



Appeal Decision

Site visit made on 7 December 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023

Appeal Ref: APP/Z1510/W/20/3265201

Land West of Church Road, Wickham St Paul, Halstead CO9 2PL

- 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 Rowe against the decision of Braintree District Council.
 - The application Ref 20/00979/FUL, dated 18 June 2020, was refused by notice dated 15 September 2020.
 - The development proposed is the construction of 7 2-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the address given on the application form, I have used that given in the decision notice as it more accurately describes the site's location.
3. At the appeal stage, amended plans were submitted. These illustrate an alternative site layout with particular regard to access points and parking. An appeal should not be used to evolve a scheme and I am not confident that third parties have had sufficient opportunity to comment on those amendments. I have not taken them into account.
4. Since the application was determined, Braintree District Local Plan 2013-2033 was formally adopted (on 25 July 2022). This supersedes the 2005 Local Plan and the 2011 Core Strategy. Policies set out within the original decision notice have therefore been superseded. I have determined the appeal in accordance with the plan in force at the time of this appeal decision. The appellant has had the opportunity to comment on this matter and would not be prejudiced.
5. In assessing this appeal, I have had regard to a previous appeal on the site under Ref APP/Z1510/W/16/3165920. This was an outline application with all matters reserved and was dismissed.

Main Issues

6. The main issues are:
 - whether the site is a suitable location for housing with particular regard to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on biodiversity; and

- the effect of the proposed development on parking provision and highway safety.

Reasons

Appropriateness of Location

7. The appeal site lies in open countryside outside the settlement boundary of Wickham St Paul. On the opposite side of Church Road, and to the south of the site, lie established residential properties.
8. Policy LPP1 of the Braintree District Local Plan 2013-2033 (LP, 2022) restricts development outside of settlement boundaries to protect the character and beauty of the countryside. In addition, LP Policy LPP42 requires that sustainable modes of transport are facilitated through new development to promote accessibility.
9. Wickham St Paul contains some limited services and facilities including a village hall, public house and farm shop. I also noted during my site visit the existence of bus stops throughout the village. However, bus services at the present time, both from observation and based on submitted evidence, are very limited. Ultimately, the majority of day-to-day facilities are provided further afield, by several miles. From that perspective, the site is relatively remote from facilities and services and future occupiers of the proposed development would, in all likelihood, depend on private vehicles for most of their day-to-day needs.
10. Consequently, the proposed development would be positioned within an unsuitable location for housing, contrary to the relevant provisions of LP Policies LPP1, LPP42 and LPP52 which, in summary, seek to ensure development is sustainably located. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as good design and the promotion of sustainable transport is concerned.

Character and appearance

11. The appeal site comprises a parcel of undeveloped land, currently in agricultural use. It is bounded on its eastern boundary by a mature hedgerow and contains a number of mature trees. From that perspective, the site contributes to an open and verdant character in this part of Wickham St Paul, forming a transition zone between the more consolidated part of the village and the open countryside.
12. Properties within the surrounding area vary in their design, scale and period. They are predominantly detached or semi-detached with a mixture of bungalows and two-storey dwellings. Garages, whether detached or integrated, are a common feature within the village.
13. The proposed development would introduce two further sets of semi-detached properties and a short terrace of three properties. These would be setback from Church Road behind a grassed area and hedgerow and accessed via a single access leading to a shared driveway and parking area along the front of the properties.
14. The proposed development would introduce built form where there is currently none, effectively eroding the transition from more consolidated built form to open countryside, and the open and verdant character of this part of Church

Road. Moreover, the introduction of a row of terraced houses here would be out of keeping and incongruous with the established pattern of development within Church Road and the wider village. That examples of terraces exist within the wider district, may have existed within the village historically, or that those proposed are of a lesser scale than some semi-detached properties, does not alter my conclusion in this respect, taking account of the site's context as it appears today.

15. As explained above, garages form a common feature within the village. As such, this element of the scheme would assimilate to an acceptable standard with the surrounding area. Similarly, although they are not generally of a shared nature, several properties in the village are set behind established and prominent driveways. As such, the set back of the driveway and parking area from Church Road, whilst not forming a predominant feature within the area, would not appear out of keeping.
16. I note the appellant's comment in respect of the previous appeal decision, setting out a lack of harm arising from that scheme in respect of landscape character. However, I note that the main issue discussed under that appeal was of appropriateness of location rather than an assessment of character and appearance. I have explained above the harm that I have identified. Moreover, that scheme was subject to a different planning policy context.
17. Overall, I conclude that the proposed development would be harmful to the character and appearance of the area, contrary to the relevant provisions of LP Policies LPP52, LPP63, LPP67 and SP7 which in summary seek to ensure development of a high-quality design and a design which respects its context. This is in a similar vein to the objectives of the Framework insofar as good design is concerned.

Biodiversity

18. LP Policy LLP66 requires that proposals for new development provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. The appellant sets out measures to provide landscaping and biodiverse enhancements.
19. In respect of the protection of biodiversity, the appellant relies on a Phase 1 Habitat Survey, dated 2016. This was submitted as part of a previous scheme on the site to inform its baseline position. This survey is now several years old and therefore has the potential to be unreliable. The Council's ecologist sets out that a revised ecological assessment/ecological addendum should be issued to provide appropriate justification on the validity of that original report. This is not before me, and the appellant has suggested that an updated assessment could be requested by condition.
20. Planning Practice Guidance indicates that where a significant impact on biodiversity could arise, surveys should be carried out in advance of an application being made. Notwithstanding that an updated assessment would be required, the previous report concludes that the site had a low ecological value. Although there is a possibility that this baseline has changed, I am of the opinion that this is unlikely, particularly to any significant degree. Accordingly, and based on the suggested wording of the Council's ecologist, I consider that it would be reasonable for an updated assessment to be requested by condition in the event that I were to allow the appeal.

21. Overall, I conclude that subject to a condition in the event that the appeal were allowed, the proposed development would be in accordance with the relevant provisions of LP Policies LP66 which, in summary, seeks to protect and enhance biodiversity. This is in a similar vein to the provisions of the Framework insofar as biodiversity is concerned.

Highway safety

22. Vehicular and pedestrian access to the proposed development would be provided off Church Road, leading to a shared driveway. Parking spaces would be provided adjacent to, and in front of, the proposed dwellings. A reasonably large area would be provided for manoeuvring and additional parking.
23. The Council sets out that there is a lack of proposed visitor parking, noting the requirements of the Essex Parking Standards Design and Good Practice ('the parking standards', 2009). The area is not subject to a controlled parking zone and many of the residential properties near the site have private off-street parking in the form of a driveway. At the time of my site visit I noted no informal on-street parking along Church Road, although I accept that my visit was a snapshot in time.
24. The proposed development would undoubtedly increase the travel demands of Church Road and the need for parking. However, the proposed development would provide a maximum of 7 additional dwellings, each shown with a dedicated parking space and garage, therefore meeting parking requirements in respect of future occupants. Although not indicated on the submitted plans, adequate space would be provided throughout the site for additional parking to cater for visitors and/or disabled spaces. Moreover, the highway authority has raised no objection in respect of this matter. On this basis, I consider that a suitably worded condition could be included were I to allow the appeal. This would require further details of parking arrangements in line with the parking standards.
25. Although there is no objection to the proposed development from the highway authority in respect of highway safety, the Council's officer report sets out concerns relating to visibility splays at the newly proposed site access. Such details do not form part of the appellant's submission. Nevertheless, I have no substantive evidence before me which leads me to conclude that the proposed development, even without the provision of visibility splays, would lead to harm in respect of highway safety. Church Road is a reasonably quiet two-way road and, at this point in the village, is subject to 30 mile per hour speed limits. Openings onto the highway both within Church Road and throughout the village are similar to that proposed at the appeal site. Similarly, there is no substantive evidence before me to demonstrate that a lack of proposed road markings or a turning head within the private drive would harm highway safety. Such arrangements are common within the village and surrounding rural area.
26. Overall, I conclude that the proposed development would have an acceptable effect on parking provision and highway safety, in accordance with the relevant provisions of LP Policy LPP43 which, in summary, seeks to provide adequate parking provision and highway safety.

Other Matters

27. At the time when it made its decision, the Council did not have evidence to demonstrate a 5-year supply of housing land. Consequently, the provisions of footnote 8, paragraph 11 d)ii of the Framework should be applied. However, since that time, the Council has provided evidence that it can now demonstrate a 5-year supply. As such, these provisions are not engaged and the presumption in favour of sustainable development does not apply.
28. Notwithstanding the above, I acknowledge the benefits of the development, including in respect of a contribution of 7 extra dwellings to housing supply. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of trade to services and facilities in the area once occupied. However, this contribution to housing supply would be modest in respect of the overall supply of housing and the benefits would inevitably be limited given the scale and nature of the development proposed.
29. I note the appellant's comments in respect of the lack of objection from statutory consultees and others and a query relating to those consulted. It is for officers to consider which parties to consult and officers are not bound to take the view of specialist officers in making their decision. The lack of objection is not a positive factor in favour of the appeal.
30. I also appreciate the frustration of the appellant in not being able to respond to the Council's concerns. Nevertheless, I have reviewed the information before me, including the appellant's supporting statement, and I have assessed the appeal on that basis. There are no matters before me which lead me to an alternative conclusion on the main issues.
31. The property known as Shellards, to the west of the site, is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
32. The proposed development would be set reasonably close to, but visually separated from, Shellards. Despite its relative proximity, there is limited intervisibility between the appeal site and Shellards, including when viewed from the public realm. This is largely due to the existence of mature trees and landscaping within and surrounding the appeal site. Even were the appeal site to be glimpsed through trees during winter months, the proposed development would be perceived as a discrete entity, separate and functionally and visually removed from Shellards. Consequently, the setting of nearby Shellards would be preserved as a result of the proposed development.

Conclusion

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

A. Price

INSPECTOR