



Appeal Decision

Site Visit made on 16 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/Z1510/W/21/3274693

Land adjacent to Saxbys Gestingthorpe Road, Little Maplestead, Essex CO9 2SJ

- 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 A Crudginton against the decision of Braintree District Council.
 - The application Ref 20/01793/OUT, dated 29 October 2020, was refused by notice dated 15 March 2021.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of detached dwelling at land adjacent to Saxbys Gestingthorpe Road, Little Maplestead, Essex CO9 2SJ in accordance with the terms of the application, Ref 20/01793/OUT, dated 29 October 2020 subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal relates to an application made in outline. Access is to be considered at this stage, but all other matters are reserved. I have determined the appeal on this basis.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) whether or not the proposed development would provide a suitable location for housing having regard to its accessibility to services and facilities.

Reasons

Character and Appearance

4. The appeal site is adjacent to Saxbys, a two-storey dwelling at the end of a short ribbon of development which extends along Oak Road/Gestingthorpe Road up towards its junction with Cock Road. The site is located outside of the village boundary of Little Maplestead as identified within the development plan, and as a consequence it is within the countryside for the purposes of planning policy.
5. Nevertheless, while the site is currently open, it appears as part of the maintained garden to Saxbys, and therefore already in residential use. There is a playing field adjacent to the site which separates it from the ribbon of development along School Road which makes up the majority of this defined

village area of Little Maplestead. However, the distance is not great, and the playing field also includes a play area and paths running between School Road and Oak Road/Gestingthorpe Road adjacent to the appeal site which provide for both a physical and visual connection. As a result and despite the position of the boundary as set down in the development plan, I did not find there to be a notable sense that the ribbon of development on this part of Oak Road/Gestingthorpe Road was distinct or detached from development within Little Maplestead. In my judgement the site and neighbouring buildings are in reality appreciated as part of the village, and the presence of a bus stop, post box, defibrillator and parish noticeboard along the frontage of the appeal site which seem to serve the village further reinforce this impression.

6. The current openness on the appeal site is pleasant, but in light of the above, I consider that it has a fairly suburban appearance as part of a small, broadly linear, area of development. This distinguishes it from the distinctly rural character and appearance of the surrounding open countryside where the typical large open fields provide a setting to the buildings.
7. The development would consolidate the existing ribbon of buildings along this part of Gestingthorpe Road, and would be readily apparent including in views on the approach from Church Road. Be that as it may, it would not result in the incursion of built form beyond existing defined boundaries or surrounding buildings so as to cause encroachment or sprawl into currently open countryside, nor would it cause the extension of ribbon development or sporadic development which the LPR notes that settlement boundaries are intended to avoid. The resulting pattern of development would not be incongruous or out of keeping, and would not harmfully erode or distort the character or rural setting of Little Maplestead.
8. The proposal is in outline and details of the layout, scale, appearance and landscaping of the development are reserved for future consideration. However, I see no reason that it would not be possible to design a dwelling of sympathetic scale and appearance to nearby development. Having regard to the size of the appeal site, I am also satisfied that it would be possible to afford a generous spacious setting to the dwelling, retaining a significant degree of openness on the site and maintaining views through towards the open countryside that sits behind the site and development on School Road and Gestingthorpe Road. These factors would significantly limit any adverse visual impact of the development.
9. For these reasons, I conclude that the proposal would not harm the character or appearance of the area. In this regard, I find that it would accord with Policies CS5 and CS8 of the Core Strategy 2011 (CS), as well as Policy RLP80 of the Local Plan Review 2005 (LPR) which is referred to within the Council's evidence, insofar as they together broadly seek to protect and enhance landscape character and the amenity of the countryside. I similarly find no conflict with requirements within the National Planning Policy Framework (the Framework) seeking development that is sympathetic to local character and requiring recognition for the intrinsic character and beauty of the countryside.
10. However, the proposal for a dwelling on a site within the countryside would conflict with Policies RLP2 of the LPR and CS5 of the CS to the extent that they generally restrict new development outside of defined development boundaries to uses appropriate within the countryside. The Council clarifies that these

policies remain part of the development plan following the adoption of the Section 1 Local Plan 2021 (Section 1 LP). Nevertheless, I return to consider further the conflict with them as part of the overall planning balance below.

11. I have also been referred to policies of the draft Section 2 Local Plan, including Policy LPP1 which refers to development outside of development boundaries being strictly controlled to uses appropriate to the countryside. However, the Council indicates that the examination of this plan is ongoing, and therefore I cannot be certain that policies will be adopted in their current form. Accordingly, while the proposal would also be contrary to Policy LPP1, the conflict with this policy attracts more limited weight.

Suitability of the Location

12. Little Maplestead is identified within the CS as an 'other village', and offers very limited services. Future occupiers of the development would therefore be reliant on destinations further afield to meet day to day needs.
13. The closest centre with a wide range of services and facilities is Halstead, but I saw that routes to reach these from the appeal site would involve travel along sections of fairly narrow roads without footways and lighting. It would be possible to travel in part via the A131 which is wider, but it also lacks lighting and footways for much of the distance. Given these factors and the overall distances involved, I do not consider that journeys on foot would be a realistic option for most occupiers.
14. It would be possible to cycle to Halstead within the 30 minute window that the supporting text to Policy CS7 of the CS indicates would generally be considered an accessible location. Be that as it may, my impression was that vehicles on routes including the A131 and Oak Road were in most cases travelling at or around the national speed limit. The volume of traffic on these routes was not particularly great at the time of my visit, but together with the lack of lighting, I consider that this would still be likely to discourage the majority of potential future occupiers from undertaking such journeys.
15. There is a bus stop immediately adjacent to the appeal site served by the F315 which runs between Halstead and Sudbury where there are additional services and facilities available. The F315 operates as a Demand Responsive Transport (DaRT) service, and the Council has drawn my attention to an appeal decision where an Inspector commented that a DaRT service did not strike them as sufficient to rely upon, referring to a requirement for a reasonable number of patrons to make a run viable. However, I am not aware what information was before the Inspector in that case. I note general information on DaRT services from the Essex County Council website quoted within the Council's evidence. The appellant though has provided details of the F315 service specifically indicating that while it is demand responsive and requires bookings to stop in some locations, it runs to a timetable and core route between Halstead and Sudbury, including stops in Little Maplestead where bookings are not essential for the service to pass. Even if bookings are required at least 2 hours in advance, I do not consider this unduly onerous so as to make use of the service generally impractical or unfeasible. In my view, it would therefore offer a useful option for occupiers of the site to reach services.
16. That said, the relatively limited frequency of the service and range of destinations served means that I find there would still be likely to be a reliance

by occupiers of the site on private vehicles. However, journeys from the site to destinations including in Halstead, would be fairly short. Given the scale of the proposal, the number of journeys would also be likely to be relatively low, and while I acknowledge the potential for cumulative impacts over time and in combination with other developments, these factors would help to minimise the overall effect of travel by private vehicle. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and I consider with regard to the evidence before me that the F315 route would offer at least some alternative to travel by private vehicle.

17. Drawing matters together, I conclude on this main issue that the dependency by occupiers of the development on private vehicles to access services, and consequent adverse environmental impacts including through associated vehicle and carbon emissions, mean that the site would not provide an accessible location overall. Given my findings above, the resulting harm would in this case be modest, but would nevertheless be contrary to the objectives of Policy CS7 of the CS which advises that future development will be provided in accessible locations to reduce the need to travel, as well as the Framework insofar as it seeks to promote sustainable transport.

Other Matters

18. The Council indicates that Saxbys is recorded as a Grade II listed building, but that this is inaccurate and that it was replaced by the dwelling currently on the site following grant of planning permission and listed building consent in 1998. I have considered the appeal on this basis, and I am satisfied from the evidence before me and my observations at my visit that the proposal would not result in harm to the setting of Saxbys.

Planning Balance

19. At the time the Council determined the planning application, it accepted that it could not demonstrate a five year supply of housing, referring to a supply position of 3.73 years. In the absence of a five year supply, the Framework indicates that the policies which are most important for determining the application would be deemed out-of-date, and the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework would be engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. The weight than I can place on the Council's assertion at appeal stage that it can now demonstrate a 5.34 year supply of housing is limited somewhat in the absence of detailed corroboratory information or calculation. In any event, the proposal would still make effective use of the site to provide an additional dwelling. The contribution and thus extent of the benefit would be small, but would nevertheless advance the Government's objective outlined within the Framework to boost significantly the supply of homes from a variety of sites as well as helping to meet local needs generally. Even if the Council has a 5 year supply currently, this is not a ceiling on development, and I give great weight to the benefit of the additional housing.

21. The development would additionally result in some short-term economic benefits during the construction period, both direct and indirect. Expenditure in the area by future occupiers would also offer some ongoing support for the local economy and help to maintain the viability of existing services within the surrounding rural area; matters which are supported by the Framework and which would be a social benefit. I afford moderate weight to these benefits in the planning balance, although the extent of each is tempered by the small amount of development.
22. Against these benefits, I have found that the proposal would be contrary to Policies RLP2 and CS5 insofar as they direct development to within settlement limits. However, in effectively restricting new development within the countryside only to certain uses, it seems to me that these policies go beyond the Framework which refers instead to recognition of the intrinsic character and beauty of the countryside. In this regard, I have found that the location of the site would not in this case result in harm to the landscape, character or appearance of the area or the intrinsic character and beauty of the countryside. As a consequence and in light of advice within the Framework regarding the weight to be given to policies according to their degree of consistency, I give moderate weight to the conflict with Policies RLP2 and CS5. The weight that I afford to the conflict with Policy LPP1 of the draft Section 2 Plan is limited given that it is not yet an adopted part of the development plan.
23. There would be adverse social and environmental impacts through reliance on private vehicles by future occupiers to access services, and consequent conflict with CS Policy CS7 and Framework objectives to promote walking, cycling and public transport which weighs against the proposal. That said, there would be at least some opportunities for travel by sustainable modes as an alternative to private vehicles which moderates the weight that I afford to the harm, and together with the nature of the development in providing only one dwelling, the scale of harm arising would further be slight.
24. In this context, I find in this instance that the benefits of the proposal would together clearly outweigh the conflict with Policies RLP2 of the LPR and Policies CS5 and CS7 of the CS, as well as the modest harm arising from the accessibility of the site to services and reliance on private vehicles. Because this would be the case even if I were to accept the Council's position that it has a 5 year supply currently, it is not necessary for me to consider this matter further. Taking an overall view, I therefore find that the proposal would deliver sustainable development as sought by Policy SP1 of the Section 1 LP. Moreover, there are accordingly material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

25. I have considered suggested conditions against the tests at paragraph 56 of the Framework and made minor amendments where necessary for clarity, brevity or to ensure compliance with the relevant tests.
26. I have attached standard conditions relating to the submission of reserved matters and the time limits associated with this for the avoidance of doubt and in the interest of certainty. I have also attached conditions to secure suitable access arrangements with regard to visibility, the design of the site access and surfacing materials in the interests of highway safety.

Conclusion

27. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale of development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) An application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in case of approval on different dates, the final approval of the latest such matter to be approved.
- 4) Prior to occupation of the development, the means of vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with a dropped kerb vehicular crossing of the highway verge.
- 5) Prior to occupation of the development, clear to ground visibility splays with dimensions of 2.4 metres by 53 metres to the south and 2.4 metres by 51 metres to the north of the vehicular access at its centre line as measured from and along the nearside edge of the carriageway shall be provided clear of obstruction to visibility. The visibility splays shall thereafter be retained free of any obstruction at all times.
- 6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.