



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: 28 September 2021.

Appeal Ref: APP/Z1510/W/20/3264183

Thistle Field, Land North of Grove Field, A131, High Garrett, Braintree CM7 5NS

- 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 Arran Gordon against the decision of Braintree District Council.
 - The application Ref: 19/00874/OUT, dated 25 April 2019, was refused by notice dated 12 June 2020.
 - The development proposed is erection of 33 No. two storey detached and semi-detached houses and flats and construct garages. Lay out parking spaces and gardens. Form estate roads and footpaths. Lay out public open space with trim trail equipment, and estate landscaping, and alter carriageway alignment to A131 and construct pedestrian refuge within the highway (amended proposal).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline including details of access and layout with all other matters reserved. 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.
3. The Council refers to policy CS 9 and CS11 of the Core Strategy in its reasons for refusal. However, adoption of Section 1 had the effect of superseding policies CS 9 and CS 11. 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.
4. The appellant and the Council were provided with the opportunity to comment on the revised National Planning Policy Framework dated 20 July 2021. The appellant also had the opportunity to comment on the Council's revised housing land supply figures, provided in June 2021.

Main Issues

5. The main issues are:

- whether the proposal would be in a strategically acceptable and sustainable location having regard to relevant development plan policies;
- the effect on the character and appearance of the countryside, and
- the need for planning obligations regarding the provision of public open space and affordable housing.

Reasons

6. The appeal site is a grassed field which is located next to the A131 at the northern approach to the linear settlement of High Garrett. The southern boundary of the site is adjacent to housing development at Grove Field. There is ribbon residential development along the A131 and opposite the appeal site. A previous outline application for forty dwellings at the site was refused by the Council in 2018. In August 2020 outline permission was granted on appeal for up to three hundred residential dwellings at land off Church Street, Bocking. That site extends from Bocking to land at the rear of the Grove Field estate.

Whether in an acceptable location

7. The site is primarily within the open countryside and outside the settlement envelope for High Garret as defined by the adopted Local Plan Review and adopted Core Strategy. The proposed development would conflict with policy RLP 2 of the Local Plan because it would not be confined to areas within a town development boundary or a village envelope. The proposal would also conflict with Core Strategy policy CS 5 which indicates that development outside town development boundaries and village envelopes will be strictly controlled to uses appropriate to the countryside in order to protect and enhance its landscape character, biodiversity, and amenity.
8. High Garrett has a vehicle service station, shop selling home furnishings and a public house. The village of Bocking is located around 1.75 km to the south-west of the appeal site. It has a Co-Operative food store, local shops, a children's day nursery, public house, hot food takeaways, a church and sports facilities including a hockey club. The appeal site is also around 2.4 km from the northern edge of Braintree. Bus stops are located along the A131 near the site, allowing access to bus service numbers 38, 38A, 89 and 352 which run approximately hourly between Halstead, Braintree, Witham, Great Yeldham and Chelmsford. Rail services are available at Braintree station.
9. The appellant has drawn my attention to the Council's opinion in a pre-application response which advised that the site was "in a relatively sustainable location", and also its comments in relation to the Church Street, Bocking appeal and a proposed dwelling on land south of High Garrett House. Although I consider there is a reasonable bus service, the walking distance from the site to facilities and services in Bocking would be prohibitive, particularly in poor weather conditions. The A131 would also be a busy road for cyclists to use. Taking all these factors into account, I consider that occupants of the proposed housing would be primarily reliant on private transport and the location of the appeal site is not ideal from the viewpoint of sustainable travel opportunities, contrary to Local Plan policy RLP 53.

10. I find that the proposed residential development would conflict with local development plan policies which seek to protect the countryside and to direct housing development to land within town development boundaries and village envelopes. It would also have substandard access to local services and facilities.

Character and appearance

11. The Council considers that the site plays a function in its particular location through the setting it creates, controlling ribbon development and urban sprawl and providing a soft undeveloped approach to the town. However, the land does not have any specific development plan designation in that respect and is essentially an area of open countryside at the edge of the settlement. The proposal would not involve ribbon development, but it would result in additional urbanisation of the countryside at this location.
12. The site is opposite a prominent line of ribbon development at the eastern side of the A131, this includes a new infill development of eight dwellings. In contrast, the site is adjacent to housing at Grove Field which has been developed at a low density and with a significant area of open space next to its access road from the A131. This development sets the immediate context for the appeal proposal as well as open agricultural land to the north and west.
13. The dwellings at Grove Field have garden space and are arranged in a varied informal layout. The appeal proposal would have more regularity in layout with dwellings having private gardens and its communal open space would lie mainly alongside the site boundary. A 'green lane' would be retained alongside the southern side of the site connecting to a new 'green lane' and trim trail to the western side of the site. A hedge and tree line would be re-instated at the site frontage to replace vegetation removed in creating the new single access to the A131 and its sightlines. The Council has advised that the site can accommodate the number of residential units which are proposed. However, its location and relation to the layout of surrounding development would conflict with criteria in Local Plan policy RLP 10.
14. Despite the conclusions of the Design and Access Statement, I consider that the proposed layout would not reflect the character of development at Grove Field, being more suburban and formal in its design, with dwellings generally fronting onto the cul-de-sac layout in a regular manner. Tree planting is indicated to replace the loss of remnant hedgerow trees along the site frontage to create adequate site lines for the proposed access. Nevertheless, the proposed dwellings would be visually more prominent in the rural setting when viewed from the A131, and when compared to the houses at Grove Field, which are set further back from the highway.
15. I find that the proposed layout would conflict with Local Plan policy RLP 9 which seeks to ensure that new residential buildings create a visually satisfactory environment, be in character with the site and relate to its surroundings. It would also conflict with Local Plan policy RLP 90, which requires the layout of development to be in harmony with the character and appearance of the surrounding area.
16. The appellant has advised that, should the Inspector consider that the layout is unacceptable, the appellant will formally withdraw 'layout' from the outline

application and for the appeal to be determined solely on the access matter. However, I must determine this appeal on the basis of the proposal refused by the Council, as to do otherwise could prejudice the views of the Council and other parties who would not have been consulted.

Planning obligations

17. The appellant has provided a draft planning obligation by way of a unilateral undertaking which is intended to provide contributions to the Council covering outdoor sport, allotments, play space, informal open space, ecological mitigation, and the provision of affordable housing. Contributions would also be made to the County Council for highway works. I am satisfied that the Council's requirements for planning obligations would be reasonable and necessary and could be met by the appellant in accordance with Core Strategy policies CS 2 and CS 10, Local Plan policy RLP 138 and the Council's Open Space supplementary planning document.

Other Matters

Housing Land supply

18. At the time when the application was refused the Council considered that it had a housing land supply of only 3.73 years. In June 2021 the Council provided copies of its Housing Topic Paper and Housing Land Supply Statement. The Council concluded that it could demonstrate a revised housing land supply of 5.34 years.
19. The appellant was given the opportunity to respond to the revised figure and assessment details. The appellant has commented that the Council's evidence has yet to be tested at the development plan examination and indicated that the land supply had been the subject of change since the first application was submitted. The appellant advises that achieving a 5 year housing land supply is not a ceiling to housing delivery and referring to the wording in the Framework that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing."
20. The appellant maintains that the site is sufficiently accessible and sustainable to be considered suitable for the small-scale housing proposed and offers a boost in housing supply in accordance with paragraph 60 of the Framework in a District with an historic lack of a 5 year housing supply. However, I have no detailed evidence to indicate that the Council's current assessment of the housing land supply is incorrect. The ability of the Council to demonstrate a 5 year supply means that its development plan policies important for determining the proposal would not, on that basis, be considered to be out-of-date.

The planning balance

21. The proposed site is not allocated for development in any adopted development plan and is located in the open countryside. I have found that it is not in a location which has good access to local services and facilities. The proposed layout would not be in keeping with the adjacent existing estate development and would not constitute good design as required by the Framework.

22. Balanced against this harm, the proposal would provide thirty-three new dwellings including ten affordable homes and financial contributions to help boost the housing supply and mitigate the effect and impact of development. A new pedestrian refuge for the A131 would be created to the south of the proposed site access and a new public footway, as well as linear public open space. There would be some increased use of local facilities and services in the wider area and economic benefits from construction of the development. There would also be potential for net biodiversity gain. However, I conclude that the benefits from the proposal would not outweigh the harm to the countryside and conflict with relevant development plan policies.

Conclusion

23. I have taken all other matters raised into account. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale indicated at the time that the application was determined, or that the housing land supply should be boosted by allowing development at this location, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR