
Appeal Decision

Site visit made on 1 April 2022

by Steven Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th April 2022

Appeal Ref: APP/Z1510/W/21/3284864

Land at Brick Kiln Green, Blackmore End, Essex CM7 4DT

- 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 Richard Beard against the decision of Braintree District Council.
 - The application Ref 21/01784/FUL, dated 2 June 2021, was refused by notice dated 28 September 2021.
 - The development proposed is the creation of 1 no. single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In February 2021, the Council adopted the Braintree District Shared Strategic Section 1 Plan (LP) which superseded policies CS1, CS4, CS9 and CS11 of the Braintree District Council Core Strategy 2011 (CS). The local planning authority (LPA) has referred in its decision notice to the draft Braintree Local Plan, Section 2 (DLP) which has yet to complete its examination in public and is not therefore an adopted policy document. I therefore afford it limited weight.
3. The appeal site has previously been the subject of an application for a certificate of lawful development to establish the residential use of a caravan on the site¹. The application was refused. In determining the appeal, I have not therefore considered the site to have a lawful residential use.

Main Issues

4. The main issues are (i) whether the proposed development is in a suitable location having regard to the development plan and (ii) the effect upon the character and appearance of the area.

Reasons

Suitable location

¹ 19/0080/ELD

5. The appeal site is at the end of a line of mainly detached residential properties and other buildings in a countryside setting. It lies outside of a designated village envelope or a town centre boundary.
6. CS policy CS5 aims to strictly control development outside of such village or urban areas in order to protect and enhance the landscape character of the countryside. This is also reflected in the Braintree District Local Plan Review 2005(LPR) policy RLP2.
7. While the appeal site is not isolated, being next to other dwellings, it lies at some distance from services and facilities, and I have not been made aware of any available mode of transport other than the car which would be available to future occupiers in the immediate vicinity of the site. Home working and internet shopping would not prevent the need to travel for certain services, and the use of electric vehicles is not yet so prevalent as to entirely reduce carbon emissions from vehicular travel.
8. The appellant has referred to the High Court decision case No C1/2017/3292 relating to dwellings within the area of Blackmore End and where the appellant states that it was concluded that Brick Kiln Green is a sustainable location for development due to the nearby services. However, I cannot be sure that it relates to Brick Kiln Green as opposed to Blackmore End or indeed to the circumstances surrounding it.
9. I have given consideration to paragraph 105 of the National Planning Policy Framework 2021 (the Framework) which notes that different considerations of accessibility to services and facilities should apply in rural as distinct to urban areas and that this should be taken into account in the decision-making process. In addition, I consider that one extra dwelling would not generate a large number of traffic movements. Furthermore, paragraph 79 of the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby.
10. However, such considerations relating to proposed development in rural locations do not justify the development of sites with very poor accessibility and with little or no alternatives to the car. The appeal site is in a very rural location, at some distance from services and facilities and is sited along a narrow lane with no footpaths or street lighting, beyond existing development. It has poor accessibility even allowing for its rural location.
11. Therefore, I conclude that the proposed development would conflict with policy CS7 of the CS which aims to direct development to accessible locations, and with LP policy SP1 which has the same purpose. It would not be supportive of CS policy SP3 and LPR policy RLP2 which aim to ensure that most development is within existing settlements, or with paragraph 127 of the Framework which seeks, amongst other things, to ensure that development is provided in accessible locations in order to reduce the need to travel.

Character and appearance

12. The area is rural in character with some dwellings and other structures located along the lane leading to the appeal site.
13. The appeal site is visible from the public highway that fronts the site, and while I have not been made aware that it lies within an area of special landscape protection, the area generally has a pleasant open quality including mature landscaping. The existence of the caravan and the other dilapidated, small structure on the site, diminishes its attraction, and while a replacement dwelling would possibly improve its appearance, it would have a greater urbanising effect upon the character and appearance of the area. While there are other dwellings in the immediate vicinity, the appeal site is situated along the lane and beyond them, making it relate even more to its rural surroundings. Its development would result in the encroachment into the countryside, and which would diminish the existing rural character.
14. Therefore, I conclude that the proposal would be contrary to CS policies CS5 and CS8 which aim strictly to control development in the countryside and to protect, amongst other things, its landscape character, and with paragraph 174 of the Framework which stresses the need to protect the landscape character and appearance of the countryside.

Other Considerations

15. To the south of the appeal site, within the hamlet of Brick Kiln Green, are three Grade II listed buildings and one Grade II* listed building (LB), all set within their own amenity areas. However, they are at a sufficient distance from the appeal site so that their settings would not be compromised. The LPA's heritage officer considers that *'I do not believe thatthe development of the site, along the lines proposed, with a single storey dwelling, using traditional , high quality materials would have a detrimental impact upon the significance of the Listed buildings'*. I concur with the above and conclude that the proposed development would preserve their settings. However, this is a matter of neutral consequence in the overall planning balance.
16. In its appeal statement, the LPA considers that the Council can demonstrate a 5.34-year supply of deliverable housing sites, though its officer report indicates that it might be between 4.1 and 4.7 year's supply. The appellant considers there is no 5-year supply. But even if I were to assume the worst case scenario and paragraph 11d of the Framework were to be engaged, this would not significantly and demonstrably outweigh my conclusions upon the main issues.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR