



Appeal Decision

Site visit made on 12 July 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/Z1510/W/23/3327948

Land North of 17 Gosfield Road, Braintree, Essex CM7 5NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Beckford of Pymont Homes against the decision of Braintree District Council.
 - The application Ref is 23/01208/OUT.
 - The development proposed is outline planning for the construction of 2 no. new detached dwellings, with all matters reserved other than access new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application sought outline planning permission with all matters reserved other than access. I have determined the appeal as such, and any details in relation to the reserved matters have been considered on an illustrative basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the appeal site is a suitable location for housing, having regard to access to services and sustainable transport;
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on archaeology.

Reasons

Character and appearance

4. The appeal site lies to the west of Gosfield Road and comprises a grassed field. To its north, a dense belt of mature woodland extends westward from Gosfield Road, bordered by a public footpath to its southern edge.
5. No 17 Gosfield Road, a chalet bungalow, sits to the south of the site and marks the northernmost dwelling in a row of homes facing the road. On the eastern side of the road, development extends slightly further north, with 2-storey houses opposite the appeal site.

6. The appellant argues that the presence of existing development opposite and the woodland belt to the north make the site a logical final extension to the settlement. They assert that any further development would then clearly represent encroachment into the countryside.
7. Currently, the site's rural character reflects its countryside location, offering an open expanse of undeveloped land between the northern edge of the settlement, defined by the boundary of No 17 Gosfield Road, and the woodland belt to the north. Public views from Gosfield Road provide long-ranging vistas over the rural landscape, while the undeveloped site offers an open, immersive environment when experienced from the footpath adjacent to the woodland belt.
8. The proposed development would extend the existing ribbon of development on the west side of Gosfield Road to mirror that on the east, and the woodland to the north would act as a natural boundary for future expansion of the settlement. Nevertheless, such an approach assumes that the site currently adds little value to the area's character. As established above, this is not the case. The development would disrupt views over the rural landscape, and lead to an unwelcome sense of enclosure for users of the footpath.
9. Although design matters are reserved for future determination, I am not convinced that future submissions could address the identified issues. Whilst landscaping may partially mitigate some adverse effects, it would not eliminate the harm, and any benefits would take time to materialise.
10. The reduced scale of development compared to the previous appeal¹ does not lead me to a different conclusion than that of my colleague. Additionally, the nearby appeal decision² cited by the appellant does not alter my findings, as the specific considerations differ between the sites.
11. For the reasons given, the proposed development would lead to the loss of an undeveloped parcel of countryside land that positively contributes to the area's rural character, and would cause harm to the character and appearance of the area. It would conflict with Policy SP7 of the Braintree District Local Plan 2013-2033 Section 1 – North Essex Authorities' Shared Strategic Section 1 Plan – Adopted February 2021 (the S1P), and Policies LPP52 and LPP67 of the Braintree District Local Plan Section 2 (the S2P). Together these policies seek, in respect of this issue, for development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs, to reflect or enhance the area's local distinctiveness and be in harmony with the character and appearance of the surrounding area, and for development to successfully integrate into the local landscape. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Whether a suitable location

12. The appeal site lies outside of a settlement and in the countryside. The boundary of the settlement of High Garrett lies adjacent to the site, with its amenities, including a public house, within walking distance. However, High Garrett is a predominantly residential settlement with limited services. Additional facilities such as sports clubs, shops and places of worship are in the

¹ APP/Z1510/W/21/3276481

² APP/Z1510/W/3243946

neighbouring settlement of Bocking, which are less conveniently accessible on foot. Whilst some businesses are within walking distance, nearby employment opportunities are limited.

13. The site is near bus stops on Gosfield Road, with services to Halstead, Braintree and Witham at roughly half-hour intervals during the day. However, I have limited detail of evening and weekend services, and due to the distance to key amenities, it is likely that private cars would be the preferred mode of transport for future residents.
14. Accordingly, my findings in relation to this issue align with previous appeal decisions. Housing land supply is not a determinative factor in this issue, although I will return to this later in my decision.
15. For the reasons given above, the appeal site is not a suitable location for housing in terms of access to services and sustainable transport. The proposal would therefore conflict with Policies SP3 and SP7 of the S1P, and Policy LPP42 of the S2P, which together seek, in respect of this issue, for development to be accommodated within or adjoining settlements, to create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car, and for sustainable transport to be facilitated through new developments. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Highway safety

16. The proposed site access, submitted for detailed consideration, shows a single point of access for the two dwellings from Gosfield Road. The local highway authority deemed the scheme acceptable subject to a condition requiring the provision of specific visibility splays. The local planning authority, however, questioned the enforceability of such a condition, doubting whether the required splays could be achieved.
17. Whilst I do not hold full details of the case in the 2023 appeal decision³ noted by the local planning authority, I have had regard to the decision letter. However, this appears to relate to a very different site context than the appeal proposal, and it is therefore of limited weight.
18. The speed limit at the point of access would be 40mph, which increases to 60mph a short distance to the north. During my visit, I observed that the access point, located on a gentle curve in the road, offers good visibility in both directions. The appeal site extends to the highway edge, and other nearby properties have similarly situated accesses. However, unlike several of these properties, the appeal site's access is flanked by land under the appellant's control, where boundary treatments could be managed to ensure reasonable visibility.
19. Given the site's characteristics and the available highway frontage within the appellant's control, it is my view that sightlines could be provided that would be appropriate to the road conditions to ensure safe access and egress. Whilst the local highway authority's suggested visibility splays may not be fully achievable, for the reasons above I am not convinced they would be necessary. The Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

³ APP/Z1510/W/22/3307021

safety, or the residual cumulative impacts on the road network would be severe. I am not persuaded that such impacts would arise in this case.

20. Accordingly, the proposal would not harm highway safety and would accord with Policy LPP52 of the S2P which seeks, in respect of this issue, for development not to have a detrimental impact on the safety of highways. It would also accord with the relevant provisions of the Framework, which have similar aims.

Archaeology

21. Policy LPP59 of the S2P states that where important archaeological remains are thought to be at risk from development, the developer will be required to arrange for an archaeological evaluation of the site to be undertaken and submitted as part of the planning application. Policy LPP59 continues that where archaeological potential is identified but there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving, prior to development commencing.
22. The Specialist Archaeological Advice (SEA) consultation response indicates that the site lies along a historic route with Roman origins, with some notable archaeological finds nearby. The SEA response does not object to the proposal but recommends the imposition of conditions requiring further archaeological investigation.
23. Whilst it appears no formal archaeological investigation has been conducted, the SEA response suggests the site's potential does not warrant investigation prior to the granting of planning permission. I have no substantive evidence to contradict the SEA advice, and the suggested conditions therefore appear proportionate in line with the requirements of Policy LPP59.
24. Thus, the proposal would not result in archaeological harm, and it would accord with Policy LPP59 of the S2P, the aims of which have previously been set out. It would also accord with the relevant provisions of the Framework, which have similar aims.

Other Matters

25. The site lies within the Zone of Influence of one or more European Sites comprising the Essex Coast Recreation disturbance Avoidance Strategy (RAMS). A financial contribution is understood to have been secured by way of a RAMS payment at the point of the application's validation, to mitigate the additional recreational pressure on the European Sites arising through the proposed development. In the event that I was minded to allow the appeal, it would be necessary to consider this matter within an appropriate assessment.

Planning Balance

26. Paragraph 11 d) ii. of the Framework provides that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the Framework directs that for applications

involving the provision of housing, policies should be considered out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

27. The Council asserts that its latest figures demonstrate a five-year supply of deliverable housing sites. The appellant disputes the figures, and in this context considers the Council's relevant policies carry little, if any, weight.
28. The appellant notes benefits such as the proximity to bus stops and landscape enhancement which, given the issues previously discussed, offer limited weight in favour of the proposal. Of greater weight are the benefits of environmentally sustainable new housing that could be delivered quickly, and economic benefits through the provision of employment and use of the local supply chain during the construction phase. However, the limited scale of development, at just 2 dwellings, would temper these benefits.
29. The policies most important for determining this appeal are part of a recently adopted development plan and align with the Framework's provisions. Therefore, even if I were to agree with the appellant's claim of a shortfall in the five-year housing land supply, the proposal would still conflict with the overall development plan, which remains consistent with the Framework. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. Because I have found the proposal to be unacceptable for reasons other than the effect on European Sites, an appropriate assessment has not been undertaken.

Conclusion

31. Although I have identified no harm in respect of highway safety or archaeology, the proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR