



Appeal Decision

Site Visit made on 1 June 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/Z1510/W/21/3266613

Silver Springs, Beazley End, Wethersfield CM7 5JJ

- 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 H Banks against the decision of Braintree District Council.
 - The application Ref 20/01705/OUT, dated 12 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described as an "outline development for one dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. Since the Council made its decision, it has provided evidence that it can demonstrate a five year supply of deliverable housing sites through the submission of its Housing Land Supply position dated 31 March 2021. The appellant was made aware of this evidence and provided additional comments.
4. In February 2021, the Council adopted the Braintree District Shared Strategic Section 1 Plan which superseded Policies CS1, CS4, CS9 and CS11 of the Braintree District Council Core Strategy 2011 (the Core Strategy). The Council's decision notice refers to policies from the Braintree District Council Local Plan - Publication Draft For Consultation, June 2017 (Draft Local Plan) which, from the evidence before me, is currently under examination. Although the Draft Local Plan has reached an advanced stage, there is no certainty that the policies within this document would be adopted. Therefore, I afford them only limited weight.

Main Issues

5. The main issues in this appeal are whether the appeal site is an appropriate location for the proposed dwelling having regard to the Development Plan and the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site forms a parcel of grassed land that sits to the rear of existing outbuildings and a double garage. The site is flanked to the north by a public footpath and an access that serves an additional property and to the south by

trees, hedging and other landscaping. The proposal seeks to demolish the existing double garage and to erect a detached dwelling on the site.

7. The site lies beyond any defined settlement boundary and thus, is within the countryside. In such locations, Policy CS5 of the Braintree District Council Core Strategy 2011 (the Core Strategy) states that development outside of town development boundaries and village envelopes will be strictly controlled in order to protect and enhance the landscape character and amenity of the countryside. This is largely echoed within Policy RLP2 of the Braintree District Council Local Plan Review 2005 (the Local Plan).
8. The Council state that the site is remote from services and facilities and thus, occupiers of the proposed dwelling would be reliant on the private car to access such amenities. The appellant acknowledges that Beazley End has limited facilities and argues that as the development would only provide a single dwelling, traffic movements would be minimal. Moreover, home working and internet shopping has the potential for a more self-contained living arrangement.
9. I have not been made aware of any public transport options that are close to the site. Although the larger communities of Shalford Church End, Bocking Church Street and Gosfield provide a range of amenities such as primary schools, shops, pubs and recreational facilities, these settlements are not within reasonable walking distance and there is a lack of footpaths and street lighting. Whilst cycling is possible, it is highly likely that occupiers of the dwelling would be largely reliant on the private car, especially for shopping trips, medical appointments, and school drop off and pick up. Moreover, home working and internet shopping does not alter the fact that occupiers would be reliant on the car to access basic amenities for day to day living.
10. I acknowledge that paragraph 103 of the National Planning Policy Framework (the Framework) states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. In addition, paragraph 78 of the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby.
11. Arguably, the lack of options available to the appeal site in terms of access to means of transport other than the private car is reflective of its rural location. However, although the Framework's statement recognises the challenges rural areas face, it should not be used as a justification for the siting of development in locations that are not well served by sustainable transport options. Moreover, I consider that the appeal site has poor accessibility even allowing for its rural location and there is no certainty that future occupiers of the dwelling would draw mainly on services and facilities in surrounding villages, rather than say, from Braintree itself.
12. The proposal would not, of itself, generate a large number of traffic movements and a greater dependency on car use is inevitable in more rural locations. There are also existing residential properties in the immediate vicinity of the site. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made.

13. With regard to character and appearance, the area is generally rural in character and contains a range of type and size of dwelling that are dispersed across the countryside. There is a small linear development of dwellings that the site forms part of. Although siting is a reserved matter the appellant has provided an indicative layout with the dwelling positioned within the grassed area. However, I accept that it could be feasible to site the proposed dwelling on the space currently occupied by the garage.
14. The appeal site is visible from the public highway that fronts the site and the public right of way that passes its northern boundary. I acknowledge that the area is not the subject of a landscape designation. However, the area nonetheless has a distinctly open and pleasant verdant quality that is reinforced by the presence of mature landscaping within this countryside setting. Although the site is close to existing dwellings, it nonetheless relates better to its rural surroundings, to which it makes a positive contribution.
15. Therefore, whatever its final form, the introduction of a three bedroom dwelling would suburbanise the appeal site and although this impact would be reasonably localised, it would nonetheless result in the encroachment of residential development into the countryside that would unacceptably diminish the existing rural character. This harm would be clearly visible from the public footpath and the main road to the front of the site. Moreover, even though the proposal would remove an existing building, the garage is relatively unobtrusive in this rural landscape.
16. Thus, the development would not be within an appropriate location and would result in harm to the character and appearance of the area. It would be in conflict with Policies CS5, CS7 and CS8 of the Core Strategy, Policies RLP2 and RLP80 of the Local Plan and paragraph 127 of the Framework which seek, amongst other things, to ensure that developments are provided in accessible locations to reduce the need to travel and has regard to the character of the landscape.

Other Matters

17. There is a disagreement between the parties whether the appeal site represents previously developed land (PDL) or not. Having regard to the definition of PDL within the Framework, it is clear that it includes land that is or was occupied by a permanent structure, including the curtilage of the developed land. Although I have no information before me to confirm that the appeal site forms part of the curtilage of the double garage or indeed the main dwelling, the Framework also states that it should not be assumed that the whole of the curtilage should be developed.
18. In accordance with paragraph 118 of the Framework, substantial weight should be given to the value of using previously developed land (PDL) for new homes. However, Part (c) of this paragraph identifies that this relates to PDL that is within settlements. In this case, the site lies outside of an identified settlement and there is nothing to persuade me that the collective of dwellings surrounding the appeal site represents a settlement. Neither do I find the appeal site to constitute degraded or derelict land. I have therefore given the matter only limited weight. In any event, even if I were to find that the proposal met the expectations of paragraph 118 (c), this does not outweigh the need for development to respect the rural character and appearance of the area.

19. The appellant has referred to several appeal decisions that are considered similar to, and thus, support the development before me. Invariably, such cases will depend on their individual circumstances and so whilst noting those other decisions, they are not determinative in this appeal. However, in considering the development adjacent to Fox House¹, the Inspector noted that the site was within a row of houses and that some services were available in the village. Additionally, in considering the appeal at Forest Nursery², the Inspector noted that there were substantial existing buildings on the site and that the harm in terms of character and appearance would be limited. With regard to the developments at Braintree Road³ and Bardfield Road⁴, these were considered to bring forward significant benefits through the provision of affordable housing. Thus, there are material differences in all of these cases to the development before me.
20. In addition, in considering the development at the Old Coach House⁵, the Council recognised that the site was within a reasonably accessible location to a primary school, village hall and bus stops, which is not the case for the appeal site. The appellant also states that environmental improvements would also arise from the replacement of the garage with a higher quality design. Whilst noting the benefits that would result in this respect, I do not find that it would overcome the harm that I have already identified.

Planning Balance and Conclusion

21. The proposed development would provide some benefits through the creation of a single dwelling which would contribute to meeting housing needs, as well as economic benefits as a result of construction. However, as the proposal is for a single dwelling, these benefits are modest and therefore afforded limited weight.
22. However, even if the Council is unable to demonstrate a five year supply of deliverable housing sites, thereby engaging the tilted balance at paragraph 11 of the Framework and rendering the policies that are the most important for determining the appeal out-of-date, the harm I have identified is serious and that significantly and demonstrably outweighs the benefits of the scheme.
23. Given my findings above, the proposed development would conflict with the Development Plan when taken as a whole, and there are no other material considerations that indicate otherwise. It would also be at odds with the requirements of the Framework, conflicting with the environmental objective set out in paragraph 8. Therefore, the proposal does not constitute sustainable development.
24. Thus, for the reasons as set out above, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ APP/Z1510/W/20/3255306

² APP/Z1510/W/20/3247383

³ APP/Z1510/W/20/3253661

⁴ APP/Z1510/W/20/3251952

⁵ 21/00668/FUL