



Appeal Decision

Site Visit made on 16 November 2021

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

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/Z1510/W/21/3271496

Cottons Farm, Sculpins Lane, Finchingfield, CM7 4AY

- 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 G Boyd against the decision of Braintree District Council.
 - The application Ref 20/01001/FUL, dated 24 June 2020, was refused by notice dated 2 December 2020.
 - The development proposed is erection of 4 No. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the Braintree District Publication Draft Local Plan 2017. However, since there is no certainty that the Policies within will be adopted in their current form, I attribute them limited weight.

Main Issue

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

Reasons

4. Policy RLP2 of the Braintree District Local Plan Review, Adopted July 2005 (LPR) states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply.
5. Policy CS5 of the of the Local Development Framework Core Strategy Adopted September 2011 (CS) states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Since the site lies outside of development boundaries, and the proposal is for market dwellings, the proposal would conflict with these Policies.
6. From the evidence, the site was previously occupied by a Grade II listed building. As I observed during the site visit, that building has been demolished and there is little built development above ground and the site has become somewhat overgrown with vegetation though areas of hardstanding remain. Given the proximity to other buildings including a Ministry of Defence site, the appeal site is not isolated in the terms of the Framework. However, the area surrounding the site is primarily characterised by open countryside, and while there is a barn

adjacent to the site, its agricultural character is in keeping with the rural character of the area. As such, while I accept that the site is previously developed land, the site has a close relationship to the open countryside and is in keeping with the pleasant, spacious and rural character and appearance of the area.

7. The proposal would not only include the erection of four two-storey dwellings, but also driveway and domestic paraphernalia which would urbanise the site and unacceptably diminish the rural character of the area. While the submitted drawings indicate some planting, given the proposed increase in the number of dwellings on the site, these would not fully mitigate the adverse effects on the rural character of the area that would result from the proposal.
8. The site benefits from planning permission for a single dwelling and from the evidence, a Certificate of Lawfulness was granted. Therefore, it appears likely from the information before me, that the single dwelling would be likely to be constructed should this appeal fail and therefore the scheme constitutes a fall-back position.
9. The four dwellings, each with parking area and gardens that would be likely to result in domestic paraphernalia, would urbanise the site to a greater extent than a single dwelling. While I note the evidence regarding the footprint and number of occupants of the two schemes, there would be a greater number of comings and goings associated with the site than the fall-back position.
10. Accordingly, the greater urbanisation of the site compared with the fall-back position would result in more harm to the rural character and appearance of the area. This effect would be visible from the street as well as from across the relatively flat landscape. I acknowledge the comments of the Council's Historic Buildings Consultant. However, given the harm to the rural character of the area from four dwellings in this location, these have not altered my findings on this main issue.
11. Sculpins Lane has no footpath or streetlights and the nearest settlements of Wethersfield and Finchingfield are not a practical walking or cycling distance away such that future occupiers would be likely to be reliant on the private vehicle for access to services and facilities. Furthermore, once in their car, it is likely that occupiers would travel further to larger settlements, such as Braintree, which have a wide range of services. While I note the evidence regarding local bus services, there is little information regarding their frequency and given the lack of footpath and streetlights on the road, it would be unlikely to remove entirely the reliance on the private vehicle.
12. I note the evidence regarding working from home and electric vehicles as well as a site a short distance away that provides some employment opportunities. However, there is little detailed information in this respect to demonstrate that these would remove entirely a reliance on conventional private vehicles.
13. The fall-back scheme would result in a single household, whereas the proposal would result in four. Therefore, the appeal scheme would be likely to result in a greater number of trips from the site, resulting in greater adverse effects in environmental terms, than the fall-back scheme.
14. Consequently, the proposed development would not provide a suitable location for housing with regard to character and appearance and the accessibility of services and facilities. Therefore, it would conflict with CS Policy CS5 and

LPR Policy RLP2, which direct new development to within settlement boundaries. The proposal would also conflict with CS Policies CS7 and CS9 as well as and LPR Policy RLP80 which seek, among other things, development in accessible locations and which respond to the local context and integrate successfully into the local landscape.

Other Matters

15. I acknowledge the comments of the Inspector for the case at Brook Hall. However, since that scheme was for a conversion of agricultural outbuildings, it is not directly comparable to this appeal. I also note the comments of the Inspectors for the cases noted by the Appellant, including those at Great Barfield, Nether Hill, Coggleshall and Bures Hamlet. In addition, I note the evidence regarding barn conversions. However, limited further information is before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.
16. I note the evidence regarding the viability of the proposal compared with the fall-back scheme. However, since the scheme is for market dwellings, the commercial viability evidence does not override the development plan conflict identified. I also acknowledge the evidence regarding amended scheme drawings and re-consultation. However, the Council has confirmed that they determined the application on the basis of the amended drawings, and I have assessed the appeal on this basis. In any event, given the development plan conflict identified above, these matters have not altered my overall decision.

Planning Balance

17. The Council states that it can demonstrate a five-year housing land supply. Even if this is the case, the proposal would conflict with CS Policies CS5, CS7 and CS9 as well as LPR Policies RLP2 and RLP80.
18. The proposal would contribute four dwellings to the local housing supply which would utilise renewable energy sources. Future occupiers would provide social and economic benefits to the local community and there may be temporary economic benefits during the construction phase. Given the scale of the proposal, I attribute limited weight to these benefits.
19. Consequently, while I note the Government's objective of significantly boosting housing supply and the Appellant's evidence regarding housing on a national level and the rural economy, 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, even if the Council were not able to demonstrate a five-year supply of housing, 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

20. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR