

Appeal Decision

Site visit made on 30 September 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Reference: APP/Z1510/W/22/3294098

Land at 'Lovely Cottage', Toppesfield Road, Finchingfield CM7 4NZ

- 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 Miss C. Simpson against the decision of Braintree District Council.
 - The application (reference 21/03740/OUT, dated 23 December 2021) was refused by notice dated 16 February 2022.
 - The development proposed is described in the application form as a "proposed bungalow on site that used to contain a similar bungalow".
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Decision

1. The appeal is dismissed.

Preliminary points

2. The application is made in outline, with all matters reserved.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. Secondly, it is also necessary to consider whether the site is a suitable location for a dwelling, with adequate accessibility to services, having regard to the previous use of the land.

Reasons

4. The appeal site is located in a rather flat rural landscape that is dominated by agricultural land with a scatter of buildings in the countryside. Toppesfield Road is a country road that is hardly more than a lane, carrying relatively little traffic. In the vicinity of the appeal site the road is of adequate width, between fields and hedges, and there is additional space opposite the appeal site, to enable cars to be parked alongside the carriageway.
5. 'Lovely Cottage' is one of a very small group of buildings that are located on the north side of this part of the road, well away from either Finchingfield or Toppesfield. The building group is surrounded by agricultural land, both behind the properties and opposite them on the south side of the road.

6. The existing dwelling is an attractive bungalow, with rendered and painted external walls under a tiled roof, having its longer elevation to the road. It is set back from the road, behind its front garden, with a larger garden area to one side and additional land at the rear. The garden is neatly laid out and is obviously well tended, with a large tree close to its eastern boundary.
7. The appeal site is an area of land that adjoins the eastern boundary of 'Lovely Cottage', comprising a narrow plot between the road and a large field beyond. The site shows signs of the cottage that once occupied it, with the remains of a chimney and some building debris, including stacked bricks. An access has been created but the plot is largely overgrown and has a somewhat derelict appearance.
8. Further to the east, the narrow strip of unused land continues but this area has been completely taken over by a thicket of trees and bushes. It is evident from the submissions, however, that each of the plots was once occupied by a dwelling.
9. It is now proposed that a new bungalow should be built on the appeal site. The planning application was made in outline but the submitted site layout drawing shows that the plot could accommodate a bungalow with a similar footprint to that of 'Lovely Cottage', together with a suitable garden space and a new double garage.
10. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
11. These planning policies are also set out in the Development Plan. Policies CS5 and CS8 of the Council's 'Core Strategy' (which was adopted in September 2011) are intended to protect the countryside, with particular reference to village envelopes and other settlement boundaries, while Policy CS7 aims to direct new development to accessible locations. Similarly, Policies RLP2 and RLP3 in the 'Braintree District Local Plan Review' (dated July 2005) likewise aim to focus new housing within existing settlement boundaries.
12. It is acknowledged that a dwelling once stood on the appeal site but the remains of the building have all but disappeared and the site now has the character of an overgrown plot of land. The construction of a new bungalow on the land would undoubtedly change its character and appearance very markedly, adding to the amount of construction in the countryside. Thus, it would erode the character and appearance of the area, undermining the rural quality of the surroundings.
13. Moreover, the appeal site is located in an area that has minimal access to public transport links and other services. In consequence, occupants of the proposed new bungalow would rely heavily on journeys by car and the bungalow itself would not be "sustainable" in planning terms. The site undoubtedly lies outside any settlement boundary and the proposal conflicts with planning policies that are intended to direct new development to

sustainable locations (notwithstanding the error that has been identified in the officer's report on the planning application).

14. The previous use of the land is a material consideration in this appeal but the remains of the cottage that previously stood on the site have effectively blended into the landscape and the previous use of the site carries only limited weight in the planning assessment, in my opinion.
15. Evidently, the project that is the subject of this appeal would produce a new dwelling, but the contribution to local dwelling needs would be very limited and the new dwelling would not be in a sustainable location. I am convinced that the very obvious harm that would be done to the character and appearance of the countryside significantly and demonstrably outweighs the benefits of the project.
16. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR