



Appeal Decision

Site visit made on 14 December 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/Z1510/W/20/3255805

Land off Water Lane, Steeple Bumpstead, Essex, Easting: 567415

Northing: 240757

- 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 James Rankin against the decision of Braintree District Council.
 - The application Ref 19/02316/PIP, dated 20 December 2019, was refused by notice dated 22 January 2020.
 - The development proposed is described as "Permission in Principle for 7-9 dwellings with access off Water Lane".
-

Decision

1. The appeal is allowed, and permission in principle is granted for 7-9 dwellings with access off Water Lane at land off Water Lane, Steeple Bumpstead, Essex, Easting: 567415 Northing: 240757 in accordance with the terms of the application ref: 19/02316/PIP, dated 20 December 2019.

Procedural Matters

2. The appeal proposal seeks Permission in Principle. This consent route has two stages, with the first establishing whether a site is suitable in principle for the development proposed and the second assessing the detailed development proposals. The proposal is at the first stage, so this appeal therefore considers the principle of development, limited to location, land use and amount of development.
3. Applications for Permission in Principle relating to residential development can seek consent for a minimum and maximum number of dwellings. In this instance permission has been sought for 7 to 9 dwellings. The appeal has been determined on this basis.
4. The Council has submitted its emerging Local Plan for examination. The emerging plan is some distance from adoption, and consequently its policies attract limited weight in the determination of this appeal.

Main Issue

5. The main issue is the effect on the character and appearance of the area.

Reasons

6. The development proposed would continue the linear projection of housing along this stretch of Water Lane. It would be an intrusive addition to the general rural character of the area, which is typified by the open fields projecting from this side of the road.
7. The development proposed would continue the existing linear pattern of development in the area, and the detailed development proposals would be assessed at the second stage. However, the introduction of a minimum of seven houses in this location, together with the attendant domestic paraphernalia, would be harmful to that open and rural character.
8. The appeal proposal would therefore conflict with the requirements of Policies RLP2, RLP80 and RLP90 of the Braintree Local Plan 2005 (the LP) and Policies CS5, CS8 and CS9 of the Braintree Core Strategy 2011 (the CS). Together these policies require, amongst other things, that development will be confined to the areas within defined settlement boundaries to protect and enhance the landscape character.

Other Matters

9. The Council has referred to Policy RLP100 of the LP in their decision. However, this policy relates to listed buildings and their settings, and it is not clear how this relates to the appeal proposal as no listed buildings have been identified in the vicinity of the site.
10. The site lies outside of the village envelope and there is no pavement or footpath extending to the site. However, the accessibility of the site regarding services and facilities did not form part of the Council's reason for refusal. As the appeal site is immediately adjacent to existing housing with a pavement running into the village in the near vicinity I see no reason to disagree with this conclusion.
11. I have also considered concerns raised by interested parties regarding the loss of agricultural land, but no information has been provided regarding what grade the land is, and the appeal site is only a small area of a larger field so any harm from the loss of land would be limited.
12. Concerns were also raised by interested parties regarding the potential for highway safety issues, additional pollution and disturbance arising from the development proposed. However, the Council did not identify any specific concerns regarding these issues and in any case they could be addressed at the second stage.
13. With regard to concerns that allowing this appeal would set a precedent for future development, any proposal must be assessed on its own merits.

Planning Balance

14. There would be harm to the character and appearance of the area as a result of the appeal proposal. As the development would occupy a small area within a large open field and would be next to existing housing arranged in a similar linear fashion along the road, the extent of harm arising would be limited. There would be additional limited harm from the loss of agricultural land.
15. Overall, the development would conflict with Policies RLP2, RLP80 and RLP90 of the LP and Policies CS5, CS8 and CS9 of the CS. Taken together these policies

- address development in the countryside and require that development protect and enhance landscape character. As this appeal seeks first stage consent for Permission in Principle, the most important policies are CS5, CS8, RLP2 and RLP90.
16. The Council's delegated report states that the Council was able to demonstrate a five year supply of housing land. However, at the time of the later committee report submitted by the appellant the Council was not able to demonstrate a five year supply. This is the most recent evidence of the Council's position submitted, and the Council has not contested its accuracy.
 17. Where the Council is not able to demonstrate a five year supply of deliverable housing land, paragraph 11 of the National Planning Policy Framework (the Framework) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, this does not change the statutory status of the development plan as the starting point for decision making.
 18. Policy CS8 of the CS and RLP90 of the LP collectively seek a high standard of layout and design in all developments and state that development must have regard to the character of the landscape and its sensitivity to change. The aims of these policies are consistent with those of the Framework, so the conflict with them attracts full weight.
 19. Policies RLP2 of the LP and CS5 of the CS broadly seek to limit development in the countryside only to uses considered appropriate. As this is not consistent with the Framework, the weight attributed to the conflict with these policies is limited.
 20. Policies RLP80 of the LP and CS9 of the CS collectively require that development successfully integrate into the local landscape and that it achieves the highest possible standards of design and layout. These policies are also consistent with the Framework, and consequently the conflict with them also attracts full weight.
 21. The appeal proposal would deliver between seven and nine additional dwellings, and this attracts significant weight given the Council's shortfall in housing land supply, and the Government's objective of significantly boosting the supply of homes. In addition, there would be economic and social benefits from the ongoing occupation of the houses, as well as temporary economic benefits from the construction of the development proposed.
 22. The limited harm that would arise to the character and appearance of the area and from the loss of a small area of agricultural land would not significantly and demonstrably outweigh the benefits that would result from the appeal proposal, when assessed against the policies of the Framework taken as a whole.

Conclusion

23. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR