

Appeal Decision

Site visit made on 17 April 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2023

Appeal Ref: APP/Z1510/W/22/3309583

Land at West Street Vineyard, West Street, Coggeshall CO6 1NS

- 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 Pineside Homes against the decision of Braintree District Council.
 - The application Ref 21/02024/FUL, dated 23 June 2021, was refused by notice dated 30 June 2022.
 - The development proposed is 'erection of 4 new family dwellings together with amenity space and car parking plus creation of new access from West Street on land at The Vineyard, Coggeshall'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The draft Section 2 Local Plan referred to in the decision notice, subsequently was adopted in July 2022. The new plan supersedes the Local Plan Review (2005) and the Core Strategy (2011). Accordingly, I have had regard only to relevant policies from the adopted development plan, which now comprises the Braintree District Local Plan 2013-2033, Section 1 (2021) and Section 2 (2022). I note also that the numbering of the relevant policies has altered from the draft version.
3. I note that the appellant made a financial contribution at application stage to address the required mitigation by the Council of the effect of the proposal on a European designated site.

Main Issues

4. The main issues are:
 - whether the proposed dwellings would be in a suitable location with regard to designated development boundaries, including the effect on the character and appearance of the appeal site and surrounding area; and
 - the effect of the proposed development on the setting of the Coggeshall Conservation Area.

Reasons

Suitability of Location

5. The appeal site is an area of open land that is part of the West Street Vineyard, which as well as the appeal site comprises open land and buildings to the west. The site is adjacent to dwellings with frontages on West Street, which form the settlement edge of Coggeshall. Consequently, the site is outside the Coggeshall development boundary.
6. The Local Plan Section 2 sets out the spatial strategy for the district, in which Coggeshall is defined as a Key Service Village. Policy LPP1 concerns development boundaries and says that development outside defined boundaries will be confined to uses appropriate to the countryside. As the proposal involves market housing in a location outside the defined development boundary for Coggeshall, it is contrary to Policy LPP1.
7. The appeal site and other open land in the West Street Vineyard is designated as a Green Buffer by Policy 7 of the Coggeshall Neighbourhood Plan (2021). This requires that development proposals within the designated area should protect the identity and setting of existing settlements and minimise the potential for coalescence between built areas.
8. The settlement edge adjacent to the appeal site is well-defined by the curtilages of the final dwellings within the settlement, Nos 65 and 78, on opposite sides of West Street. As well as the buildings associated with the vineyard, there are a number of dwellings to the west of the appeal site. Consequently, the open, undeveloped land on opposite sides of the street, including the appeal site, provides an open buffer between the developed areas as well as reflecting the wider character of the village's rural setting. This is particularly apparent in views across the appeal site from West Street towards the river and open land beyond.
9. The proposal involves four relatively large detached dwellings, which together with the vehicular access, would cover the full extent of the site's frontage. The effects of this extent of development would be materially to reduce the buffer between the settlement edge and built development to the west. Moreover, it would extend linear development on one side of the street, unbalancing the urban form where the settlement edge is delineated equally on both sides of West Street. The proposal would also be a prominent incursion beyond the settlement edge into the open land that is important in defining the relationship between the settlement's built form and surrounding land. In particular, it would harmfully block the existing views across the appeal site towards the river and countryside to the south. As such, the proposal would conflict directly with the purposes of the green buffer designation in the Neighbourhood Plan.
10. The existing dwellings next to the appeal site are of relatively modest proportions. Nos 55 to 63 form a short terrace of older dwellings of limited size. While No 65 next to the appeal site is a recent replacement dwelling, it reflects the proportions and appearance of the surrounding two storey dwellings. This is particularly apparent from its layout perpendicular to the street, resulting in the side elevation of limited width facing the street. By contrast, the new dwellings would be substantial detached buildings with wide frontages that would not integrate effectively with the character and appearance of the established development directly next to the site.

11. The appellant draws a comparison between the appeal proposal and residential development at the Dutch Nursery site, also on West Street outside the Coggeshall development boundary. However, I note that this site included a number of buildings associated with its former use and was not, therefore, open, undeveloped land like the appeal site. Moreover, I am not aware that it was subject to the same or similar policy designation applied to the appeal site by Policy 7 of the Neighbourhood Plan. For these reasons, there are clear differences between the two sites and this other example of development cannot be considered as a precedent for the appeal proposal.
12. Therefore, taking these findings as a whole, I conclude that the proposed development outside designated development boundaries would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policy LPP1 of the Braintree Local Plan, Section 2 concerning development boundaries, as described above; and to Policy 7 of the Coggeshall Neighbourhood Plan, also as described above.

Coggeshall Conservation Area

13. The appeal site is adjacent to the boundary of the Coggeshall Conservation Area, which encompasses the settlement's historic core to the north and the largely undeveloped flood plain of the River Blackwater to the south. The Framework defines the setting of a heritage asset as the surroundings in which that asset is experienced. Approaching Coggeshall from the west the open land on both sides of West Street, including the appeal site, provides a strong sense of openness reflecting Coggeshall's wider setting. In this context the appeal site marks the distinct transition from open countryside to built development within the conservation area. I note that the gap in built form has been present for at least 250 years. As such the appeal site forms an important part of the area's setting and makes a positive contribution to it.
14. It has been found above that that the proposal would harmfully impinge on the open land immediately outside the settlement and on wider views of the settlement's setting. Moreover, the character and appearance of the new dwellings would be incongruous and uncharacteristic with regard to existing dwellings closest to the site. For the same reasons, the proposal would harmfully affect the setting of the conservation area by detracting from the manner in which it is experienced currently when entering the settlement from the west.
15. Therefore, based on the above findings in terms of the effects of the four dwellings next to the conservation area and within its setting, I find that the proposal would fail to preserve the area's setting and so would result in material harm in this regard. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation¹; and any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification². Based on the above findings, I consider the harm to

¹ Paragraph 199.

² Paragraph 200.

be less than substantial in this instance, but nevertheless of considerable importance and weight.

16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal³. The appellant refers to the provision of additional housing where the Council has a shortfall against the requisite five year supply. I acknowledge the contribution that four dwellings would make to housing supply where there is a shortfall, but given the limited numbers involved I afford this moderate weight. I have, however, found that the harm to the setting of the conservation area is of considerable weight and, therefore, the proposal would not provide sufficient public benefits that would outweigh the harm that has been found.
17. Accordingly, for the above reasons, I conclude that the proposal would fail to preserve the setting of the Coggeshall Conservation Area. Consequently, it is contrary to Policies LPP47, LPP52 and LPP53 of the Braintree Local Plan, Section 2, all of which include the requirement for development to conserve and enhance the local context, especially in the District's historic areas and their settings, including conservation areas.

Other Matters

18. I have had regard to the representations made by interested parties, which largely concern matters addressed under the main issues. While I have had regard to other matters raised these do not lead me to reach a different overall conclusion.
19. As already noted, the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁴. Consequently, the policies which are most important for determining the application are out-of-date⁵. However, the above findings with regard to the effect of the proposal on the setting of the Coggeshall Conservation Area provides a clear reason for refusing the proposal in accordance with the Framework⁶. For this reason, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal is contrary to the development plan as it would have a materially harmful effect on character and appearance and the setting of the Coggeshall Conservation Area. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

³ Paragraph 202.

⁴ Paragraph 74.

⁵ Footnote 8 to paragraph 11d).

⁶ Paragraph 11d)i. and footnote 7.