



Appeal Decision

Site visit made on 10 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/Z1510/W/23/3318348

Land at Russells Road, Greenstead Green, Essex CO9 1SR

- 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 Mr Kendall against the decision of Braintree District Council.
 - The application Ref 22/01511/FUL, dated 31 May 2022, was refused by notice dated 3 November 2022.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land at Russells Road, Greenstead Green, Essex CO9 1SR in accordance with the terms of the application, Ref 22/01511/FUL, dated 31 May 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The drawing numbers referenced on the decision notice are not entirely consistent with those submitted with the appeal. The parties have confirmed that the plans listed in condition 2 on the attached schedule are correct.

Main Issues

3. The main issues are:
 - whether the site represents a suitable location for housing, having regard to the spatial strategy set out in the development plan and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

4. The appeal site forms part of an equestrian facility which takes access from Russells Road, which is a single-track rural lane. There are a number of dwellings along Russells Road and in close proximity to the appeal site. Therefore, it is not physically or geographically isolated. It is, however, located outside of a development boundary, in the open countryside.
5. Taken together, policies SP3, LPP1 and LPP16 of the Braintree Local Plan 2013-2033 (BLP) set out the spatial strategy of the development plan. They seek to steer development away from the open countryside towards existing settlements, save for uses that are appropriate to the countryside. Notwithstanding the existing equestrian use at the site, the development is not

being advanced as a rural worker's dwelling or for an alternative rural use. Therefore, there is clear conflict with the aforementioned policies.

6. With regard to accessibility, policy SP7 of the BLP requires development to create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above the use of the private car.
7. The nearest settlement to the site is Gosfield village, which is identified in the BLP as a third-tier settlement. The village would, however, provide for some needs of future residents as it contains schools, a pub, and recreational facilities. On my site visit, I also observed a community shop.
8. Nevertheless, it would take around 20-25 minutes to walk, or 6 minutes to cycle, from the site to the village centre along Halstead Road. The route is unlit and there is no footpath along a large part of it. The alternative route via a Public Right of Way (PRoW) is shorter in length but has more challenging terrain across agricultural fields. Whilst these routes may be used to access the village in daylight and in good weather, they are unlikely to provide a regular, viable alternative to car travel.
9. For a wider range of services and facilities, residents would need to travel further afield to higher tier settlements, including Halstead. Russells Road is connected to Halstead via a PRoW. Whilst this may provide a pleasant leisure route in good walking conditions, pedestrians and cyclists are more likely to travel to the town via the road network. This would entail a longer journey along large sections of unlit road with no dedicated footpath. It is therefore unlikely that residents would regularly travel to Halstead on foot or by bike.
10. The site is, however, reasonably well-connected by bus. From my observations, services operate regularly and, given the limited distance, journeys to both Gosfield and Halstead would have a short duration. The nearest bus stop to the appeal site is at the junction between Russells Road and Halstead Road, which is only a 3-minute walk from the site. Whilst the route to the bus stop would be along an unlit, narrow lane and would require pedestrians to cross the busy Halstead Road, the journey time would be very short. The bus stop could therefore be readily accessed with reasonable care. It is therefore likely that the bus would provide a genuine alternative for future occupants to access services and facilities via a sustainable mode.
11. Overall, whilst there would be a degree of access to services via sustainable transport options, the scheme would not meet the policy requirement to be well-connected and, in particular, to prioritise the needs of pedestrians and cyclists above the use of the private car.
12. Taking all of the above into account, I conclude that the site would not represent a suitable location for housing, having regard to the spatial strategy set out in the development plan and accessibility to services and facilities. The proposal would therefore conflict with policies SP3, LPP1, and LPP16 of the BLP, which seek to steer development towards existing settlements. It would also conflict with policies SP1 and SP7 of the BLP, and the Framework, insofar as they seek to support development that prioritises sustainable modes of travel.

Character and appearance

13. The appeal site contains a stable building and storage shelters associated with the existing equestrian use. The buildings have a simple form and traditional

dark wood appearance and are surrounded on most sides by paddocks and fields. There are also two caravans on the site and a large area of hardstanding. Views of the site from Russells Road are largely restricted by boundary vegetation and fencing, although some longer views of roofs can be gained from the agricultural field on the other side of the lane.

14. The proposed dwelling would replace the two caravans, a shelter, and part of the existing stable block, albeit it would maintain a larger, two storey scale. Notwithstanding its size, the dwelling would be set back within spacious surroundings, in a similar manner to other large, detached dwellings nearby. As such, its height, bulk and mass would not be incongruous in the local context.
15. The building would have a relatively simple L-shaped form, with low level eaves and dormer windows set into the roof plane. However, it would have a somewhat striking, modern appearance by way of its gabled design and materials, which would include extensive areas of glazing and weatherboarding mixed with a more traditional brick plinth and tiled roof.
16. However, given the enclosed nature of the site and the variety in building materials and styles in the locality, the dwelling would not be unsympathetic to local character. Moreover, details of the materials could be secured through condition to ensure they are appropriate to the locality. Public views of the dwelling would be further softened by existing and well-established vegetation, which could be augmented through a condition.
17. Although the retention of boundary hedging and trees cannot be guaranteed in the longer term, the existing vegetation is well-established and would provide privacy and a sense of enclosure to future occupants of the dwelling. Therefore, it is unlikely that the trees and hedgerows would be removed. However, even if the trees were to be removed, open views of the dwelling would not be visually intrusive given its wider setting within spacious and verdant grounds, and the presence of other built form on the site.
18. I conclude that the proposal would not cause harm to the character and appearance of the area. It would therefore be in accordance with policies LPP1, SP7 and LPP47 of the BLP, and the Framework, insofar as they seek to secure high quality design that responds positively to local character and context. It would also accord with policy LPP52 of the BLP which, amongst other things, seeks buildings of high architectural quality that comprise details and materials that complement, but not necessarily replicate, local architectural character.

Planning Balance

19. The proposed development would conflict with the spatial strategy for the area, which draws the proposal into conflict with the development plan when read as a whole.
20. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The parties agree that the current supply is 4.86 years which, although a modest shortfall, is evidence that additional housing is needed in the local area.
21. In these circumstances, paragraph 11(d) of the Framework says that permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing

so would significantly and demonstrably outweigh the benefits. The evidence does not indicate that any areas or assets of particular importance would be affected by the development, therefore I shall consider the proposal against the test in paragraph 11(d)(ii).

22. The Framework does not preclude housing in rural areas, particularly where it would support the vitality of rural communities. It also makes the point that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case the plan area does not currently have sufficient housing land supply and the site benefits from a reasonable public transport connection to Gosfield and Halstead. Moreover, if private vehicles were to be used to access Gosfield or Halstead, the journey would be short and thus the impact on the environment would be low. In these circumstances, I attach limited weight to the conflict with the spatial strategy.
23. I am also mindful that the government is seeking to significantly boost the supply of housing. Although the social and economic benefits of a single dwelling would be limited, I nonetheless consider that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme when assessed against policies of the Framework, taken as a whole. This is a potent consideration which leads me to a decision otherwise than in accordance with the development plan. Whilst I have had regard to the appeal decisions put forward by the Council in forming this position, the balance of considerations in each case is ultimately a matter of planning judgement, which invariably turns on case specific circumstances.

Conditions

24. The Council provided a list of suggested conditions, which I have reviewed with regard to paragraph 56 of the Framework and the Planning Practice Guidance (PPG). Where appropriate I have adjusted the wording of the conditions to improve precision and enforceability.
25. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
26. I have included a condition requiring the submission of samples and details of external materials, as well as details of hard and soft landscaping. These conditions are required to protect the character and appearance of the area.
27. The Council suggested that some permitted development rights should be removed through condition to prohibit any future enlargement of the dwelling. However, the site does not fall within an area that has any specific statutory protection and it is not unusually sensitive. Therefore, I have not included this condition in the attached schedule as it would not be necessary or reasonable.

Conclusion

28. For the reasons given above and having regard to the development plan when read as a whole, and all other material considerations raised, including the Framework, I conclude that the appeal is allowed.

E Catcheside

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: P01c (proposed elevations, layouts and block plan), P02b (ordnance survey), P03b (landscaping), P04 (existing block plan)
- 3) No development shall take place above slab level until details and samples of the materials to be used in the construction of external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall take place above slab level until a fully detailed soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) The details of existing planting to be retained and removed.
 - b) Details of all proposed planting, seeding and/or turfing; and
 - c) A maintenance strategy for all retained and proposed plants and trees.

The approved soft landscaping scheme shall be implemented in its entirety in the first planting season (September to March) following the occupation of the dwelling or the completion of the development, whichever is sooner. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) No development shall take place above slab level until details of all hard surfacing materials, fencing, gates and walls have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in complete accordance with the approved details.