



Appeal Decision

Site visit made on 24 January 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/Z1510/W/21/3277789

Finchingfield Nurseries, Bardfield Road, Finchingfield CM7 4LL

- 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 M Jose against the decision of Braintree District Council.
 - The application Ref 21/00390/FUL, dated 2 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is demolition of office building and construction of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is apparent from the evidence before me that a Section 2 Local Plan (the S2LP) is emerging and has reached examination stage. However, on the basis that it has yet to be found sound, the S2LP is currently at a stage that attracts limited weight. I have seen nothing to clearly indicate otherwise and shall determine the appeal on this basis.

Main Issue

3. The effect upon the character and appearance of the area.

Reasons

4. The site sits at distance from Finchingfield's designated settlement boundary, and thus in the countryside as defined in local planning policy terms. Notwithstanding the sporadic presence of other buildings and close-boarded boundary treatments, the area local to the site is green and rural in its makeup. The office building under consideration (the office) sits to the western side of the wider Finchingfield Nurseries site, and thus in immediate proximity to Bardfield Road. It is a building of modest proportions and simple composition, incorporating timber weatherboarding to its elevations and clay pantiles to the main part of its roof.
5. The proposed dwelling, which would contain at first floor level two bedrooms, en-suite areas and storage facilities, would be of greater height, scale and visual prominence when compared to the office. Furthermore, a varying palette of external facing materials and busy elevations and roofscapes would promote that the new building be read and experienced as a noticeable residential addition to the countryside. Notwithstanding the limited increase in built footprint that is proposed, the scheme would have a harmful

domesticating influence in this rural location that would be further exacerbated by the intended provision of a sizeable private garden space to the south.

6. My attention has been drawn to the existence of an approval¹ to convert the office and to use it as a dwelling. This represents a realistic fallback position for the appellant, which would be likely to be implemented in the event this appeal be unsuccessful. However, it is a scheme based on the office's conversion in its current form in conjunction with a tightly drawn residential curtilage. The proposal that is before me would, in comparison, have a noticeably more pronounced visual impact.
7. I acknowledge that additional hedgerow planting is intended to the front of the site, which would complement elements of planting already in place. However, space constraints dictate that new planting to the front of the site would be of limited depth. It would also take time to properly establish. Moreover, planting cannot always be relied upon to provide permanent substantive screening to views. This is because it is ever evolving and reliant upon continual maintenance to retain a consistent form.
8. My attention has been drawn to outline planning permission that was granted on appeal² in November 2020 for up to 50 dwellings at land to the west of Bardfield Road, which would result in the introduction to the countryside of significant built form. That site's southern edge sits in proximity to the appeal site now before me. Whilst it is likely that the 50-unit scheme shall come forward over future years, the intended layout and details of landscaping are presently unclear. It is relevant to note that the potential for a substantial planted frontage to establish (to Bardfield Road) is alluded to in the November 2020 appeal decision, whilst an indicative site layout illustrates the provision of surface-level drainage infrastructure to the site's south-eastern portion. In any event, it has not been clearly demonstrated that typically green and rural surroundings (to the Finchingfield Nurseries site) would no longer avail by virtue of consented development.
9. Reference has been made to a November 2020 refusal³ of outline planning permission for seven units at Park Place, Bardfield Road, which I am led to understand is a decision that has been appealed. In any event, it is a site that sits adjacent to Finchingfield's built up extent such that considerations in a character and appearance sense would not be directly transferable to the proposal now before me for consideration. It is a scheme of limited relevance.
10. Planning permissions⁴ at Great Yeldham have been brought to my attention, which relate to operational works, the replacement of a workshop with a new detached dwelling, the addition of a cartlodge and an enlarged residential curtilage. However, plans submitted illustrate that the original workshop was a building of not insignificant height and scale. Indeed, any approved rise in height is less pronounced when compared to the contrast between the office and the proposed dwelling now before me. Further, the layout and streetscene impact at the Great Yeldham site is unclear from the submitted evidence. When also noting that any proposal must be considered upon its own individual merits, I find the Great Yeldham permissions to be of limited relevance.

¹ 19/00636/COUPA

² APP/Z1510/W/20/3251952

³ 20/00677/OUT

⁴ 18/01386/FUL & 18/02166/FUL

11. An application⁵ has been referenced at Favours Farm, which is situated to the opposite side of Bardfield Road relative to the site. This relates to the replacement of a barn with a dwellinghouse in the context of approval previously having been granted for its change of use. The submitted plans illustrate that the barn's footprint coverage, height, scale and form would be closely replicated by the replacement dwellinghouse, which would not be the case when the office and the proposed dwelling at the appeal site are compared. It is also relevant to note that Favours Farm is setback a considerable distance relative to the highway. Given these differences in circumstances, I find it to be a scheme of limited relevance.
12. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with saved Policies RLP2, RLP80 and RLP90 of the Braintree District Local Plan Review (July 2005) (the Local Plan), Policies CS5 and CS8 of the Braintree District Core Strategy (September 2011) (the Core Strategy), emerging Policies LPP1, LPP50, LPP55 and LPP71 of the S2LP and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies set out that countryside development will be strictly controlled and that all new development should respond positively to local character and context.

Other Matters

13. I have noted reference to the provisions of saved Policy RLP15 of the Local Plan, which relates to the replacement of dwellings in the countryside. However, notwithstanding the fallback position afforded by the June 2019 prior approval consent (to change the use of the office to a dwellinghouse), a dwelling is not currently in place at the site. It is thus a policy that is not directly relevant to my considerations. For similar reasons, neither is a permission⁶ at nearby Normans Cottage which was granted from the starting point of a dwelling being in existence. In any event, even had the prior approval consent been implemented at the appeal site, the dwelling now proposed would be more intrusive in the landscape (when compared to the office) by virtue of its siting, scale, height, character and design, leading to conflict with saved Policy RLP15.
14. For the avoidance of doubt, whilst saved Policy RLP100 of the Local Plan is referenced in the Council's reason for refusing planning permission, I find it to be a policy of limited relevance. This is because it relates to listed buildings (and their settings), and I am unaware of any designated heritage asset sited close to the site.

Planning Balance

15. The Council has asserted that it is able to demonstrate a five-year supply of deliverable housing sites. This position is supported by a very recent appeal decision⁷ where the matter of housing land supply was tested through formal questioning. In the absence of persuasive evidence to the contrary, I shall proceed on the basis that a five-year housing land supply exists. The following observations are made in this context.

⁵ 21/01401/FUL

⁶ 20/00922/FUL

⁷ APP/Z1510/W/21/3281232

16. Saved Policy RLP2 of the Local Plan and Policy CS5 of the Core Strategy are restrictive policies that set out strict controls with respect to development proposed outside of settlement limits predicated upon historic levels of housing need. Both are inconsistent with the Framework, which does not imply that protection from development be given to the countryside in its totality. Indeed, the conflicts that I have identified with these policies attract limited weight and the site's location outside of any defined settlement limit is not determinative to the outcome of this appeal.
17. However, I have also identified conflict with saved Policies RLP80 and RLP90 of the Local Plan and Policy CS8 of the Core Strategy. These are broadly consistent with the Framework in so far as it sets out that planning decisions should recognise the intrinsic character and beauty of the countryside and that developments should be sympathetic to local character. I attribute considerable weight to these identified policy conflicts and, for the avoidance of doubt, find that the basket of most important policies for determining this appeal, when considered as a whole, is not out-of-date.
18. In terms of the scheme's benefits, one additional housing unit would be provided, and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. Nevertheless, as one additional unit would make a small contribution, this benefit attracts limited weight. The proposal would, in part, utilise previously developed land and, in this sense, would make an effective use of land. However, when factoring in the site's modest size and countryside location distanced from Finchingfield's settlement boundary, I afford this benefit limited weight.
19. The development would create jobs during the construction phase and would, most particularly once occupied, provide future support to the local economy and local community facilities. Nevertheless, these benefits also attract limited weight due to the extent of development under consideration. Any biodiversity enhancements ultimately achievable through new planting would realistically be limited and attract commensurate weight in the planning balance.
20. I accept that, when compared to the fallback position referenced in my reasoning above, improved energy performance and durability would likely be possible to achieve through, for example, the implementation of modern construction methods. However, merely a single dwelling is under consideration, and it has not been clearly demonstrated why a much-evolved replacement building form is required to achieve any such improvements. In this context, I attach limited weight to any potential benefits of the scheme in an energy performance/durability sense.
21. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the considerable harm to the character and appearance of the area and the associated policy conflicts that I have identified. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR