



Appeal Decision

Site visit made on 4 May 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021.

Appeal Ref: APP/Z1510/W/20/3262156

20 Ridgewell Road, Great Yeldham, CO9 4RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Paul Boulter against Braintree District Council.
 - The application Ref: 20/01309/FUL, is dated 7 August 2020.
 - The development proposed is construction of No.1 3 bedroom dwelling and detached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was reported to the Council's Planning Committee on 10 November 2020 in order to provide an indication of the Council's decision had the application not been appealed on the grounds of non-determination.
3. The development plan includes the Braintree District Local Plan Review (2005) (Local Plan) and the Braintree District Council Core Strategy (2011). The emerging development plan is the Publication Draft Local Plan (2017). The plan is in two sections. Local Plan 2013-2033 Section 1 is a strategic plan for North Essex and was adopted by the Council in February 2021.
4. The Council refers to policy CS 9 of the Core Strategy in its reasons for refusal. However, adoption of Section 1 had the effect of superseding policy CS 9. Section 2 of the Publication Draft Local Plan is currently the subject of examination. Although the Draft Local Plan has reached an advanced stage there is no certainty that the policies within the document would be adopted. Only limited weight may therefore be accorded to its relevant policies at present.
5. The Council initially indicated that it could not demonstrate a required 5-year housing land supply, quoting a figure of 4.52 years for 2020-2025. Following its latest review, the Council now considers that it can demonstrate a housing land supply of 5.34 years. The appellants were consulted on the Council's submission and provided comments on matters which they considered to be relevant to the application subject to appeal.

Main Issues

6. The main issues are:

- whether the proposal would be in a sustainable location having regard to development plan policies;
- the effect on the character and appearance of the countryside, and
- the effect on highway safety.

Reasons

7. The appeal site is a plot of lawned garden land used in association with No.20 Ridgewell Road. No.20 and neighbouring dwellings are former Land Settlement Association houses which generally had large plots of land used for small scale farming.

Whether a sustainable location having regard to development plan policies

8. The appeal site is located in the open countryside and outside any settlement envelope as defined in the adopted Local Plan. The proposed dwelling would conflict with Local Plan policy RPL 2 which confines new development to areas within town development boundaries and village envelopes. It would also conflict with Core Strategy policy CS 5 which indicates that outside such areas development will be strictly controlled to uses appropriate to the countryside in order to protect and enhance its landscape character, biodiversity, and amenity.
9. The host dwelling is part of a ribbon of development along one side of Ridgewell Road. Policy RLP 16 of the Local Plan supports the filling of a gap for a single dwelling, between existing dwellings in hamlets and small groups of dwellings. A hamlet is defined as having a nucleus of ten or more dwellings. The appellants have referred to the site being within the 'established built-up hamlet of Oakers Hill/Manns Cross'. The policy does not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps which could accommodate more than one dwelling.
10. The appeal proposal would not involve an isolated dwelling. However, it cannot be supported under the terms of Local Plan policy RLP 16 because it would extend the ribbon development along Ridgewell Road. The site could also occupy more than a single dwelling. Moreover, it could set a precedent whereby the Council could find applications for other plots of land in similar circumstances in the locality difficult to resist.
11. The appellants consider that the site is part of the Land Settlement Association original linear development, and the proposal would continue this characteristic, rather than constituting ribbon development. Nevertheless, the association of dwellings with large plots of land is typical of this form of development and that would be significantly eroded by the proposal.
12. The appellants advise that the site is around 400 m, or 5 minutes' walk, from the settlement of Great Yeldham and that there is a length of around 100 m where pedestrians have to use a grass verge. Great Yeldham has a school,

church, village store, small supermarket, public houses, takeaways, and other services. It also provides access to bus services which have connections to Braintree, Colchester, Halstead, and Sudbury.

13. Ridgewell Road has a 50 mph speed restriction. There is no footway on Ridgewell Road outside the appeal site. Although there is a grass verge it is narrow at this point and pedestrians would be close to passing vehicles. There is no street lighting near the site and from the submissions it appears that pedestrians use torches when walking in the evenings. The narrow grass verge near the appeal site would not be ideal for low mobility users or use by families with young children. In this situation it is likely that any future occupiers of the proposed building would be reliant on private transport to reach services, public transport, and facilities in Great Yeldham as the safest and most practicable option. I therefore find that the proposal would not be located in a sustainable location which would have easy access to public transport, or convenient pedestrian access to services and facilities in Great Yeldham, contrary to Core Strategy policy CS 7.

Character and appearance

14. The dwelling would be set back from Ridgewell Road and would be accompanied by a cart shed. It would not appear unduly prominent because of the screening effect of existing frontage vegetation. Other dwellings in the vicinity have dormer windows and clearly the dwelling has been designed in terms of form, scale and use of external materials to reflect the character and appearance of other Land Settlement Association dwellings.
15. Although the Council considers that the design would represent a pastiche, I find that the proposed dwelling would not conflict with the building design requirements of Local Plan policy RLP 90. However, in terms of siting and layout, the proposed dwelling would harm the open character of the setting of No.20 Ridgewell Road which is a feature of the layout and pattern of development of the Land Association Houses. It would fail to integrate into the local landscape and would harm the character and appearance of the countryside, contrary to Local Plan policy RLP 80 and Core Strategy policy CS 8.

Highway safety

16. Essex County Council is the highway authority and its supplementary guidance: Development Management Policies (2017) is relevant. The submitted location plan indicated visibility splays for the access to the site of 2.4 x 100 m in either direction. The Highway Authority has indicated that visibility splays of 160 m in either direction should be provided unless a speed survey is carried out which demonstrates that actual speeds of passing traffic at the site would allow a lesser visibility splay.
17. The appellant has submitted a revised drawing which indicates that a visibility splay of 2.4 x 160 m can be achieved in a northerly direction and a splay of 2.4 m x 120 m in a southerly direction towards the village. I note the representation regarding the Design Manual for Roads and Bridges Design Standard TD41/95 and the potential slowing of traffic from the south as it leaves the 30 mph zone at the village and approaches up the road slope. It appears to me that it is likely that the revised visibility splays would be

acceptable with no consequent decrease in highway safety. However, the matter would require to be resolved through a speed survey to ensure no conflict with policies DM1 and DM4 of Essex County Council's Development Management Policies.

Other Matters

18. In responding to the Council's revised housing land supply calculations, the appellants have drawn my attention to the significance of windfall development and examples of housing granted permission on appeal at Bulmer and Gestingthorpe. In both these cases the failure of the Council to demonstrate a 5 year housing land supply was a significant matter. I note that the Council submitted a more recent appeal decision for Smeetham Hall Lane, Bulmer in which a development including two proposed houses was dismissed. I have determined the appeal before me based upon the individual merits of the proposal and its particular site circumstances, including its inclusion within the original Land Settlement Association development.

Conclusion

19. The proposed development would provide some benefits through employment at the construction stage and would add to the housing supply. Nevertheless, these benefits from a single dwelling would be limited.
20. Even if the council were unable to demonstrate a five year housing land supply, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits from the proposal.
21. I have taken all other matters raised into account, including the use of garden land and lack of harm to the amenity of neighbours. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR