



Appeal Decision

Site visit made on 3 January 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/Z1510/W/23/3325815

Overseers House, Oak Road, Pebmarsh, Essex CO9 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Baines against the decision of Braintree District Council.
 - The application Ref 23/00764/OUT, dated 20 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is outline application for the erection of new detached family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is in outline form with all matters, other than access and layout, reserved for subsequent approval. Therefore, other than access and layout, I have considered the other details on the block plan provided on the basis that they are indicative only.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issue

4. The main issue is whether the appeal site is sustainably located having regard to the requirements of the development plan and the Framework including, but not limited to, the effect of the proposal on the character and appearance of the area.

Reasons

5. Policy SP 1 of the Braintree Local Plan (Part 1 2021 and Part 2 2022) (LP) and the Framework set out a presumption in favour of sustainable development.
6. Policy SP 3 (Spatial Strategy for North Essex) of the LP confirms that existing settlements will be the principal focus for additional growth across North Essex. It also states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

7. Policy LPP 1 (Development Boundaries) of the (LP) confirms that development outside development boundaries will be confined to uses appropriate to the countryside.
8. The appeal site is not within or adjoining any development boundary identified in the development plan. Accordingly, the site is located in the countryside for planning purposes. Paragraph 15 of the Framework confirms that the planning system should be genuinely plan-led. There is nothing to suggest that the development of a market dwelling away from identified development boundaries and in the countryside would be appropriate having regard to the strategic objectives of the development plan.
9. Furthermore, the nearest village at Pebmarsh is identified as a third-tier settlement in the settlement hierarchy in the LP and therefore one of the district's smaller villages. I accept that there are a limited range of services and facilities available at Pebmarsh. However, there is no footway or street lighting on Oak Road linking the appeal site to Pebmarsh. Routes via off road field tracks are also unlit. Therefore, these routes are unlikely to be used on more than an occasional basis and are unlikely to be practical during hours of darkness or periods of inclement weather. I also understand that the bus service operating in the area has to be pre-booked. Therefore, it is unlikely to be convenient for more spontaneous trips.
10. The above observations indicate that the majority of trips to meet the day-to-day needs of occupiers of the proposal would most likely be by private motor vehicle. Even if car journeys would be short, the position of the site away from the core of Pebmarsh together with the limitations identified in terms of other travel options would not promote a sustainable pattern of growth. This would conflict with the accessibility and sustainable transport objectives in Policies SP 7 (Place Shaping Principles) and LPP 42 (Sustainable Transport) of the LP and the Framework. The appeal cases¹ referenced by the appellant are not directly comparable as they were situated in closer proximity to the core of their respective settlements at Pebmarsh and Thorpe Le Soken.
11. Policy LPP 1 also requires that development protects the intrinsic character and beauty of the countryside. This is consistent with the requirements at Paragraph 180 of the Framework.
12. Oak Road is predominantly bordered by farmland with occasional dwellings. Overseers House and the nearest dwelling to the north sit close to the Oak Road frontage and their formal garden areas share a boundary with Oak Road. The appeal site forms part of the wider land holding associated with Overseers House and within an area which a previous planning permission² defined as a 'grazing area'. This area includes grassed paddocks subdivided by post and rail fencing. The containment of residential development close to the road frontage to this section of Oak Road and the overriding open and soft landscaped attributes of the wider land holding at Overseers House positively contribute to a distinctive rural character at this location.
13. The position of the dwelling, its parking area and amenity space, set well back from the road, would not reflect the more contained pattern of development to this section of the Oak Road frontage. While a reserved matter, it is likely that

¹ Appeal Refs APP/Z1510/W/18/3219233, APP/Z1510/W/20/3250258 and APP/P1560/W/18/3194253

² LPA Ref 07/00070/COU

this would be emphasised by domestic landscaping and any residential paraphernalia which would appear incongruous due to their placement amongst surrounding open land. This would be evident to passers-by on Oak Road as well as in views over the low hedge line from the nearby Public Right of Way to the north. For these reasons, the proposal would significantly detract from the prevailing rural character of Oak Road.

14. Even if the reserved matter of design could ensure the dwelling takes on a 'barn-style' aesthetic, this would not overcome my overriding concerns in respect of the location of the development and its unsympathetic layout.
15. I conclude, the appeal site is not sustainably located and this includes that the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, the development would conflict with the sustainability, locational, design, character, context and transport requirements of Policies SP 1 (Presumption in Favour of Sustainable Development), SP 3 (Spatial Strategy for North Essex), SP 7 (Place Shaping Principles), LPP 1 (Development Boundaries), LPP42 (Sustainable Transport) and LPP52 (Layout and Design of Development) of the LP. For the same reasons, it would also conflict with the requirements of the Framework which seek development which is sustainable, genuinely plan-led and which enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Planning Balance and Conclusion

16. The Council concedes that it cannot currently demonstrate a 5-year supply of deliverable housing sites and that its housing land supply position stands at 4.86 years supply. The tilted balance set out at Paragraph 11(d) of the Framework is triggered.
17. In the context of the Government objective to significantly boost the delivery of housing, one dwelling would make a small contribution towards the provision and mix of housing in the district. There would also be modest social and economic benefits through the construction of the dwellings and through the future contributions of occupants of the development to the services and facilities in the wider area.
18. However, the locational harm that I have identified, which includes significant harm to the character and appearance of the area, means that the proposal would not constitute sustainable development. In this regard the proposal conflicts with the policies of the Framework as a whole and the adverse impact of the development would significantly and demonstrably outweigh the benefits identified. In addition, there would be specific conflict with the identified policies of the development plan which further weighs against the proposal.
19. For the above reasons, the appeal is dismissed.

M Russell

INSPECTOR