
Appeal Decision

Site visit made on 6 January 2021

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/Z1510/W/20/3259003

Land at Old Road, Wickham St Paul CO9 2PU

- 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 D Brett and Mrs J Andrews against the decision of Braintree District Council.
 - The application Ref 20/00088/OUT, dated 6 February 2020, was refused by notice dated 19 July 2020.
 - The development proposed is the erection of 4 No detached single storey dwellings with parking/garages and new vehicular access from Old Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are a) the principle of the proposed development with specific regard to its location and access to services; b) the effect of the proposed development on the character and appearance of the area; and c) the effect of the proposed development on the setting of listed buildings.

Reasons

The Principle of Development

3. The appeal site is outside of a defined settlement and is therefore, by definition and in planning terms, in the countryside. Saved Policy RLP2 of the Local Plan¹ sets out that development should be directed to within settlements. Outside thereof, in the countryside, open market housing will generally be resisted with development limited to certain uses appropriate thereto. Whilst this is mainly in order to protect the character of the countryside as per Policy CS5 of the Core Strategy², Policy CS7 states that future development will be provided in accessible locations to reduce the need to travel.
4. The evidence suggests that Wickham St Paul has a post office, public house and a farm shop. They are located on Church Road, to the west of the appeal site. Whilst the services are a short distance away and the route could be walked or cycled, it is along a narrow and unlit road without segregated pavements and as such would not be safe or ideal for low mobility users or

¹ Braintree District Local Plan Review 2005

² Braintree District Council Local Development Framework Core Strategy 2011

parents with small children. In addition, the range of services available is very limited and thus future occupiers would likely have to travel for a wider retail offer, employment, healthcare and education. It seems a bus service runs through the village that connects it with larger and better serviced settlements and it runs twice an hour according to the appellant. The Council however clarify that this service is a minibus that operates on a pre booked demand led basis, requiring a reasonable number of patrons to make a run viable. It does not therefore strike me as being sufficient to rely upon.

5. Taking this and the above into account, it seems to me that journeys to and from the appeal site would more likely than not be by means of the private car, the least sustainable travel option. Journeys would be frequent and given the scale of the appeal scheme associated with multiple dwellings. The appeal scheme would represent housing development outside of a settlement in a location that relates poorly to services on which future occupiers would rely. Accordingly, it would not reduce the need to travel. In fact, it would encourage quite the opposite. This would be contrary to the aforementioned policies which seek to restrict development in the countryside and reduce the need to travel to promote accessibility for all.

Character and Appearance

6. The appeal site is a flat and roughly rectangular parcel of land to the east of Old Road. It is outside of Wickham St Paul, backing onto a larger field. Old Road is narrow, enclosed in places by hedges and trees and characterised by sporadic and low density development, reflecting its distinct rurality. There is more dense and regular development to the west, but this is to the north side of Old Road only and relates to the fringes of the village.
7. The appeal scheme would introduce four dwellings which would likely be spread across the whole site which is not insignificantly sized in itself. Whilst finer details are reserved for future consideration with this outline scheme, it is hard to see how a distinctly urban form would not be introduced into what is primarily a rural location. Buildings, access routes and defined curtilages would all combine to reduce the attractive rural character of Old Road at this point with the regularity and density of new development being particularly jarring. The evidence suggests that quality materials would be used and landscaping retained and enhanced but these measures would not, for me, be enough to sufficiently reduce the adverse effects I have set out.
8. The proposed development would therefore harm the character and appearance of the area, contrary to Policies CS8 and CS9 of the Core Strategy and saved Policy RLP80 of the Local Plan. Together and amongst other things these policies seek to ensure that development that does not integrate successfully into the local landscape is not be permitted. They also set out that regard should be had to the character of the landscape and its sensitivity to change, whilst promoting the highest possible standards of design in all new development, respecting and responding to local context.

Listed Buildings

9. The southern end of the appeal site falls opposite a pair of grade II listed semi detached single storey cottages which themselves are set back from and facing Old Road. They are an attractive and quaint pair of dwellings with a simple design and traditional proportions. The gable roof contains a small pitched roof

dormer window. The buildings contribute positively to their distinctly rural and semi isolated setting which is made up of a narrow, quiet and sporadically developed lane and a number of open and undeveloped fields.

10. As I have set out in my findings on the second main issue, the appeal scheme would introduce a distinctly urban form and density of development that would noticeably reduce the rural character of Old Road. The setting of the listed cottages is very sensitive in this respect and the new development, whilst separate and on the opposite side of Old Road, would unacceptably impinge on their rural setting, noticeably reducing the open and undeveloped feel of the fields that make it up.
11. Given the scale of the proposed development I would consider the harm to the setting of the listed cottages to be less than substantial. As such, and in regard to the requirements of paragraph 196 of the Framework³, it should be balanced against the proposal's public benefits. The scheme would bring four new dwellings to the area, increasing the local housing offer for both incumbent and future residents. Investment in the local construction industry and future expenditure from occupiers could sustain jobs and support local services and community activity. There is also mention of the incorporation of energy efficiency measures into the dwellings.
12. Be these as they may, the number of houses would be small in the grand scheme and there is no guarantee local people would opt to purchase to provide more variety in the market than would be on offer from the proposed development. Investment would be time limited in terms of supporting jobs and local industry. Support for local services would be helpful in terms of sustaining them for the wider community but I have nothing before me to suggest that they are suffering. I am also not aware of what community activities operate locally to which the scheme would necessarily lend support. The use of energy efficient technologies would be environmentally beneficial in reducing the overall carbon footprint but again a matter limited by the scale of the proposed development. Bringing these matters together, I would ascribe no more than moderate weight to the public benefits of the proposals.
13. Paragraph 193 of the Framework explains, amongst other things, that great weight should be given to the conservation of a heritage asset. In this case, and in my judgement, that conservation relies on the preservation of the distinct rural setting of the listed cottages. With this in mind, and the weight I have attached to the above benefits, I am not persuaded that they would be sufficient to outweigh the harm I have found. Harm that would also result in conflict with saved Policy RLP100 of the Local Plan and CS9 of the Core Strategy. Along with section 16 of the Framework, these policies seek to (amongst other things) protect, preserve and enhance the historic environment and the setting of listed buildings specifically by appropriate control over the development, design and use of adjoining land.

Other Matters

14. There is mention in the evidence as to the Council currently not being able to demonstrate the supply of housing sites as required by the Framework. However, I would not be taken to the so called tilted balance set out by paragraph 11 (d) (ii) since the application of policies in the Framework that

³ The National Planning Policy Framework 2019

protect areas or assets of particular importance provides a clear reason for refusing the development. Those in this particular case being harm that would arise to the setting of grade II listed buildings as designated heritage assets per footnote 6 to paragraph 11.

15. A number of appeal decisions have been brought to my attention. I will not address each one individually but in coming to a view on the schemes in each case, my colleagues have raised the matter of accessibility to services. In some cases, this has resulted in a planning permission being granted and others not but in each case my colleagues have clearly had in mind the specific circumstances and thus individual merits of the scheme before them. There are some similarities between the appeal scheme and the examples I have been given but none that I have seen that are sufficiently so in terms of the scale of the development or its situation in terms of the settlement in question, the character and appearance of the area and the proximity of grade II listed buildings. My findings are therefore unchanged.
16. The appellant has provided some commentary on the matter of isolated homes and what has been said of such in both the Framework and in the courts. Whilst I am mindful of this, the Council do not appear to have suggested that the proposed development would give rise to isolated homes and the matter is therefore not a contentious one in the appeal before me. I have not therefore explored this further.
17. The appellant also suggests that saved Policy RLP2 and CS5 are in conflict with the Framework since they make no provision for new market housing in the countryside whether it is isolated or not. Whilst this may be the case, this does not mean that the policies conflict with the Framework or would consequently be out of date for its purposes.
18. Firstly, even if the policies were out of date there would still be other relevant policies with which the appeal scheme would conflict as well as parts of the Framework and any reduced weight to affected policies would not accordingly reduce planning harms that I have found. Secondly, it would not be unusual for older development plans to have less explicit exceptions than the Framework which is clearly a lot newer. The two parts of the Council's adopted development plan are of some age but that does not necessarily render them out of date. In regard to RLP2 and CS5 particularly, they seek to limit development to within settlements in order to protect the countryside, similar to the aims of the Framework which, whilst using slightly different language, in paragraph 170 it states that the intrinsic character and beauty of the countryside should be recognised. The broad aims of the policies do not therefore travel in a fundamentally different direction to those of the Framework.
19. Paragraph 78 of the Framework addresses sustainable development in rural areas and in one case specifically explains where there are groups of smaller settlements, development in one may support the services in a village nearby. A sufficiently detailed argument to this effect is not before me which should ideally identify to what group of settlements Wickham St Paul belongs. I am also mindful of the fact that, in any event, the appeal site falls outside of the settlement. Paragraph 103 of the Framework sets out, amongst other things, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and such should be taken into account. I

understand this statement but equally recognise that it does not necessarily green light development proposals in areas with limited service provision and access to modes of transport other than the private car. Such as in the case of the appeal scheme where there seems, on the basis of what I have seen, to be a distinct lack of reasonable alternatives.

20. The appellant states that the appeal scheme would be built out quickly and there is nothing before me to dispute this happening. Positive though this may be it does not lead me to allowing the appeal in light of the harms and subsequent conflicts with the development plan that I have found.

Conclusion

21. For the reasons I have set out above, the appeal is dismissed.

John Morrison

INSPECTOR