
Appeal Decision

Site visit made on 14 December 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/Z1510/W/20/3254905

Old Windmill, Pebmarsh Road, Althamstone, Essex CO8 5HJ

- 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 Ms Hailey Harvey against the decision of Braintree District Council.
 - The application Ref 20/00065/OUT, dated 21 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is described as 'outline planning application with all matters reserved for the erection of 1no. dwelling'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis.
3. The appellant has submitted a preliminary ecological appraisal with their appeal which concludes there would be no harm to protected species subject to mitigation and enhancement measures. I have no reason to doubt this and the Council have not disputed these findings either. As such, the Council's concerns regarding the impact on biodiversity have been addressed and therefore I have not considered this matter further.
4. Accordingly, the main issues in this appeal are: 1) Whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy for housing in the development plan and the accessibility of services and facilities; and 2) The effect of the proposal on the character and appearance of the area.

Reasons

Spatial Strategy

5. The spatial strategy for housing includes saved Policy RLP2 of the Braintree District Local Plan Review 2005 (LP), which directs new developments to sites within the defined boundaries of towns and villages. Outside these areas countryside policies will apply. The boundaries are in place to protect the countryside around settlements and non-renewable and natural resources. Policy CS5 of the Braintree District Council Core Strategy 2011 (CS) states that development in the countryside will be strictly controlled.

6. The appeal site is separated from Alphamstone, Pebmarsh and Cross End by extensive tracks of open countryside. There is some sporadic housing development to the east of the appeal site, but this is not a discernible hamlet or cluster being strung out along the road and interspersed by fields and hedges. Accordingly, the appeal site is not spatially within or at a village or settlement. Thus, its exclusion in the LP from a defined settlement is logical.
7. Alphamstone is the nearest village to the appeal site, the built form of which is focussed on St Barnabas Church and the small green at the crossroads of Pebmarsh Road and Goulds Road. Beyond this, the village tapers out into attractive, gently undulating and verdant countryside characterised by fields, paddocks, trees and thick hedgerows. Alphamstone has no settlement boundary and therefore the appeal site would still be in the countryside for the purposes of applying the policies in the development plan even if it were physically and spatially part of this village.
8. The appeal scheme would introduce new housing into the countryside and there is nothing before me to demonstrate it would do so in a way that would adhere to the countryside policies of the development plan. It would therefore be contrary to the local settlement policies identified above. Accordingly, the proposal would be at odds with, and harmfully undermine, the spatial strategy for the location of housing contained in the development plan.

The accessibility of services and facilities

9. It would be possible to walk from the appeal site into Alphamstone on occasion due to the modest distance of about 1km. However, this village only appears to have a church and a village hall. Therefore, future occupants of the proposal would need to travel further afield for everyday services, facilities and work. There are some facilities in Pebmarsh/Cross End, such as a school, public house and the Courtyard Store, but this would require a long walk (especially when factoring in the return journey) along a narrow country lane devoid of pavements. This would discourage many residents from walking and would be a particularly unattractive prospect for those with mobility difficulties, parents with young children or if travel is necessary during inclement weather or outside of daylight hours. A greater range of services are available in Bures, Sudbury and Halstead but these settlements are clearly beyond a comfortable walk. As such, the appeal site is not well placed to encourage walking as a means of sustainable travel.
10. Cycling would be an option as a mode of travel from the appeal site to some of the nearer settlements, especially Pebmarsh/Cross End and Catley Cross, because the distance would not be excessive. However, the narrow nature of the lanes may discourage some cyclists as would the use of busy local roads such as the A131 to go further afield. Moreover, the evidence before me does not demonstrate that cycling is a popular mode of transport amongst existing residents, which could otherwise be an indicator that cycling is a locally realistic alternative to car travel for trips such as commuting to work or school. In addition, it cannot be guaranteed that future occupants of the proposal would have the levels of confidence, fitness and proficiency to regularly cycle. I have not been provided with details of any bus stop being close to the appeal site and therefore public transport does not seem to be a realistic option.
11. Given the foregoing, the appeal site is not well placed for future residents to conveniently access services and facilities other than by using a car. In fact,

they would probably need to use a car for all but very occasional journeys, making them car dependent in practice. Some trips to nearby settlements would be short but the number of miles cumulatively travelled would soon add up with the associated carbon emissions. The appellant, who is likely to be the first occupier of the dwelling, currently drives regularly to the site and therefore this would offset some of the future journeys. However, there is nothing before me to demonstrate there would not be a net increase in trips by car.

12. Siting a dwelling here would also fail to adequately encourage the health benefits that can be achieved from convenient sustainable travel and would not support the economy of service provision that can be gained from focussing housing at settlements, as opposed to dispersing it into the countryside.
13. Therefore, even when mindful that opportunities to maximise sustainable transport will be inherently more inhibited in rural areas (as opposed to urban locations), the appeal site is not well placed to accommodate a new dwelling due to its particularly poor accessibility to services and facilities by means other than a private car. Therefore, the proposal would be contrary to Policy CS7 of the CS, which seeks to provide development in accessible locations and encourage sustainable transport.

The effect on the character and appearance of the area

14. The appeal site currently encompasses a verdant parcel of undeveloped land that has a rustic appearance. This contributes to the rural character of the area, especially as the site is viewed in the context of arable fields on three sides. The unbroken mature hedgerow around the appeal site is a particularly important feature that enhances further the structure and appearance of the area, which is open and sparsely populated.
15. Siting a dwelling at the appeal site would be sporadic development unrelated to a discernible settlement. It would therefore erode the rural character of the area. In addition, a vehicular access and its associated visibility splays would likely interrupt the continuity of the hedge and appear as an additional urbanising feature. That said, the appeal scheme could be screened to a large extent by the existing hedge and this would reduce its presence. However, it would be unwise to rely on the hedge as mitigation because its longevity could not be guaranteed. For example, it is not hard to imagine a situation where the hedge could be lowered or thinned to provide additional light into the site or to create a view of surrounding countryside.
16. In conclusion, the proposal would harm the rural character and appearance of the area. It would therefore be at odds with Policy RLP90 of the LP and Policies CS5 and CS9 of the CS, which require a high standard of design that reflects local distinctiveness, the need to conserve landscape features and is in harmony with the character and appearance of the area.

Other Matters

17. Reference has been made to other appeal decisions¹, but these relate to sites at different villages with different circumstances, including the range and proximity of services and public transport. As such, they are of limited weight to my assessment of the appeal before me. In allowing an appeal² in the

¹ Including APP/Z1510/W/19/3229655, APP/Z1510/W/19/3228489 and APP/Z1510/W/3243946

² Z1510/W/20/3250258

locality, an Inspector found the site in question to be adjoining the settlement of Pebmarsh and within comfortable walking distance of public transport and local facilities. As such, the circumstances are different to the proposal before me and therefore the appeal decision is of limited relevance and weight.

18. The appellant has strong local ties and works at a local veterinary clinic. She also cares for local wildlife, some of which is kept on site. However, such personal circumstances would not outweigh the harm I have identified, particularly as it would be inappropriate to impose a personal permission on a building, and little substantive evidence has been provided to suggest the appellant and her family are currently without a home, unable to secure one in the area or that her presence on site is necessary to support an established wildlife charity or the proper functioning of a rural business. The same applies to her husband. The appellant has the desire to erect an 'eco-home' but no details are before me and therefore this is a matter of very limited weight.

Planning Balance

19. The Council are currently unable to demonstrate a five-year housing land supply at odds with Paragraph 73 of the National Planning Policy Framework (the Framework). The supply is probably currently around 4.15 years. In such circumstances, the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.
20. As an adverse impact, the proposal would undermine the spatial strategy in the development plan but a rigorous application of Policies RLP2 and CS5 would frustrate attempts to remedy the housing shortfall. That said, the identification of settlement boundaries can be a useful tool in addressing some of the aims in the Framework, such as recognising the intrinsic character and beauty of the countryside whilst allowing some housing at settlements and villages to support the vitality of local services. As such, Policies RLP2 and CS5 are not entirely inconsistent with the Framework and therefore the conflict with them still carries some limited weight.
21. The foregoing is a point of particular note because the appeal scheme would not glean direct support from Paragraphs 78 of the Framework. This is because the proposed dwelling would not be well placed to enhance or maintain the vitality of a rural community in a way that holistically promotes sustainable development due to its remoteness from a discernible settlement. Moreover, being located away from a village, the proposal would not provide an opportunity for one to grow and thrive and nor would it be development in one village that would support services in a village nearby. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be supported by the rural housing policies of the Framework.
22. The negative impact to the character and appearance of the area would be at odds with the Framework's aims of ensuring developments are sympathetic to local character. The failure to promote sustainable transport is also at odds with the Framework. However, as only a single dwelling is proposed the level of harm in these respects would not be of a high order. Overall, the proposal would result in a moderate level of harm.
23. The proposed dwelling would not be isolated (being close to the host property) and could be delivered quickly and thus support housing land supply and choice

in the short term. But only to a modest extent. Similarly, the construction and subsequent occupation of the dwelling would provide modest economic benefits to the construction industry and the local economy more generally, albeit from a remote base. There is nothing of substance before me to suggest the occupation of the dwelling would have a meaningful effect on the provision of services and facilities or the vitality of a local community. Overall, the benefits of the proposal would cumulatively be matters of limited weight in favour of it.

24. When taken together, the moderate adverse impacts of the appeal scheme would significantly and demonstrably outweigh its limited benefits. This does not indicate the appeal should be determined otherwise than in accordance with the development plan.

Conclusion

25. The proposed development would be contrary to the development plan and there are no other considerations, including the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR