



Appeal Decision

Site visit made on 3 August 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd SEPTEMBER 2022

Appeal Ref: APP/Z1510/W/22/3291730

**Land adjacent to Sweetings Farmhouse, Thistley Green Road, Braintree
CM7 9SF**

- 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 & Mrs Y Bekir against the decision of Braintree District Council.
 - The application Ref 21/01481/OUT dated 6 May 2021, was refused by notice dated 17 September 2021.
 - The development proposed is Outline planning application with all matters reserved - Erection of a 2 bedroom chalet bungalow for a disabled person and carer
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the Council have adopted the Braintree District Local Plan 2013 - 2033 (2022) (the Local Plan), which replaces the Braintree District Local Plan Review (2005) and the Braintree District Local Development Framework Core Strategy (2011). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of the changes in policy.
3. The Council altered the description of the development, I consider the revised description to be a more accurate description of the appeal proposal, accordingly I have adopted the amended descriptions in the heading above.
4. The application was submitted in outline with all matters reserved for future consideration. I have considered the appeal on this basis.

Main Issues

5. The main issues in this appeal are (i) whether the development would be in a location suitable for a new dwelling; (ii) the effect of the proposed development on the character and appearance on the area; and (iii) the effect of the proposed development on the trees on the site.

Reasons

Location

6. The appeal site is located adjacent rural residential properties, for the purposes of development plan policy, it is within the countryside. Access to the site is via a narrow unlit country road.
7. Parties have drawn my attention to a dismissed appeal for residential development at the site. Whilst there are no substantive details before me which allows comparison of that scheme with that now proposed I am mindful that access to local amenities would be similar. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
8. The Council contends that the proposed development would be within the countryside and there would be a reliance on private motor vehicles to access services.
9. The appeal site is separated from the built-up area of Braintree by the A131 which is a busy road with no safe crossing points near the site. The town centre and its services and facilities approximately 1 mile away from the appeal site.
10. I understand that there are a number of bus services running with the Appellant confirming that the nearest bus stop is less than half a mile away.
11. In relation to accessing services and facilities, there are no footpaths or streetlights adjacent the site and accessing local services on foot would be unrealistic for some potential users of the development and at some times of the day and year.
12. I have taking into account that opportunities to maximise sustainable transport options will vary between urban and rural locations. However, the circumstances I observed do not lend themselves to safe use by pedestrians. Similarly, the lack of street lighting would be unlikely to encourage cycling to the nearest services and facilities after dark via this narrow lane.
13. The appellant has drawn my attention to residential development approved close to the appeal site. Substantive details have not been provided relating to the scheme, nonetheless I note that the location of this larger site would have access to safe and useable footpaths which could be used to access services and facilities. I therefore do not consider this to be directly comparable to the proposal before me.
14. On this basis I find that there would be a reliance on private motor vehicles and conclude that the proposed development would not be a suitable location for a new dwelling. The proposed development conflicts with Policies LPP 1, LLP 52 of the Local Plan and the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments are located within areas which are suitable locations.

Character and Appearance

15. The appeal site forms part of private amenity space for Sweetings Farmhouse, visible from the rural lane adjacent the site. Whilst adjacent residential properties the proposed development would extend the built further into the countryside. The encroachment of urban form would diminish the rural setting.

16. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with Policy LPP 52 of the Local Plan which amongst other things seek to ensure developments respect local context and be in harmony with the character and appearance of the area.
17. There is also conflict with the Framework which seeks to ensure developments are sympathetic to their surroundings.

Trees

18. The site contains trees, I have not been provided with any arboricultural evidence to support the proposal. Whilst the application has been made in outline with all matters reserved, I am therefore not persuaded that any development on this constrained site would not harm any trees.
19. There is conflict with Policies LPP 52 and LPP 67 of the Local Plan, which amongst other things seek the enhancement of the natural environment.

Other Matters

20. The Appellant suggests that the Council can not demonstrate a 5 year housing land supply and have referenced appeal decisions supporting this assertion. In accordance with the Framework a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan. I am mindful that the Local Plan has recently been adopted and contains a housing trajectory demonstrating the required housing supply. I have not been provided with substantive evidence that the housing supply cannot be demonstrated.
21. The appellant has highlighted that the proposed development is required due to the personal circumstances. However, limited information has been provided to confirm the needs of the occupants and how this development could fulfil them. I therefore give this limited weight.

Conclusion

22. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR