



Appeal Decision

Site visit made on 25 September 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2023

Appeal Ref: APP/Z1510/W/23/3319053

Land Adjacent 29 to 31 Queen Street, Sible Hedingham, Essex CO9 3RH

- 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 Peter Stevenson against the decision of Braintree District Council.
 - The application Ref 22/02623/FUL, dated 3 October 2022, was refused by notice dated 6 December 2022.
 - The development proposed is the erection of a single, two storey dwelling, landscaping and improvements to the vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single, two storey dwelling, landscaping and improvements to the vehicular access at Land Adjacent 29 to 31 Queen Street, Sible Hedingham, Essex CO9 3RH in accordance with the terms of the application, Ref 22/02623/FUL, dated 3 October 2022, subject to the conditions set out in the attached schedule.

Main Issues

2. 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, with particular regard to the distinction between the settlement edge and the open countryside.

Reasons

Whether a suitable location for housing

3. The appeal site is an undeveloped plot within a ribbon development of dwellings and businesses to the south of Sible Hedingham. It is located outside of the development boundary, where development is restricted other than for uses appropriate to the countryside. The appeal scheme is not being advanced as a rural worker dwelling or for any other essential rural need. Accordingly, the proposal is in clear conflict with policies SP3 and LPP1 of the Braintree District Local Plan 2013-2033 (BLP).
4. Sible Hedingham is identified within policy LPP1 as a key service village, which provides for the day to day needs of the rural hinterland. The village includes shops as well as education, health, and community facilities and is around a 15-minute walk or a 4-minute bike ride from the appeal site. The site is

connected to the village by a footpath which, although unlit and narrow in places, provides a continuous route that segregates pedestrians from vehicular traffic.

5. Whilst some future residents may choose not to use the path due to the distance to the village and the proximity to moving vehicles, it does provide an option to access the village on foot, particularly during the daytime and in good weather.
6. There is also a bus stop on the street frontage near to the site, which provides hourly services to the village as well as to the highest tier settlements, including Halstead, Braintree and Colchester. Given the relatively short distances to Sible Hedingham and Halstead in particular, journeys are likely to be brief and, therefore, the bus provides another genuine alternative to car travel.
7. Whilst it is likely that the development would result in some additional journeys by private car, these journeys would be low in number and of short duration. There would, however, be genuine alternatives for future occupants of the new dwelling to travel by sustainable modes.
8. Therefore, notwithstanding its countryside location and the conflict with policies LPP1 and SP3 of the BLP, I conclude that the site would represent a suitable location for housing with good access to services and facilities. It would be in accordance with policies SP7 and LPP42 of the BLP, and the National Planning Policy Framework (the Framework), insofar as they seek to prioritise sustainable modes of travel.

Character and appearance

9. There are a number of buildings scattered along the road to the south of Sible Hedingham. The buildings are interspersed with pockets of green space of varying size, which help to distinguish the edge of the village from the open countryside. However, whilst the appeal site is vacant, it is modest in size and is positioned between two existing dwellings that, in turn, form part of a tight ribbon development along the road.
10. Existing vegetation restricts intervisibility between the site and open farmland to the rear, and there are no wider views available from the appeal site. Therefore, the site offers limited value to the open character of the countryside.
11. The proposed dwelling would infill space between two existing dwellings, without elongating the ribbon development along the road. It would not, therefore, bring additional built form closer to the edge of Sible Hedingham. Furthermore, the rear boundary of the site would be preserved, so the development would not encroach onto the agricultural land behind. Accordingly, the development would preserve the settlement edge to Sible Hedingham and would also protect the open character of the countryside.
12. The site is currently in poor condition, with overgrown scrub and vegetation. In its current state, it detracts from the attractiveness of the rural area along Queen Street. The proposed dwelling would, however, be designed sympathetically and in-keeping with local character. No harm has been identified in respect of its design, appearance and layout and the development would, therefore, respond positively to local character.

13. The Council is concerned that the development would set a precedent for other, similar, proposals to come forward that cumulatively could blur the distinction between the settlement edge and the countryside. I have not been directed to any specific sites in this regard. However, from my observations, the appeal site has particular characteristics in terms of its location, size and condition which are not directly comparable to other undeveloped land parcels nearby.
14. I conclude that the development would preserve the distinction between the settlement edge and the open countryside and would contribute positively to the character and appearance of the local area. It would therefore be in accordance with policies LPP1 and SP7 of the BLP, and the Framework, insofar as they expect development to protect the intrinsic character and beauty of the countryside, and to respond positively to local character.

Other Matters

15. The site lies within the Sible Hedingham Conservation Area, which derives its significance from the buildings and spaces that reflect local history. The site does not allow significant views of the wider Conservation Area and its setting. Accordingly, the evidence indicates it is not an important open space within the Conservation Area. The site is also within the setting of The Old Half Moon at 22 Queen Street, which is a Grade II listed building. The listing description identifies its 16th century architecture and later additions to be of special historic interest.
16. The proposed dwelling would be set back within the plot and would be sympathetically designed with a traditional appearance to reflect the locality. Materials could be secured through condition, to ensure they are appropriate within the historic context. Moreover, boundary planting is proposed to be retained and enhanced. This could also be secured through a landscaping condition. I note that the Council is satisfied that the proposal would not have an adverse effect on either designated heritage asset. Based on the evidence, the development would preserve the character and appearance of the Conservation Area and it would also preserve the setting of the listed building.
17. The site has the potential to contain archaeological remains and the development may therefore result in the loss or disturbance of a non-designated heritage asset. There is no suggestion from the Council that any buried archaeology would be of such significance as to justify dismissal of the appeal. Therefore, in my judgement, and subject to a programme of archaeological investigation and recording being carried out prior to the development commencing, the benefits of the proposal would outweigh the harm caused to any non-designated heritage assets below ground.
18. The boundary between the site and neighbouring dwellings is marked by mature hedgerows, which would be retained and enhanced as part of the proposal. There are also mature trees on neighbouring properties. The Council has not raised any concerns about the health and longevity of trees or hedgerows, and there is no substantive evidence before me to indicate that trees would be felled. I therefore find no material harm in respect of trees.
19. A neighbouring resident has raised concerns about the foul water treatment proposals, in particular the risk of overflow onto adjacent land. There is limited evidence before me to demonstrate that the package treatment plant would be ineffective or that it would give rise to flooding. I also note that the Council has

not raised any objection and, based on the evidence, it is unlikely that any material harm would arise due to the foul water treatment arrangements.

Planning Balance

20. The proposal conflicts with policies LPP1 and SP3 of the BLP, which is sufficient to bring it into conflict with the development plan when read as a whole. Development that is not in accordance with the development plan should normally be refused unless material considerations indicate otherwise. The provisions of national policy within the Framework represent a significant material consideration.
21. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. From the evidence, the available supply is 4.86 years which is a relatively minor shortfall, but a shortfall nonetheless. Consequently, because of the provisions of footnote 8, paragraph 11(d) of the Framework is engaged.
22. The site is located within the Sible Hedingham Conservation Area and the setting of a Grade II listed building which, as designated heritage assets, are of particular importance as set out in footnote 7 of the Framework. I have found no harm in respect of those assets and as such, the proposal falls to be considered against paragraph 11(d)(ii).
23. I attach limited weight to the conflict with policy LPP1 of the BLP in respect of the site's location in open countryside in light of the housing land supply position, and because I have found the site to be otherwise suitably located in accordance with the principles set out in the Framework. Some weight can still be attached to the strategy set out in policy SP3 of the BLP, in terms of focusing growth in existing settlements. However, the Framework recognises that housing in rural areas can promote sustainable development. Therefore, the fact that the site lies outside of a settlement, beyond the development boundary, does not, in itself, constitute a reason to refuse planning permission.
24. As set out above, no harm has been identified in respect of the site's location or the character and appearance of the area. The potential harm to archaeological remains could be mitigated through appropriate investigation. Moreover, no harm has been identified in relation to other matters, including the quality of the living environment for future occupiers or the living conditions of neighbours. The absence of harm carries neutral weight in my decision.
25. The proposal would make a positive contribution to housing supply by delivering an additional dwelling. This would be in accordance with the provisions of the Framework, which seeks to significantly boost the supply of homes. It would also generate construction jobs and support the economy through increased local spending.
26. Therefore, notwithstanding that the social and economic benefits associated with a single, additional dwelling would be modest, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole. The proposal would therefore constitute sustainable development in terms of policy SP1 of the BLP and the Framework.

Conditions

27. The Council provided a list of suggested conditions, which I have considered against the tests set out in 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, and to prevent unnecessary duplication.
28. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
29. A pre-commencement condition is required to secure a programme of archaeological works, to ensure that harm to potential archaeological remains is mitigated, and any assets are recovered, before the site is developed. A separate condition is included to secure the reporting and publication of the archaeological findings in the interests of recording the non-designated heritage asset.
30. I have also included a pre-commencement condition to secure details of final site levels. This condition is necessary to ensure the development is not built to levels that would harm local character or the living conditions of neighbours.
31. I have imposed conditions requiring the submission of materials, architectural details, hard surfacing, and a landscaping scheme to preserve the character and appearance of the Conservation Area and the setting of the listed building. For the same reason, it is also reasonable and necessary to restrict some permitted development rights at the site.
32. For reasons of highway safety, a condition is included to limit the position and functioning of the vehicular access gate.
33. I have not included the Council's suggested condition for the developer to provide a residential travel information pack, because it does not meet the test of necessity.

Conclusion

34. 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 should be 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: 01 (location plan), 02 (existing block plan), 03 (proposed ground floor plan), 04 (proposed first floor plan), 05 (proposed elevations), 06 (proposed block plan), and 07 (street scene and materials montage).
- 3) No development shall commence until a programme of archaeological investigation has been undertaken in accordance with a Written Scheme of Investigation that has first been submitted to and approved in writing by the local planning authority.
- 4) Within six months of the completion of the archaeological investigation carried out pursuant to condition 3, a final archaeological report shall be submitted to and approved in writing by the local planning authority. The report shall include any post-excavation analysis, a full site archive, and proposed details for publication of the report. The approved report shall thereafter be made available for publication in accordance with the approved details.
- 5) No development shall commence until full details of existing ground levels and proposed finished levels of the ground floor of the proposed building and all external areas, above ordnance datum, 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 levels.
- 6) Notwithstanding the details shown on approved drawing 07, no development shall take place above slab level until details and samples of the materials to be used in the construction of the 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.
- 7) No development shall take place above slab level until a fully detailed 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;
 - c) A maintenance strategy for all retained and proposed plants and trees.

The approved 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.
- 8) No development shall take place above slab level until details of all surfacing materials (including for the car parking areas), fencing, gates

and walls have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

- 9) No windows, doors, fascia or sills shall be installed on the dwelling hereby permitted unless and until details have first been submitted to and approved in writing by the local planning authority. The windows, doors, fascia and sills shall thereafter be installed in accordance with the approved details and permanently retained as such thereafter.
- 10) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no enlargement, improvement or other alteration to the dwellinghouse or the erection of an incidental building within its curtilage or means of enclosure, as permitted by Classes A, AA, B, D and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gate across the vehicular access from the highway shall be erected unless it is inward opening only and is positioned a minimum of six metres from the closest part of the public highway. The gate shall be retained as such thereafter.

END OF CONDITIONS