



Appeal Decision

Site visit made on 6 February 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/Z1510/W/23/3329356

Dale House, Beazley End, Wethersfield CM7 5JH

- 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 BKL Developments Ltd against the decision of Braintree District Council.
 - The application Ref 23/01120/FUL, dated 25 April 2023, was refused by notice dated 18 July 2023.
 - The development proposed is demolition of existing detached dwelling/associated structures and erection of three new detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (NPPF) was published on 19 December 2023. There were no substantive changes of relevance to this appeal proposal.
3. On 1 February 2024, the Council advised that it could now demonstrate a 5.8-year supply of deliverable housing sites. In its response, the appellant has not sought to dispute this figure. Therefore, I have had regard to it in my decision.

Main Issues

4. The main issues are:
 - (a) whether the proposed development location would provide acceptable access to services and facilities;
 - (b) the effect of the proposed development on the character and appearance of the area;
 - (c) the effect of the proposed development on the living conditions of occupiers of neighbouring properties with regard to privacy; and
 - (d) the effect of the proposed development on highway safety.

Reasons

Accessibility

5. The appeal site is a triangular shaped piece of land plus access drive, located on the western side of Beazley End. In planning policy terms, the site is in the countryside beyond any development boundary. Policy LPP1 of the Braintree District Local Plan 2013-2033 (LP) states that development outside

development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

6. LP Policy SP3 looks to focus development within or adjoining settlements. Beyond the main settlements, the policy supports the diversification of the rural economy and the conservation and enhancement of the natural environment. Amongst other things, LP Policy LPP42 advocates sustainable transport that prioritises pedestrians, cyclists and public transport services.
7. Beazley End is little more than a hamlet in the countryside and has no development boundary in the LP. It contains very few day to day services and facilities with the former public house converted to a private dwelling in circa 2013. The road through the settlement operates at the national speed limit and there are no pavements or streetlights in the surrounding area. Nearby villages such as Blackmore End, Gosfield and Shalford are classified as third tier villages in the LP spatial strategy and themselves lack most of the facilities necessary to meet day to day needs.
8. These villages and larger settlements are too far away to reasonably walk to from the site, and the road conditions are not particularly attractive for cycling other than for recreational purposes. There is no nearby bus stop either. Consequently, future occupiers of the proposed development would likely be wholly reliant on the private car to access services and facilities. This would have negative environmental and social effects in terms of the use of natural resources and accessible services as sought by NPPF paragraph 8 when achieving sustainable development.
9. Concluding on this main issue, the proposed development location would not provide acceptable access to services and facilities. Therefore, it would not accord with LP Policies SP3, LPP1 or LPP42, or NPPF paragraphs 8 as set out above.

Character and appearance

10. A lawful development certificate was granted in 1995 for the use of the site for a residential caravan. The site contains such a caravan along with various other rudimentary structures and spoil heaps associated with a more intense and unauthorised form of residential use as well as a period of waste management under licence. Residential properties adjoin the site to the east while open countryside surrounds the remaining sides.
11. Beazley End is characterised by ribbon development along the main road, with housing mostly located on the west side. Houses are typically two-storey detached or semi-detached properties that front onto the road. Architectural character is mixed, from historic buildings to modern 21st century dwellings, with a range of materials including brick and render walls, and slate, concrete or clay tile roofs.
12. The site is unusual as a backland plot used for residential purposes although the 1995 certificate does not permit its use for a dwellinghouse as established by an appeal decision in the mid/late 2000s. Its current condition is unsightly, which does not contribute positively to the prevailing character and appearance of the settlement. Nevertheless, due to the low height of the existing caravan

and other structures, it is possible to glimpse views of trees and the countryside beyond from the access drive off the main road.

13. The proposed development would comprise three 1.5 storey detached dwellings arranged around a parking area and turning space that utilises the existing access. Their architectural character and materials would reflect the variety of existing dwellings although the use of timber framing on gables and dormers would be a more novel feature for the location. Plot sizes would be generous and comparable to existing properties. Boundary treatments are not entirely clear from the plans, but these could be controlled by condition.
14. However, the development as a backland cul-de-sac would be out of keeping with the ribbon form of housing in Beazley End. The dwellings would be large and wide in comparison to many of the nearby properties and the central part of the site would be dominated by hardsurfacing for parking and turning. While the surfacing materials could be controlled by condition, there would still be considerable numbers of parked cars in this part of the site.
15. Therefore, the development would be very urbanised due to the scale, number, and layout of properties. It would also impede to some extent on views from the main road and overly encroach into the countryside. While the development would remove the unsightly structures and improve the condition of the existing site, this benefit could be achieved through a less intense form of redevelopment.
16. There is a new dwelling that has been constructed to the south of the former public house. However, I have not been provided with the full circumstances why this dwelling was granted permission, although I note that the dwelling reinforces the ribbon development in Beazley End.
17. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would not accord with LP Policies LPP1, LPP35, LPP52 and LPP67. Amongst other things, these policies seek to protect the character of the countryside and landscape and require development to reflect the character of the site and its immediate surroundings, having regard to matters such as the scale, layout, height and massing of buildings. The proposed development would also not adhere to NPPF paragraphs 131 and 139 which seek good design and schemes that reflect local design policies.

Living conditions

18. Several properties back onto the site including a care home at Acorn Lodge. From the site, it is not possible to see the ground floor rear windows of most of these properties due to boundary walls, although the rear elevation of Acorn Lodge is currently open to the site. However, it is possible to see first floor rear windows including those that appear to serve bedrooms.
19. The proposed houses on plots 1 and 3 would have first floor windows on the side elevation facing the existing properties. While one of the windows would serve a bathroom and could be obscure glazed, the other three windows would be for bedrooms where obscure glazing would not be appropriate. Consequently, there would be some potential for overlooking between existing and proposed houses, and the potential for overlooking into the rear gardens of existing properties, albeit that in most cases the angle of vision would be

oblique. There would also be some sense of perceived overlooking as the windows would be quite visible at first floor.

20. The proposed house on plot 2 would have two first floor front dormer windows with one serving a bedroom and the other a bathroom. The distance between this house and the existing properties would restrict any actual overlooking and limit any sense of perceived overlooking.
21. It may be possible to amend the design of the proposed houses to remove the potential for overlooking. However, based on the plans before me, the proposed development would have a negative effect on the living conditions of occupiers of neighbouring properties in terms of privacy. Therefore, it would not accord with LP Policy LPP52 which, amongst other things, seeks to avoid unacceptable impacts on the amenity of any nearby properties including on privacy. The development would also not adhere to NPPF paragraph 135(f) which seeks a high standard of amenity for existing users of places.

Highway safety

22. The road through Beazley End is a single carriageway with two-way traffic that connects the settlement to various surrounding villages. At the time of my late morning site visit, the road was lightly trafficked but included larger vehicles. Traffic did not appear to be doing the national speed limit of 60mph, but the road is quite straight heading north past the site which could encourage faster speeds. To the south, the road bends and drops down a hill which reduces visibility in this direction.
23. There is a short layby either side of the site access which provides some assistance for emerging vehicles in terms of visibility. Moreover, a large tree next to the site entrance has recently been felled which has opened views south. There is sufficient space within the site for vehicles to turn and leave in a forward gear, while no concerns have been raised about the dimensions of the access for fire and rescue services.
24. Nevertheless, in the absence of sufficient information relating to prevailing traffic speeds and the ability to provide adequate visibility splays in both directions, it is not possible to conclude that the proposed development would have an acceptable effect on highway safety. The fact that the appellant does not appear to have been asked for such information does not overcome the uncertain impacts. It would not be appropriate to require details of the visibility splay to be provided by condition, as it is unclear whether it can be provided in principle.
25. Based on the lack of information, the proposed development would not accord with LP Policy LPP52 which, amongst other things, requires schemes to not have a detrimental impact on the safety of highways. It would also not adhere to NPPF paragraphs 114 and 115 which aim to provide safe and suitable access for all and avoid unacceptable impacts on highway safety.

Planning balance

26. The proposed development would help to boost local housing numbers. However, in light of the Council's ability to demonstrate a 5-year supply of housing and the limited number of dwellings that would be delivered, this benefit only carries modest weight.

27. The proposal would result in enhancements to a site that is an eyesore and has suffered from unauthorised use. It would also re-use previously developed land. However, it has not been demonstrated that the proposal is the only solution for securing the site's redevelopment and so I only give moderate weight to these benefits.
28. The benefits of the proposed development would be insufficient to outweigh the harms I have identified in terms of the four main issues or the various policy conflicts which collectively carry significant weight against the proposal. Therefore, it would not accord with the development plan and there are no material considerations to indicate that permission should be granted.

Other Matters

29. The appellant points towards a Council decision to permit three houses in the nearby settlement of Jaspers Green in March 2021. This was a garden site rather than previously developed land, but I do not have sufficient information about the approved scheme and its effects on various planning matters to make a sufficient comparison. Moreover, at the time of approval, the Council was unable to demonstrate a 5-year housing land supply. Therefore, the Jaspers Green decision does not alter my overall conclusion.
30. Interested parties have raised several other concerns, but given my overall conclusion it has not been necessary to consider them in any detail.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR