



Appeal Decision

Site visit made on 2 April 2024

by **J Burston BSc (Hons) MA MRTPI AIPROW**

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/Z1510/W/23/3322874

Land at Little Barrows, World End Lane, Feering CO5 9NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr W Kanka and Ms K Chisnall against the decision of Braintree District Council.
 - The application Ref is 22/03187/PIP.
 - The development proposed is the erection of a single self/custom-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage establishes whether a site is suitable in-principle and the second stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. A plan titled 'Site Location Plan' (Drawing No. 1294.L.001) accompanies the planning application and I have taken this into account in reaching my decision.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Whilst I have had regard to the revised Framework as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Reasons

6. The appeal site is accessed from Worlds End Lane, however the proposed dwelling would be situated to the rear of the property known as 'Little Barrows'. The land currently forms part of a field set to grass with mature hedgerow boundaries. The majority of development along Worlds End Lane is linear and fronts the highway. The dwellings vary in scale and design. There are occasional glimpses between buildings along driveways and accesses that give an indication of the length of some of the plots. Development within the plots tends to be limited to small scale and single storey outbuildings, although often these are screened by the frontage development. The near consistent linear arrangement of dwellings, with their extensive, predominantly undeveloped plots forms a clear and coherent pattern of development that contributes to the character of the area.
7. As set out in Policy LPP1 of the Braintree District Local Plan 2013-2033 (LP) the appeal site is located outside of the settlement boundary, where development in the countryside is restricted to uses appropriate to the countryside. The appeal proposal would not be considered to support countryside uses.
8. The Feering Neighbourhood Plan 2020-2033 is also part of the adopted Development Plan for the area. The Neighbourhood Plan reiterates in Policies 2 & 3 that, amongst other things, development should be located within defined development boundaries, that self-build homes will be supported, and development proposals should include high quality design which will contribute positively to the character and appearance of the surrounding area.
9. I acknowledge that the appellants' wish to use the plot of land for a self/custom build dwelling as supported by LP Policy LPP35 and are registered on the Council's self-build register. However, this Policy also requires such developments to be situated within a defined settlement boundary.
10. Visually, the site lies on the edge of the settlement and is well defined by existing vegetation. Nevertheless, the provision of a house extending to the rear of the site would represent a clear conflict with the established pattern of development along Worlds End Lane. The additional dwelling to the rear would fail to front the road and would be significantly divorced from the otherwise consistent arrangement of dwellings. As such it would appear as an incongruous and ad hoc form of development that would be at odds with the prevailing pattern of development.
11. The provision of an access to the dwelling from Worlds End Lane would likely allow views across it so that the harm would be experienced in views from outside the site where the contrast with the distinctive pattern of development would be clear. The development would also be visible from the neighbouring dwellings, both on Worlds End Lane and from Feering Hill.
12. In reaching this opinion I have had regard to LP Policy LPP52. This Policy establishes that a high standard of layout and design in all developments will be sought which should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line.
13. Whilst the appellants' assert that LP Policy LPP52 is not relevant to the consideration of a permission in principle, I disagree, as the suitability of a location

for a residential development has to be considered against the character and appearance of an area and how that may or may not be impacted.

14. Therefore, when judged against development plan policies, the proposal would not be in a suitable location. Allowing such a scheme would harm the landscape character and appearance of the countryside. As such, there would be a conflict with relevant development plan policies as described above.

Other considerations

15. I acknowledge the Council's concerns relating to potential impacts on archaeological remains and designated heritage assets located to the south of the appeal site. Nevertheless, only 'in principle' matters of the residential development should be assessed at this stage. It does not require the decision maker to be satisfied about all aspects of the development because there would be no planning permission until a Technical Details Consent has been granted. Accordingly, it would not normally be appropriate to dismiss an appeal on the basis of the absence of certain detailed information.
16. My attention has been drawn to a number of appeal decisions said to be made in similar circumstances for self-build development. Nevertheless, none of these decisions were made within Braintree District Council's administrative area and were therefore considered using different development plan considerations. Moreover, I am not aware of the detailed character and appearance matters that applied to these sites and every appeal must be considered on its own merits.
17. The Council have confirmed that they can no longer demonstrate a 5-year housing land supply position. The current level of supply is 4.86 years and therefore the shortfall is not substantial. Furthermore, the appellants' set out that the Council have an historic undersupply in self-build plots that has not been met by recent approvals. Consequently, because of the provisions of footnote 8, paragraph 11 d) of the Framework should be applied.
18. The countryside is not protected for its own sake by the Framework but its intrinsic character and beauty is recognised. Development in rural areas is not precluded but the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the Local Plan in terms of the location of housing.
19. Furthermore, the Framework establishes that strategic policies within development plans should set out an overall strategy for the pattern scale and design quality of places, which make provision for housing, infrastructure, community facilities and conservation and enhancement. Policies LPP1 and LPP52 are broadly consistent with the expectations of the Framework and as such should be afforded significant weight.
20. Set against the harm identified there would be limited social and economic benefits associated with the proposal. An additional unit would make little difference to the overall supply of either housing or self-build plots and the support one extra household would provide to the local economy would also be insignificant. Consequently, the adverse impacts on the housing strategy and the character and appearance of the countryside would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh these findings.
22. For the reasons given above, and considering all other matters raised, the appeal should be dismissed.

J Burston

INSPECTOR