



Appeal Decision

Site visit made on 9 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 29th March 2022

Appeal Ref: APP/Z1510/W/21/3283641

Gunneymede, High Street Green, Sible Hedingham CO9 3LG

- 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 and Mrs Parsons against the decision of Braintree District Council.
 - The application Ref 21/00711/OUT, dated 1 March 2021, was refused by notice dated 8 June 2021.
 - The development proposed is described as, 'outline application for the demolition of existing buildings and removal of concrete hardstanding and erection of a bungalow built to the Building Regulation M4(2) 'Accessible and Adaptable Dwellings' standard'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was made in outline with all matters reserved for future consideration. I have therefore assessed the appeal on this basis.
3. I note the Section 2 - Publication Draft Local Plan June 2017. However, since there is no certainty that the Policies within will be determined in their current form, I attribute them limited weight.

Main Issue

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

Reasons

5. The site lies at the end of a ribbon of development along High Street Green. To the rear of the site lies open countryside. The site is occupied by modest single storey stables that are in keeping with the countryside setting of the settlement. As such, while I note the existing hardstanding and that the evidence regarding previously developed land, the site has a closer relationship to the countryside than to the ribbon of development.
6. The erection of a dwelling would result not only in a building that would be likely to be larger than the existing buildings, but areas of hardstanding such as driveway and domestic paraphernalia that would urbanise the site and alter the landscape character of the area. Therefore, while the dwelling could be partially screened by trees and hedges along the boundary with the highway and matters such as landscaping, scale and appearance would be reserved for

future consideration, it would extend the ribbon of development and harmfully encroach into the countryside.

7. I acknowledge the agricultural buildings that have been converted to residential properties noted by the Appellant. However, they generally appear to be some distance from the site such that these cases are not directly comparable to the appeal scheme in terms of the character and appearance of the area. In any event, each case must be determined on its individual merits.
8. The nearest settlement, Sible Hedingham, has a range of services and facilities to meet daily needs including schools and doctor's surgery. However, while the distance from the site to the settlement is around 1.5km, High Street Green lacks a footpath or streetlights such that future occupiers would be more likely to use a private vehicle to access services. I note the public footpaths that run adjacent to the site and across a field opposite the site as well as the evidence regarding their current use by local residents. However, since these footpaths run partly through the countryside and are unlit, they would be unlikely to be attractive as a primary route to access services particularly during the winter months. As such they would not remove entirely the dependence on the private vehicle for access to services and facilities.
9. I have considered a condition tying the occupancy of the proposed bungalow to the existing dwelling at Gunneymeade. However, given the adverse environmental effects of the scheme identified above, such a condition would not override the harm. As such this point has not altered my finding on this main issue.
10. Consequently, the proposed development would not provide a suitable location for housing with regard to the character and appearance of the area and the accessibility of services and facilities. Therefore, it would conflict with Policy RLP2 of the Braintree District Local Plan Review Adopted Plan July 2005 (LPR) which directs new development to within settlement boundaries.
11. The scheme would also conflict with LPR Policies RLP80, RLP90 and Policies CS5 and CS8 of the Core Strategy Adopted September 2011 (CS) as well as Policies SP3 and SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan Adopted February 2021 (Section 1 Plan) which together seek development that would successfully integrate into the local landscape, enhance local distinctiveness and protect and enhance the landscape character of the countryside and natural environment.
12. In addition, the proposal would conflict with CS Policy CS7 which seeks development in accessible locations to reduce the need to travel.
13. Section 1 Plan Policy SP1 relates to the presumption in favour of sustainable development and is not directly relevant to this main issue.

Other Matters

14. Given the personal circumstances of the proposed occupant of the dwelling, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. There are limited details before me to demonstrate that this proposal would be the only solution to meet the proposed resident's needs. Therefore, while the proposed development may help a person who shares a

protected characteristic for the purposes of the PSED, given the evidence before me I am not persuaded that this would override the unacceptable harm to the character and appearance of the area and adverse environmental effects that would result from the proposal. Accordingly, these matters have not altered my overall decision.

15. I note the comments of the Inspector for the case at Gosfield. However, in that case the Inspector found that any impact on the character and appearance of the area could be mitigated by conditions and the Council were not able to demonstrate a five-year housing supply at the time. I also note the comments of the Inspector for the case at Prayors Hill and I acknowledge the other cases granted planning permission by the Council such as at Mill House School. However, limited further details are before me such that I am unable to make a direct comparison with this appeal. In any event, each case must be determined on its individual merits.

Planning Balance

16. I note the evidence regarding housing land supply including the Government's objective of significantly boosting housing supply. While the Council is able to demonstrate a five-year housing land supply, the Appellant considers that the policies most important for determining the appeal are out-of-date.
17. LPR Policy RLP2 directs development to within Town Development Boundaries and Village Envelopes and CS Policy CS5 strictly controls areas outside these areas to uses appropriate to the countryside in order to protect and enhance the landscape character of the countryside. Since the housing requirement position has moved on since LPR Policy RLP2 was adopted and given that the National Planning Policy Framework takes a less restrictive approach than CS Policy CS5, these Policies are out-of-date and CS Policy CS5 is partially consistent with the Framework. As such, I attribute the conflict with these Policies limited weight.
18. The other policies cited by the Council in the decision notice generally seek development that integrate with the local landscape and enhance local character and distinctiveness. They also seek development in accessible locations and direct new development to larger settlements. As such, they are generally consistent with the Framework, and I attach the conflict with these policies significant weight.
19. Given the harm to the character and appearance of the area and accessibility of services and facilities identified above, the proposal would conflict with the basket of policies relevant to the appeal, and the development plan as a whole.
20. The proposal would contribute a dwelling to the local housing supply. There would be temporary economic benefits during the construction phase and I acknowledge that small and medium sized sites can contribute to meeting the housing requirement. In addition, I note the evidence regarding the energy efficiency of the building and local sourcing of materials.
21. I note the evidence regarding the proposed dwelling being an 'Accessible and Adaptable Dwelling' in accordance with Part M4(2) of the building regulations. I also acknowledge that the property would be occupied by an elderly relative. However, there is little substantial evidence before me to indicate that there are no other suitable sites that would better meet their needs without

conflicting with the development plan. While I acknowledge the evidence regarding national demand for dwellings for people over the age of 65 and those living with dementia and Alzheimer's Disease, there is little substantial evidence before me to demonstrate that there is a local demand for dwellings of this type. As such I attribute this matter limited weight.

22. In any event, while I have considered the use of a suitably worded condition to secure compliance with Part M4(2) of the building regulations, given the limited scale of the scheme, the benefits would be limited.
23. Therefore, given the significant harm to the character and appearance of the area and the accessibility of services and facilities as well as the resulting conflict with the development plan as a whole, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

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

R Sabu

INSPECTOR