of the development.
21. The proposal would result in some economic benefits, for example, the short term construction jobs whilst the site is being cleared and the new building being developed, and also the contribution that its future occupiers would make to the local economy. However, these would be very much limited by the small scale of the proposed development.
22. There would be an environmental harm caused by the site's unsustainable location, being set a significant distance outside of the closest village of Great Cornard and the town of Sudbury, and the unattractiveness of the route for either walking or cycling, as well as the lack of nearby bus route. There would therefore, be a sole reliance on the use of the private motor vehicle, which is not a sustainable mode of transport. The appellant has suggested that the proposal would promote an effective use of land by using a previously development land to meeting the need for homes. However, even if it was previously developed land, Paragraph 117 of the Framework requires that this should be achieved while safeguarding and improving the environment, which this proposal does not.
23. The appeal site lies in the countryside, outside of the village boundary. There would be harm to the character and appearance of the area as a result of the development proposed, and the future occupants would be heavily reliant on the private motor vehicle, as such this attracts substantial weight. The scheme would also conflict with the Framework as it would not contribute to giving people a real choice about how they travel or help towards the achievement of

- a low carbon future. I also do not consider that the proposal would be innovative or outstanding.
24. In the context of the development plan, the proposed development would be contrary to policies CS5, CS7, CS8 and CS9 of the CS and saved policies RLP2, RLP80 and RLP90 of the LP.
25. Whilst, the approach in Policy RLP2 of the LP to maintain the character of the countryside, differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. I consider that saved Policy RLP2 of the LP is a restrictive policy that does not afford the same degree of flexibility as the Framework. This policy is therefore not fully consistent with it.
26. However, there is still a clear rationale for development boundaries in order to protect the countryside and the character of the area while focusing growth within designated settlements supported by local facilities and services. Accordingly, the conflict with the saved policies of the RLP, relevant to the consideration of this appeal, should be afforded weight, even if this is only limited.
27. I therefore conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits associated with the provision of one dwelling. The proposal conflicts with the development plan when read as a whole, and there are no material considerations, including the advice of the Framework, which outweigh this conflict.
28. For the reasons set out above, I conclude that the appeal is dismissed, and planning permission is refused.

D Peppitt

INSPECTOR