
Appeal Decision

Site visit made on 16 November 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/Z1510/W/20/3250081

Crowbridge Farm, Chapel Hill, Halstead, Essex CO9 1JS

- 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 Oliver Hookway (Go Homes Limited) against the decision of Braintree District Council.
 - The application Ref 19/01532/OUT, dated 16 August 2019, was refused by notice dated 6 February 2020.
 - The development proposed is for up to 40 dwellings with associated infrastructure and public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all detailed matters reserved for later consideration. I have dealt with this appeal accordingly, considering the additional details provided as illustrative of the intended development.
3. A unilateral undertaking (UU) has been provided, made under Section 106 of the Town and Country Planning Act 1990 (as amended). This is dated 26 August 2020 and is signed and executed as a deed. I have taken it into account in making this decision. This includes the part which covenants that an area of the appeal site will remain undeveloped in perpetuity, to serve as a setting zone to the adjacent listed buildings.
4. The UU provides the means to mitigate for the impact of the development on local education services and recreation provision and to comply with the development plan policies in respect of providing for affordable housing and public open space. The Council has confirmed that this overcomes the fourth reason for refusal, over not meeting these requirements.
5. This proposal follows an earlier appeal¹ over the refusal of outline planning permission for up to 70 dwellings on this land, which was dismissed on 19 January 2019. I have had regard to that decision.
6. There is an emerging Draft Local Plan, under examination in two parts. The Council advises that the Section 1 part, jointly covering the North Essex Authorities, currently carries no weight, pending progress in addressing issues

¹ Appeal Ref: APP/Z1510/W/18/3202532

of soundness. I concur, and also give the emerging Section 2 Local Plan little weight.

Main Issues

7. These are the effects of the proposal on (i) the character and appearance of the area, including whether this would preserve the setting of the grade II listed Crowbridge Barn, and (ii) legally protected and priority species.

Reasons

(i) the character and appearance of the area

8. The proposal relates to a parcel of farmland of about 4.2 hectares. The land lies to the edge of Halstead, which is an Essex market town of some 12,000 population. Access would be from the public highway at Chapel Hill. This would be adjacent to the track currently serving the buildings and adjacent cottages at Crowbridge Farm, which are listed. These are set apart from any other housing on this side of the road and at this point the street scene is rural in appearance. The opposite side of the road has a complete residential frontage and marks a more clearly identifiable edge to the built-up extent of the town. The new junction here would reduce the rural character of the street-scene, although the curvature of the estate road, with homes set back into the site, would help screen the development from the public highway.
9. The major part of the appeal site lies beyond these older farm buildings and is screened by vegetation and topography from Chapel Hill. Extensive views of countryside open up beyond the barns, with the land rising up as a shallow valley side from a watercourse running to one side, with hedging and more isolated trees defining the field edges and a substantial area of woodland lying beyond in the distance. At this point the character of this area is strongly that of open countryside, with proximity to the edge of a quite large town not strongly perceived. The area falls within the Gosfield Wooded Farmland landscape character area. Whilst not covered by any specific protective designation, the area possesses the gentle and well wooded scenic qualities described.
10. I have considered the Landscape and Visual Assessment provided with the proposals² and the independent review and further appraisal prepared on behalf of the Council³. I note the residential development is shown to be located on the lower parts of the site, with an open buffer around the listed farm building. The open space for the development would be at the higher and outer parts of the site, with the lower part of the valley covenanted to remain undeveloped in perpetuity as a setting to Crowbridge Farm. The aim is to retain trees and hedgerows as part of more comprehensive landscaping to soften the impact of the development, where topography and existing vegetation do limit views from the public realm.
11. Whatever the detailed layout, housing on this site would neither be contiguous nor have any organic connection with the existing extent and pattern of suburban development in Halstead. With undeveloped land to both sides and open farm fields with woodland stretching out beyond, whatever the final

² Design & Access Statement (Incorporating Landscape and Visual Assessment) – GO Planning August 2019 ref 2016-838-DAS and other supporting documents

³ Wynne-Williams Associates October 2019

configuration, a scheme of up to 40 dwellings would inevitably comprise a rather stark outcrop of suburban development. Projecting rather incongruously into quite scenic, gently rolling countryside, and in a manner poorly related to the morphology of the main settlement, the proposal would be of significant harm to the character and appearance of this area. The layout of the proposal indicated, and the location of open space and further landscaping proposed, would not avoid this harm. The limited degree of visual accessibility externally from nearby private properties and public vantage points would not alter the intrinsic harm to the rural landscape.

12. I have applied the duties imposed by sections 66(1) and (72)1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, having special regard to the desirability of preserving the setting of nearby listed buildings and paying special attention to the desirability of preserving or enhancing the character or appearance of the Halstead Conservation Area (CA). Due to the outline nature of the proposals there is some difficulty in fully appraising the effect on nearby heritage assets. However, taking account of the Inspector's conclusions in the previous appeal, I find this lesser amount of development and greater degree of spatial separation would preserve the setting of the grade II listed Crowbridge Farm Cottages as well as the further distant CA and the Grade II* listed Holy Trinity Church.
13. Crowbridge Farm barn comprises a Grade II listed timber framed building, dating from the late 18th Century, connecting to a range of single storey brick-built stables and other outbuildings. These have approval for a residential conversion. The setting zone would preserve a long section of undeveloped land stretching a significant distance to the rear of the barn. As illustrated, the new estate road would enter the site and curve away from the listed barn and be set apart by a landscaped buffer including a pond, with the housing facing onto its far side. Such a layout would be sufficient to preserve the setting of Crowbridge Farm barn. Subject to suitable reserved matters, the scheme as illustrated would, in this respect, satisfy saved policies RLP95 and RLP100 of the Braintree District Local Plan Review (RLP), adopted in July 2005, and Policy CS9 of the Council's Core Strategy (CS), adopted in September 2011.
14. Nevertheless, the housing would be within countryside outside the Halstead settlement boundary and not on land allocated for development. The proposal thus conflicts with saved RLP policies 2, 80 and 90 and CS policies 5 and 8. This is insofar as these restrict development outside of settlements and, in respect of the location and form of new proposals, afford protection to the landscape character of the countryside and the natural environment this contains. For the reasons given, I find the 40 dwellings would have a significant adverse impact on the character and appearance of the countryside.

(ii) legally protected and priority species

15. The survey evidence shows the proposal would not affect any habitats of international, national, county or local importance and that, whilst badgers use the site, measures might mitigate any harm to this protected species. The Council's residual concerns relate mainly to the possible presence of bats, although the mature oak trees that might provide a potential habitat are to be retained. Should any be considered for felling at a future date, then a bat survey might precede any action.

16. It would appear that, had this site been otherwise considered acceptable for housing, then the impacts on biodiversity, including the presence of any legally protected and priority species, would not have provided insurmountable grounds to resist development. This parcel of countryside no doubt provides a natural habitat for various species which, whilst not specifically protected, are of value. On the other hand, the housing might be designed to add some benefits to nature conservation.
17. On balance, any conflict with RLP Policy 84 and CS Policy 8, in respect of the protection of biodiversity, does not amount to a determinative factor in this decision. However, this confers no overall benefits from the development of this site, nor offsets the harm to the character and appearance of the countryside found.

Balance and Conclusion

18. The Council acknowledges that, for decision making purposes, the current development plan is not up-to-date and that the five-year housing land supply (5YHLS) sought by paragraph 73 of the National Planning Policy Framework (the Framework) cannot presently be demonstrated. I am relying on the conclusions of my colleague, made recently in respect of a proposal for up to 150 dwellings at land off School Lane, Rayne⁴, elsewhere in Braintree. This is that the 4.52 years housing supply claimed by the Council might be optimistic, but the figure would likely be above 3.72 years, based on the evidence at that particular Inquiry.
19. The 40 dwellings would provide moderate social benefits both in helping to address what is a significant deficit in 5YHLS and through more generally boosting supply. These social benefits would be enhanced through the scheme supporting a policy-compliant level of affordable housing. On the same basis, there would be moderate economic benefits locally, both through the construction and future servicing of the dwellings as well as the additional household expenditure. Although the long-term effects of the present Covid-19 pandemic are not yet exactly known, they are likely to add some premium to these economic benefits.
20. The other financial contributions, made towards early years and childcare education and outdoor sport, would mitigate for the additional demands of the new homes. The open space and landscaping provided as part of the scheme would mainly benefit future occupiers and not off-set the overall harm to the rural landscape. The new housing would have quite convenient access to the good range of services and facilities available nearby in Halstead. The proposal would cause no material harm through being located where this necessitated regular travel over long distances to access services and a high reliance on private car journeys.
21. The Framework is a material consideration to which significant weight is given and, because the development plan is out-of-date, this includes the presumption it grants in favour of sustainable development, as set out in paragraph 11 d). Although the proposal is in outline, the illustrative plans demonstrate the development might be designed so as to preserve the setting of the listed Crowbridge Farm barn. Therefore, applying paragraph 11 d) i), the

⁴ APP/21510/W/20/3247020. Appeal dismissed on 31 July 2020 for up to 150 dwellings proposed at land off School Lane, Rayne

protection given by the Framework to this heritage asset would not provide a clear reason for dismissing the appeal. Instead, the tilted balance in 11 d) ii applies.

22. Although not providing the required 5YHLS, the Council's policies nonetheless provide the plan-led approach towards the future growth of Halstead. The Framework re-iterates the primacy of the statutory plan-led approach, which in this case allows for meeting the town's housing needs in a manner that best protects its rural landscape setting. The scheme conflicts with key parts of the Framework. This includes where it promotes an effective use of land in meeting the need for homes, in a manner which safeguards and improves the environment and is sympathetic to local character, including the surrounding landscape setting and intrinsic character and beauty of the countryside.
23. The significant harm found to the character and appearance of this parcel of countryside, and the landscape setting it provides the town, would significantly and demonstrably outweigh the more moderate benefits of the 40 dwellings, when assessed against the Framework policies taken as a whole.
24. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by paragraph 11 of the Framework. As a material consideration, this would thus not indicate the appeal be decided other than in accordance with the development plan, with which I find there to be conflict when considered as a whole. Therefore, for the reasons set out above and having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector