
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: 20TH April 2022

Appeal Ref: APP/Z1510/W/21/3281625

Mission Hall, Gainsford End Road, Toppesfield CO9 4EG

- 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 G Fox against the decision of Braintree District Council.
 - The application Ref 21/00574/OUT, dated 18 February 2021, was refused by notice dated 8 July 2021.
 - The development proposed is the demolition of a redundant place of worship and the erection of a detached dwelling (outline application with all matters reserved for subsequent approval except for means of access).
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Decision

1. The appeal is allowed, and outline planning permission is granted for the demolition of a redundant place of worship and the erection of a detached dwelling (outline application with all matters reserved for subsequent approval except for means of access) in accordance with the terms of the application ref 21/00574/OUT, dated 18 February 2021, subject to the following conditions: -
 - i. The development hereby permitted shall be carried out in accordance with the approved plans:
Drawing B/4713/21/PL-02(Location plan)
Drawing B/4713/21/PL-03.
 - ii. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - iii. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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 In February 2021, the Council adopted the Braintree District Shared Strategic Section 1 Plan (LP) which superseded policies CS1, CS4, CS9 and CS11 of the Braintree District Council Core Strategy 2011(CS).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.

Main Issues

3. 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

4. The appeal site currently includes a small, unused mission hut within an area of hardstanding. It is in a residential area in a countryside location, and it lies outside of a designated village envelope or a town centre boundary.
5. CS policy CS5 aims to strictly control development outside of such village or urban areas in order to protect and enhance the landscape character and appearance of the countryside. This is also reflected in the Braintree District Local Plan Review 2005 (LPR) policy RLP2.
6. 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 significant, available mode of transport other than private vehicles which would be available to future occupiers. 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.
7. 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 78 of the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby.
8. 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 it has poor accessibility even allowing for its rural location.
9. The appeal site is previously developed land. LP policy SP3 is supportive of the reuse of such sites in settlements when considered within the broader principles of sustainable development. Paragraph 85 of the Framework is also supportive of the re-use of previously developed land to meet local business and community needs in rural areas and states '*the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*'. The appeal site is a settlement with dwellings adjoining it.
10. I give some weight to the previous use of the existing building for religious worship, and which would likely have generated at least some traffic

movement by private vehicles, and to the previous planning approval (now lapsed) for its use as offices and which would also have generated some traffic movement. Even if the existing building were to remain, virtually any use would be likely to generate some car borne traffic.

11. The LPA has referred to other appeal decisions where the proposed development was found to be in unsustainable locations at some distance from services and facilities¹. However, these appeals do not conclude that the proposed development would be on previously developed land, even though one site had a garage upon it, and another had previously been occupied by a listed building. Therefore, I find that they are not directly comparable with the current appeal site which relates to previously developed land. In any event, I have determined the appeal based upon its individual merits.
12. The proposed development would conflict with policies 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 and village envelopes and with paragraph 127 of the Framework which seeks, amongst other things, to ensure that developments are provided in accessible locations to reduce the need to travel.
13. However, I conclude in this instance, where the appeal site is previously developed land and includes an unused building, there are weighty material considerations which outweigh the above development plan policies. To this extent, the development is in a suitable location.

Character and appearance

14. The area within which the appeal site is set is characterised by mainly detached dwellings, set back from the road and with hedging and landscaping to their boundaries, including against the road. The appeal site itself has boundary fencing consisting of vertical wooden boarding of approximately 2 metres in height and which contrasts harshly with the landscaped setting of the area in general.
15. The application is submitted in outline with all detailed matters reserved for a future application, apart from access. The appeal is submitted with a layout plan, and whilst this is for illustrative purposes only, I consider that the site can suitably accommodate a dwelling in principle. I do not find that a larger building on the site than the current mission hut would necessarily mean harm to the character and appearance of the area, especially when its design is a matter for further consideration at the reserved matters stage. Neither do I see any reason why natural light, which is a concern raised by the LPA, could not be appropriately provided to a dwelling on the site.
16. The former mission hut is currently unused and somewhat dilapidated. I consider that, subject to the subsequent consideration of the reserved matters,

¹ APP/Z1510/W/21/3276481
APP/Z1510/W/21/3272164
APP/Z1510/W/21/3271496

a dwelling would not adversely affect the character and appearance of the area.

17. Therefore, I conclude that the proposed development would accord with CS policy CS8 which requires development to enhance the locally distinctive character of the area and with LPR policy RLP80 which requires that development does not damage the local landscape character. It would also accord with paragraph 124 of the Framework which requires development to be sensitive to the local landscape character and appearance.

Other Matters

18. Pump Cottage, which is located to the north of the appeal site, is a detached Grade II Listed Building (LB) facing the road and set within its garden area. The mission hut and Pump Cottage are disconnected from one another physically and their functions are separate. The boundary between the two consists of mature planting on the side of Pump Cottage and which largely prevents views from one to the other. Given the separation of the site from Pump Cottage, I do not find that it adversely affects its setting. Therefore, the appeal site makes a neutral contribution to the significance of Pump Cottage, , and there is no reason why in principle the erection of a dwelling on the site would not also preserve the setting of the LB. This is a matter of neutral consequence in the overall planning balance.
19. The LPA considers that the Council can demonstrate a 5.34 year supply of deliverable housing sites, and this is not contested by the appellant. However, the 5-year supply target is not a ceiling figure and I do not consider that its achievement is a strong enough reason on its own to prevent further development on other sites. In any event, I have determined this appeal on its individual planning merits and have concluded that other material considerations tip the balance in favour of allowing the appeal.

Conditions

20. I have considered the conditions suggested by the Council and I have afforded the appellant an opportunity to comment upon them, including those that are pre-commencement conditions.
21. I have attached a condition relating to the approved plans in the interests of certainty.
22. I have attached a condition relating to a time limit for the submission of the reserved matters and the subsequent start of the development.
23. I have included a condition relating to the surfacing of the first 6 metres of the proposed access from its junction with Halstead Road to prevent material from being brought onto the carriageway and in the interests of highway safety.
24. Paragraph 54 of the Framework states that '*permitted development rights should only be removed where there is clear justification for doing so*'. The appeal site is reasonably well proportioned, and I have not found any clear justification to impose a condition relating to this matter.

25. The mission hut is not listed, and I have no information before me that it is included in any local list as being of architectural or historic merit. I have not, therefore, imposed a condition requiring a programme of historic building recording.

Conclusion

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

Steven Hartley

INSPECTOR