

Appeal Decision

Site Visit made on 26 January 2021

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 17th February 2021

Appeal Ref: APP/Z1510/W/20/3260720

Rose Cottage, Fowes Lane, Belchamp Otten CO10 7BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Weatherston against the decision of Braintree District Council.
 - The application Ref 20/00895/FUL, dated 8 June 2020, was refused by notice dated 14 September 2020.
 - The development proposed is 1x 2-bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the Publication Draft Local Plan June 2017. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.
3. I have consulted the main parties regarding the Housing Delivery Test that was published in January 2021 and taken the comments into consideration in my assessment.
4. While I note the description of development in the application form, from the evidence the proposal is for a 2-bedroom house and I have therefore used the description from the appeal form in the interests of certainty.
5. While the Appeal Form states that the Council is Babergh District Council, it is clear from the evidence that the Council is Braintree District Council and I have completed the banner heading above accordingly. The Appeal reference number has also been amended and the main parties have not been prejudiced by this change.

Main Issue

6. The main issue is whether the proposed development would provide a suitable location for housing with particular regard to the accessibility of services and facilities and the character and appearance of the area.

Reasons

7. Rose Cottage lies at the end of Fowes Lane which consists of a small number of dwellings and a public house. Fowes Lane branches off from The Street which consists of a ribbon of development and leads to the settlement of Belchamp Otten. While The Street consists of a longer ribbon of development than Fowes Lane and has a variety of dwellings with modest spacing, the area

surrounding the appeal site is separated from The Street by the junction and has a distinct more traditional rural character and appearance. Given its position at the end of Fowes Lane, the site has a closer relationship to its immediate surroundings, than to the properties of The Street.

8. Fowes Lane and both roads that lead to it lack streetlights and footpaths. Therefore, future occupiers would be reliant on the private vehicle for access to services and facilities. Moreover, the nearest settlements of Belchamp Otten and Belchamp St Paul have few services such that future occupiers would be likely to travel greater distances for day-to-day needs. Therefore, the proposal would result in adverse environmental effects.
9. The proposal for a single dwelling would be located between Rose Cottage and the public house and would echo the form of the host dwelling. However, it would introduce a two-storey dwelling and parking area to an undeveloped site that currently forms part of the garden of Rose Cottage, thereby further urbanising the site and intensifying the amount of built development in the area. Therefore, the scheme would adversely affect the spacious rural quality of the area.
10. I acknowledge that there may not be any protected trees on the site or significant ecological concerns and that the adjacent public house car park has an urbanised appearance. However, for the foregoing reasons, the scheme would harm the character and appearance of the area.
11. In addition, the extent of glazing on the upper part of the front elevation and the roof lights would be contrary to the traditional rural vernacular of the surrounding buildings. While I acknowledge the reasons for these features and that they would be visible largely from Fowes Lane, the resulting effect would nevertheless be incongruous when viewed against the nearby buildings.
12. While the proposal may be likely to result in a new tall fence, I see no reason why details of the boundary treatment could not be secured by a suitably worded condition that would mitigate any harm that would result from the removal of vegetation in this respect.
13. I note the evidence regarding Policy RLP16 of the Braintree District Local Plan Review Adopted Plan 2005 (LPR) which states that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Policies RLP 2 and 12 for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings.
14. Given its proximity to adjacent built development, the site would not be isolated in the terms of the Framework. However, given the separation of the dwellings along Fowes Lane and the dwellings along The Street by undeveloped land at the junction, the site is not visually or spatially part of the ribbon of development along The Street. Rather, it is part of the small group of dwellings along Fowes Lane. Since the site is not part of a defined nucleus of at least 10 dwellings, and in the absence of any formal definition of the site being within such a nucleus before me, the proposal would not accord with

LPR Policy RLP16. Moreover, since the scheme would be detrimental to the character of the surroundings, it would not accord with this Policy in any event.

15. Consequently, the proposed development would not provide a suitable location for housing with particular regard to the accessibility of services and facilities and the character and appearance of the area. Therefore, it would conflict with LPR Policies RLP2 and RLP16 which require that new development will be confined to the areas within Town Development Boundaries and Village Envelopes and would not be detrimental to the character of the surroundings. The scheme would also conflict with LPR Policies RLP80 and 90 which resist development that would not successfully integrate into the local landscape and seeks, among other things, development where the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.
16. In addition, the scheme would conflict with Policies CS5, CS8 and CS9 of the Local Development Framework Core Strategy Adopted September 2011 (CS) which together require that development in the countryside should protect and enhance the landscape character and local context of the area. Furthermore, the scheme would conflict with CS Policy CS7 which seeks, among other things, future development to be provided in accessible locations to reduce the need to travel. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Other Matters

17. I acknowledge the comments of the Inspector for the case at Belchamp Walter. However, limited further details are before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its own merits.
18. I also note the evidence regarding the history of the site and host building as well as the status of the garden areas of the host building. I also recognise that there have not been local objections to the scheme and that the design was amended following discussion with the Council. However, I have assessed the scheme on its planning merits and these matters have not altered my overall decision.

Planning Balance

19. The Council are unable to demonstrate a five-year housing supply and the figure is around 4.5 years. As such, the tilted balance in the terms of paragraph 11(d) of the Framework is engaged.
20. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework does not require that the countryside is not protected for its own sake but recognises its intrinsic character and beauty. While development is not precluded in rural areas, the Framework indicates that great weight should be attached to the benefits of

using suitable sites within settlements for homes and therefore supports the general thrust of the development plan in terms of the location of housing.

21. The scheme would contribute a single dwelling to the local housing supply and future occupiers would be likely to provide social and economic benefit to nearby services and facilities. There would also be temporary economic benefits during the construction phase. Given the scale of development, I attribute limited weight to these benefits.
22. The Framework places emphasis on good design being a key aspect of sustainable development and requires that developments are sympathetic to local character. Consequently, given the harm to character and appearance, the proposed development would also conflict with the Framework in this regard and the development plan as a whole. As such the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the reasons given, the appeal is dismissed.

R Sabu INSPECTOR