



Appeal Decision

Site visit made on 16 April 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/Z1510/W/23/3327894

Land north west of School Road, Rayne, Essex CM77 6SS

- 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 Craig Huber and Francesca Hickling against the decision of Braintree District Council.
 - The application Ref 23/01055/FUL, dated 20 April 2023, was refused by notice dated 28 July 2023.
 - The development proposed is the erection of one new multi-generational self-build sustainable dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for one multi-generational self-build sustainable dwelling with associated parking and landscaping at land north west of School Road, Rayne, Essex CM77 6SS in accordance with the terms of the application, Ref 23/01055/FUL, dated 20 April 2023, subject to the conditions on the attached schedule.

Procedural Matter

2. In a letter dated 1 February 2024 the Council states that in its latest Five Year Housing Land Supply Position Statement for 2023 - 2028 it is able to demonstrate a 5.8 year supply of housing. As that constitutes a material change since its decision, the appellants were given an opportunity to comment. I have taken their response dated 15 April 2024 into account in my decision.

Main Issues

3. The main issues are:
 - whether or not this is a suitable location for the proposed development, having regard to policies which direct housing to existing settlements, and to the site's accessibility to services and facilities; and
 - whether or not the design of the proposed dwelling would harm the character and appearance of the area.

Reasons

Suitability of the location and accessibility

4. The site falls within an area designated as countryside, beyond any defined development boundary, in the Braintree District Local Plan 2013–2033 ('BDLP').

- BDLP Policy LPP 1 sets out that outside of development boundaries, development will be confined to uses appropriate to the countryside whilst also protecting its intrinsic character and beauty. BDLP Policy SP 3 makes existing settlements the principal focus for growth, and states that development will be accommodated within or adjoining them according to their scale, sustainability and role.
5. Finally, BDLP Policy LPP 39 states that where there is a defined nucleus of at least ten existing dwellings which are not within a development boundary, and where it would not be detrimental to the character of the surroundings, an exception may be made for the filling of a gap with a single dwelling between existing dwellings.
 6. The Council describes the pattern of development in this location as sporadic. However, I observed that there is a reasonably continuous row of houses and other buildings on the south-eastern side of School Road from around All Views to approximately Brambles. On the other side of the road, the appeal site borders Mill House to the north-east and a pair of cottages to the south-west, with Mill Lane and fields beyond. On the basis of my visit, and the evidence before me, there are more than ten houses within this reasonably continuous line of broadly linear development. I am therefore satisfied that this cluster of houses and other buildings has the character and appearance of a small settlement.
 7. The appeal site comprises part of a larger field, and it has a frontage onto School Road, with dwellings either side, such that the proposal would not extend ribbon development in any direction. Whilst this scheme would largely fill the gap between existing dwellings, given the plot's width, and having regard to LPP Policy 39, it could accommodate more than one dwelling.
 8. That said, some of the dwellings in this settlement sit on tightly defined plots with narrow frontages onto School Road, whilst others are on more spacious plots with much wider frontages. In that context, a single dwelling on this spacious plot would not appear out of place. In that regard, I note that BDLP paragraph 4.124 states that the size of gap which may be considered suitable for development under Policy LPP 39 is not set, and will be comparable to the size and scale of the plots of adjoining and nearby properties.
 9. Whilst the site forms part of a larger field parcel, this part of it has no particular distinguishing features, and it makes a broadly neutral contribution to the character and appearance of the area. For all these reasons, the scheme would not conflict with the broad thrust of BDLP Policy LPP 39.
 10. Turning to the site's accessibility, it lies around 1 km to the south-west of the much larger settlement of Rayne, which is identified as a second tier village in the BDLP, and which has a range of services and facilities, including shops, a café, village hall, pubs and a primary school. From Rayne, and from Perkins Garage which is about 1.3 km from the site via Mill Lane, there is an hourly bus service to the much larger nearby town of Braintree.
 11. Future residents could also make use of Mill Lane to cycle the short distance to the Flich Way Cycle Route, which is part of the national cycle network, and which provides a traffic-free link to Braintree. In that regard, I note that the scheme would promote sustainable modes of transport through the provision of a cycle store, along with an electric vehicle charging point.

12. In a previous appeal on this site (Ref: APP/Z1510/W/21/3268339), the Inspector found that the lack of a footway for the first 75 metres or so from the site towards Rayne, along with the absence of lighting and the uneven width and surface of stretches of the existing footway, constitute shortcomings with regards its pedestrian accessibility.
13. However, that scheme was for nine dwellings, and could not therefore be considered to constitute an infill plot; and Policy LPP 39 does not require an assessment of a site's accessibility. Furthermore, unlike at the time of that decision, it has been demonstrated that there is now a well-established, on-demand, bookable shared electric 'Digi Go' bus service in the area. Whilst that service does not address the previous Inspector's concerns regarding pedestrian access, it does provide another alternative to the private car.
14. Private vehicular movements associated with a single household would typically be modest. In any event, in the context of the rural area, I am satisfied that the site is in a relatively accessible location, and that many nearby services and facilities could be reasonably accessed by means other than the private car.
15. Summing up against the development plan, I have found that the proposed dwelling would be located within a small settlement, and that it would be relatively accessible to services and facilities. As the land is designated as countryside in the BDLP, there would be a limited conflict with its Policy LPP 1, but the scheme would comply with the thrust of its Policies SP 3 and LPP 39. Given that sustainable modes of transport are promoted in the design and layout, it would also comply with BDLP Policy LPP 52 (parts k and o).
16. Finally, the National Planning Policy Framework (December 2023) ('Framework') sets out at paragraph 83 that housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a village nearby. The scheme would fully accord with that approach.

Design

17. The proposed dwelling would have an elongated, broadly single storey form, with proportions similar to Villa Farm opposite. It would have a well-balanced appearance, with its triple cross-wing gables providing articulation and visual interest. Large areas of glazing would give it a contemporary feel, but the use of a brick plinth, black painted timber cladding and clay pantiles, as set out in the statement of case and depicted on the approved plans, would respect its rural Essex location, and would help it to assimilate into its surroundings.
18. The size, form and style of the houses in this settlement, along with their plot dimensions, are very varied. This scheme's form, layout and detailed design would not therefore conflict with the local grain or style of development, and it would not appear out of place.
19. Consequently, the scheme would not conflict with those parts of BDLP Policies SP 7 and LPP 52 which seek a high standard of design that is in harmony with the character and appearance of the surrounding area; nor with the broadly similar stance at section 12 of the Framework.

Other matters

20. Essex County Fire and Rescue Service states that, as it is unable to measure off the drawings on the Council's portal, it cannot be certain that vehicular access in the event of a fire would be satisfactory. However, in a subsequent letter and swept path analysis dated 26 June 2023, EAS demonstrated that the proposed access from Mill Lane would enable a fire tender to safely enter and turn around within the site. Further details are included on the approved plans. The proposed dwelling would also be sited close to School Road which is reasonably wide and accessible to larger vehicles. I am thus satisfied that appropriate provision for access by fire service appliances would be made.
21. Mill Lane has a narrow carriageway, and I understand that it is regularly used by farm vehicles. However, based on automatic traffic counter surveys, vehicle flows on it passing the site did not exceed 50 vehicles per hour and, according to Crashmap data there have been no incidents within a 500 metre radius of it in the most recent 5 year period. Consequently, and having regard to the consultation response from the Highway Authority, I am satisfied that the scheme would not have a significant harmful impact on the safety and convenience of highway users.
22. The scheme is supported by a Preliminary Ecological Appraisal by ACJ Ecology Limited ('the PEA') which found that habitats on the site are common, and that the proposal would not encroach on features with the potential to support roosting, foraging or commuting bats, and that there was negligible likelihood of other protected species being present. I have no cogent reason to doubt that evidence.
23. On the basis of the evidence before me, the Council can demonstrate a five year housing supply as required by the Framework, and the 'tilted balance' at its paragraph 11 d) is not therefore engaged. That said, the scheme finds support from Framework policies which seek to boost the supply of housing, and I have no reason to doubt that this dwelling could be built-out relatively quickly, thereby also contributing to the local economy both during construction and from subsequent occupation.
24. Finally, the appellants have described their proposal as a 'self-build' dwelling. However, I have not been provided with a mechanism by which that claimed benefit could be secured. I have not therefore weighed it in favour of the proposal in my overall planning balance.

Planning Balance, Conditions and Conclusion

25. Summing up, I have found that the proposal would be appropriately located within a settlement, and that it would be reasonably accessible to local services and facilities, which its occupants would be likely to help support. It would also be of an appropriate design and would not harm the character and appearance of the area.
26. Whilst there would be a very limited conflict with some BDLP policies, the scheme would contribute to the achievement of sustainable development in accordance with its Policy SP 1, and it would comply with the development plan when considered as a whole. Even if I am wrong in that conclusion, the harm as a result of a very limited conflict with the development plan would be slight, and would be outweighed by the scheme's public benefits.

27. The Council has not provided a statement or a list of suggested conditions in the event that the appeal is allowed. I have therefore considered the matter of conditions, against the Framework's tests, having regard to the Council's delegated report, the appellants' evidence, and representations by interested parties.
28. As well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.
29. Having regard to the requirements of BDLP Policy LPP 66, and in the interests of biodiversity, a condition is necessary requiring that the development be carried out in accordance with the recommendations in the PEA, along with the biodiversity enhancement measures identified on the approved plans. The PEA also recommends that a sensitive lighting scheme is necessary. As no such details are before me, a condition is necessary requiring their submission.
30. My condition No 5 is necessary in the interests of the safety and convenience of highway users, whilst my sixth condition is necessary in order to promote sustainable modes of transport in accordance with BDLP Policy LPP 52.
31. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 812/23/001 Revision A and 812/23/002 Revision A.
- 3) The development hereby permitted shall be carried out fully in accordance with the recommendations and mitigation measures detailed in the Preliminary Ecological Appraisal by ACJ Ecology Limited, including the biodiversity enhancement measures as depicted on drawing no. 812/23/002 Revision A.
- 4) Prior to its installation, details of any external lighting shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the vehicular and pedestrian access as detailed on the approved plans has been provided. That access shall thereafter be retained in accordance with those plans.
- 6) Prior to the first occupation of the dwelling hereby approved, an electric vehicle charging point and cycle store shall be provided in accordance with the approved plans. Those facilities shall thereafter be retained.