
Appeal Decision

Site visit made on 8 February 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/Z1510/W/21/3276838

Meadowbrook House, Lower Farm Road, Borley CO10 7AJ

- 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 Paul Mann and Ms Emma Kershaw against the decision of Braintree District Council.
 - The application Ref 20/02134/FUL, dated 15 December 2020, was refused by notice dated 14 April 2021.
 - The development proposed is Conversion of the existing cartlodge to form a separate dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework) and I have had regard to it in consideration of this appeal. Both main parties have been provided with an opportunity to comment on the revised Framework.
3. The Council has also indicated that Section 2 of the draft Local Plan (LP2)¹ is close to adoption. However, the Inspector's report on LP2 is yet to be published and there is no evidence before me to indicate whether the outstanding objections to Policy LPP1 (including in relation to its consistency with the Framework) can or will be resolved. As such, given these considerations and its present status in the plan-making process, the LP2 can only be afforded minimal weight in relation to this appeal.

Main Issue

4. The main issue is whether the site is a suitable location for the proposed development, with particular regard to access to services and facilities.

Reasons

5. The appeal site comprises an existing cart lodge, used for domestic storage within the grounds of a detached dwelling, Meadowbrook House. The appeal site is located in the countryside and is surrounded by agricultural land. However, beyond the agricultural field to the east of the site, there are a group of dwellings within an area known as Borley Green. There are also several dwellings located approximately 300 metres to the south-east of the appeal site.

¹ Local Plan – Publication Draft For Consultation (June 2017)

6. Foxearth is the nearest settlement with any services and facilities and is located approximately 2km from the appeal site. It is a small settlement which has a very limited range of services and facilities, including a primary school, a furniture shop and a cake shop. The route along the carriageway to Foxearth is predominantly devoid of footways and is largely subject to a 60mph speed limit. This, combined with the significant distance between the appeal site and Foxearth, means that future occupiers of the proposed development would be very unlikely to access these services and facilities on foot. In addition, there is no compelling evidence before me to indicate that there are any bus services which stop within the vicinity of the appeal site. Future occupiers of the proposed development would have to travel even further afield for other services and facilities (not available in Foxearth) to meet their basic day-to-day needs. As a result, they would be primarily dependent upon the private motor vehicle to access these services and facilities.
7. For these reasons, the proposed development would be sited in a location with poor access to services and facilities and it would therefore conflict with Section 1 Local Plan² Policy SP3 and Core Strategy³ Policy CS7, which state that development will be focused within and adjoining existing settlements and will be provided in accessible locations to encourage sustainable travel, respectively.
8. Section 1 Local Plan Policy SP1 refers to the presumption in favour of sustainable development as set out in the Framework. Given the wording of this policy, the proposed development would not conflict with it and the policy is not relevant to this main issue.
9. Draft Policy LPP1 of Section 2 of the emerging Local Plan states that development outside of the settlement boundaries will be strictly controlled. I have not been provided with a copy of the settlement boundaries. Therefore, whilst it is likely that the site is not located within a development plan settlement boundary, it is not possible to conclude on whether there is a conflict with this policy. In any case, the weight to be afforded to this policy is minimal as explained earlier in this decision.

Other Matters

10. The appellants contend that the site is 'isolated' within the terms of Framework Paragraph 80, which allows for isolated homes in the countryside subject to certain criteria being met. The Framework does not provide a definition of what constitutes an 'isolated' home. Proximity to services and facilities is not the only relevant consideration in this regard. Indeed, the proximity of a site in relation to other neighbouring dwellings is also a relevant consideration in determining if a location is 'isolated'. As such, a consideration of whether a site is isolated in these terms is a matter of judgement, having regard to the relevant site-specific circumstances.
11. Whilst the appeal site is visually separated from the neighbouring dwellings to the east and south-east, it is in reasonably close proximity to these dwellings. Indeed, only a single agricultural field separates the appeal site from the numerous residential dwellings within Borley Green and the site is only 300 metres from several other dwellings to the south-west of the site. Given the

² Braintree District Council Local Plan 2013-2033 - Section 1 (February 2021)

³ Braintree District Council Local Development Framework Core Strategy (2011)

relatively close physical proximity of these surrounding residential properties, the existing dwelling at Meadowbrook House forms part of this broad cluster of residential development. For these reasons, the appeal site is not isolated within the terms of Framework Paragraph 80.

12. Both parties have referred to case law and appeal decisions which generally deal with issues pertaining to the application of the exceptions listed under Framework Paragraph 80. However, given that the site is not in an isolated location, none of the exceptions listed under Paragraph 80 apply.

Planning Balance

13. The most important development plan policies in the consideration of this appeal are Section 1 Local Plan Policy SP3 and Core Strategy Policy CS7. These policies do not place a blanket ban on development in the countryside and they are therefore not inconsistent with Framework Paragraph 80. In any case the appeal scheme does not derive any support from Framework Paragraph 80. Together, the most important development plan policies broadly seek to focus development in sustainable locations and reduce dependency on the motor vehicle. This aim is consistent with Framework Paragraph 92 which states in part that decisions should ensure healthy and inclusive places, including through providing access to local shops. It is also consistent with Framework Paragraph 105, which states that significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
14. Framework Paragraph 105 also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, I do not consider that this provides a justification for new development in locations which have very poor access to services and facilities, such as in this case.
15. At the time that the planning application was determined the Council could not demonstrate a five-year supply of deliverable housing sites. However, the Council now asserts that a HLS in excess of five years can be demonstrated. Despite this, the Council has referred to a recent appeal decision, dated 12 November 2021⁴, where an Inspector concluded that the HLS position was between 4.7 and 4.9 years. Notwithstanding the Council's contention to the contrary, if there was a shortfall, I would have regard to paragraph 11 d ii of the Framework. Which is to say that - the most important policies would be out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. As per my earlier findings on the main issues, the appeal scheme would give rise to significant harm in respect of the poor access of the site to services and facilities. As a result, there would be conflict with Framework Paragraphs 92 and 105 as I have already identified. I ascribe substantial weight to this harm, since it relates to the principle of the proposed development and the wider environmental effects of a dependency on the motor vehicle.
17. In terms of the benefits, the proposed development would only result in a very minor increase in the housing stock. Therefore, the social and economic

⁴ PINS Ref: APP/Z1510/W/21/3267825

benefits associated with this increase can only be attributed moderate weight, even in the context of a shortfall.

18. As such, even if I were to accept that there remains a shortfall and that Framework Paragraph 11dii is engaged, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. The proposed development would be harmful in terms of the poor access it would have to services and facilities and the overreliance of future occupants on the motor vehicle to access them. This would lead to conflict with the development plan. I have considered other relevant material considerations, including the approach of the Framework, and there are none worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

Luke Simpson

INSPECTOR