



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: 20th April 2022

Appeal Ref: APP/Z1510/W/21/3282406

Land South of Toppesfield Road, Great Yeldham, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr J Gray against the decision of Braintree District Council.
 - The application Ref 21/00453/PIP, dated 8 February 2021, was refused by notice dated 9 March 2021.
 - The development proposed is described as, 'permission in principle application for up to two dwellings at Land South of Toppesfield Road, Great Yeldham.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these 2 stages. The scope of permission in principle is limited to location, land use and amount of development. 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 would be adopted 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 particular regard to the character and appearance of the area.

Reasons

5. The site lies at the end of a ribbon of development and is undeveloped. The nearby dwellings are generally semi-detached with moderate spacing such that the area has a pleasant, spacious character and appearance. To the south and east of the site lies open fields that provide an attractive rural setting for the settlement. As such the site, despite its proximity to the ribbon of development, has a close relationship to the open countryside.

6. The proposal for two dwellings on the site would not only introduce built development, but also hardstanding, driveway and domestic paraphernalia that would urbanise the site and alter the character of the area. While the design of the dwellings would be determined at technical matters stage, it is likely that they would be visible from the highway on approach to the settlement. As such the location, land use and amount of development would extend the ribbon of development and constitute encroachment into the countryside, thereby unacceptably harming the rural setting to the settlement and intrinsic character and beauty of the countryside.
7. There is a stretch of native hedgerow along the boundary of the site with the highway. While the Appellant has stated that the hedgerow could be managed, since this matter falls outside the scope of permission in principle, it has not been determinative for the outcome of this appeal. I also note that the plot width is similar to the nearby dwellings and that there is domestic fencing along the boundary with the adjacent residential property and the cropped grass on the site. I also acknowledge that the Council's landscape officer did not object to the scheme and the site is not subject to landscape designations. However, since the proposal would urbanise the site and encroach into the countryside, it would nevertheless harm the character and appearance of the area.
8. The site lies opposite to an industrial estate, beyond which construction has begun for a large number of dwellings. The dwellings under construction are seen at a distance from Toppesfield Road, rather than as part of the ribbon of development. As such, the presence of the industrial estate and the new dwellings beyond do not alter the pleasant setting that the site provides to the ribbon of development. Furthermore, since the area to the south and east of the site are undeveloped, the proposal would not appear to be infill development.
9. Policy SP3 of the North Essex Authorities' Shared Section 1 Plan Adopted February 2021 states that development will be accommodated within or adjoining settlements. However, it goes on to say that future growth will be planned to ensure existing settlements maintain their distinctive character and role and to conserve their setting. Therefore, since the proposal would not conserve the setting of the existing settlement, the proposal would conflict with this Policy.
10. Consequently, the proposed development would not provide a suitable location for housing with particular regard to the character and appearance of the area. Therefore, it would conflict with Policies RLP2, RLP80 and RLP90 of the Braintree District Local Plan Review Adopted July 2005 (LPR) which together direct new development to within settlement boundaries, resist development that would not successfully integrate into the local landscape and seek a high standard of layout. In addition, the scheme would conflict with Policies CS5 and CS8 of the Local Development Framework Core Strategy adopted September 2011 (CS) which control development outside town development boundaries to protect the landscape character of the countryside. The proposal would also conflict with the National Planning Policy Framework (Framework) in this particular respect.

Other Matter

11. I note the comments of the Inspector for the case at Witham. However, since that case is some distance from the appeal site, it is not directly comparable to this appeal which must be determined on its individual merits.

Planning Balance

12. The proposed dwelling would contribute two dwellings to the local housing supply. It would also result in temporary economic benefits and future occupiers would be likely to provide social and economic benefits through their contribution to the community. Given the limited scale of development, these benefits attract limited weight only.
13. I also acknowledge the Government's objective of significantly boosting housing supply and the evidence regarding the accessibility of services and facilities.
14. There is a dispute between the main parties as to whether the Council are able to demonstrate a five-year housing land supply. While I am familiar with the case at Earls Colne, the Council has updated its housing land supply position following a review since that decision was made.
15. 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 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.
16. The other policies cited by the Council in the decision notice generally seek development that integrates with the local landscape and enhance local character and distinctiveness. As such, they are generally consistent with the Framework, and I attach them significant weight.
17. Given the harm to the character and appearance of the area identified above, the proposal would conflict with the basket of policies relevant to the appeal, and the development plan as a whole.
18. Therefore, even if the Council are not able to demonstrate a five-year housing land supply, given the significant harm to the character and appearance of the area and the conflict with the development plan as a whole, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

19. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR