



Appeal Decision

Site Visit made on 26 January 2021

by R Sabu BA (Hons), BArch, MA, Pg Dip

an Inspector appointed by the Secretary of State

Decision date: 17th February 2021

Appeal Ref: APP/Z1510/W/20/3261576

Smeetham Hall Lane, Bulmer, Essex CO10 7EU

- 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 A Hyde Parker against the decision of Braintree District Council.
 - The application Ref 20/01249/FUL, dated 31 July 2020, was refused by notice dated 7 October 2020.
 - The development proposed is demolition of existing garages and erection of two dwellings, garages, access and landscaping and restoration of existing pump station.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Braintree District Council against Mr A Hyde Parker. This application is the subject of a separate Decision.

Preliminary Matters

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 address in the appeal form and decision notice, I have used the address from the application form in the header above in the interests of certainty.

Main Issue

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

Reasons

6. The site is located within a small cluster of dwellings in the countryside and outside of an identified town or village boundary. The proposal would be accessed from Smeetham Hall Lane which lacks streetlights and footpaths such that future occupiers would be reliant on the private vehicle for access to services and facilities. While I note the evidence regarding a bus service and local car schemes, there is no certainty that these would entirely remove the reliance on the private vehicle for daily needs, particularly given the lack of footpaths and streetlights in the area. The scheme would therefore give rise to adverse environmental effects in this respect.

7. The site is largely undeveloped, with only a pump house and a small number of garages on the site. While the site may not have agricultural benefits, given the close proximity to the open countryside, and the limited number of nearby dwellings, the site is in keeping with the spacious rural character and appearance of the area.
8. The scheme would introduce two two-storey dwellings along with parking areas and domestic gardens that would urbanise the site and harmfully alter the spacious rural character of the area. Since the existing garages occupy a relatively small portion of the site, and the proposal would consist of significantly larger built development, the removal of the garages and the renovation of the pump house would not override the harm that would be caused by the proposal.
9. The proposed dwellings would occupy a gap in the road frontage and would be in keeping in terms of form and materials with the nearby dwellings. I also note the comments from the Council in terms of Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project as well as lack of objection from the Parish Council. However, given the harm to the rural character and appearance of the area that would result from the urbanisation of the site, these matters do not alter my overall finding on this main issue.
10. 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, the scheme would conflict with Policies CS5 and CS8 of the Braintree District Council Local Development Framework Core Strategy Adopted September 2011 (CS) which together require that development in the countryside should protect and enhance the landscape character of the area. It would also conflict with CS Policy CS7 which seeks, among other things, future development to be provided in accessible locations to reduce the need to travel. The scheme would also conflict with Policies RLP2 and RLP80 of the Braintree District Local Plan Review Adopted Plan 2005 (LPR) which require that new development will be confined to the areas within Town Development Boundaries and Village Envelopes and resist development that would not successfully integrate into the local landscape. In addition, it would conflict with the National Planning Policy Framework (Framework) in this respect.

Other Matters

11. I note the comments of the Inspector for the previous scheme on the site which was also for two dwellings and have arrived at the same conclusion in terms of the accessibility of the location. In any event, each case must be determined on its individual merits. In addition, I acknowledge that the Council has not raised ecology in their reasons for refusal and that no objection was raised by the Highway Authority. From the evidence, I see no reason to disagree. However, while I note support for the scheme from the Parish Council and local residents, these matters have not altered my overall decision.

Planning Balance

12. The Council cannot demonstrate a five-year housing land supply, which lies at around 4 years. Accordingly, the titled balance in the terms of paragraph 11(d) of the Framework is engaged.

13. 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.
14. The proposal would contribute two dwellings to the local housing supply. In addition, the scheme would provide some temporary economic benefit through the construction process and future occupiers would be likely to contribute to the local services and facilities. However, given the modest number of dwellings, these benefits would be limited.
15. 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

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

R Sabu

INSPECTOR