



Appeal Decision

Site visit made on 26 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/Z1510/W/24/3336562

Land South of 39 The Street, White Notley, Essex CM8 1RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jeremy Fisher of The Faulkbourne Estate against the decision of Braintree District Council.
 - The application Ref is 23/00409/FUL.
 - The development proposed is the erection of 2 No. semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 ecology;
 - (c) the effect of the proposed development on the character and appearance of the area; and
 - (d) the effect of the proposed development on the significance and setting of White Notley Conservation Area and the listed buildings associated with and including the Grade II* White Notley Hall.

Reasons

Accessibility

3. The appeal site is an undeveloped plot of land on the south side of The Street on the western edge of White Notley. There is a track to the east of the site which provides access to properties to the rear of The Street. It immediately adjoins the village development boundary and so is situated in the countryside in planning policy terms.
4. 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.
5. While the policy does not define what is meant by appropriate uses in the countryside, the LP spatial strategy seeks to direct development to the most sustainable and accessible locations to reduce the need to travel without

always needing a car. The settlement hierarchy is based on the size, function and services offered by specific locations. White Notley is designated as a Third Tier village which LP paragraph 3.7 explains are the smallest settlements in the district. They lack most of the facilities required to meet day to day needs and often have very poor public transport links where travel by private vehicle is required. The LP states that sustainable development will not normally be met by development within such villages.

6. There is a limited range of services and facilities in White Notley, with little more than a primary school, public house, village hall and church. There is a train station a short distance to the north of the village, but this is only accessible uphill via a narrow road with no pavements or street lighting. I have not been made aware of any bus route that serves the village.
7. From the site, it is possible to walk into the village along a pavement to access the school, pub and church, but it would not be safe or desirable to walk or cycle to the train station. Without easy access to regular public transport, future occupiers of the proposed development would be reliant on the private car to access most services and facilities. This would have negative environmental and social effects regarding the use of natural resources and the ability to access services as sought by paragraph 8 of the National Planning Policy Framework (NPPF).
8. I note that new housing has been permitted outside the development boundary such as at Newlands Farm near the train station, but I do not have sufficient information on other schemes to make accurate comparisons.
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 SP1, SP4, LPP1 and LPP52. Policy LPP1 is set out above, while Policy SP1 seeks to improve the economic, social and environmental conditions in the area. Policy SP4 seeks to meet housing needs in accordance with the spatial strategy.
10. Policy LPP52 sets out several criteria relating to the layout and design of development including the use of sustainable modes of transport and schemes that are permeable and well-connected to walking and cycling networks and facilities. The reason for refusal relating to this main issue also refers to LP Policy LPP67, but this relates to landscape character which is not relevant.

Ecology

11. The site consists mostly of scattered scrub and grassland, and an area of woodland along the northern boundary with The Street. The appellant's ecological survey and appraisal from December 2022 refers to the eastern boundary next to the access track as having a native and established hedgerow and tree line formed by oak, elm, chestnut, ivy, and bramble. Photographs in the appraisal seem to indicate that much of this vegetation has since been removed. At my site visit, I observed that there were some young hedgerow and tree specimens as well as dense undergrowth, but no mature features apart from a large oak at the south-eastern corner.
12. The Council's ecology and natural environment officer has raised concerns about the effect on the established hedgerow and the potential for it to represent a Priority Habitat. It is apparent that most of this hedgerow no

longer exists. Nevertheless, vegetation is beginning to re-establish and there appears to have been no further survey work since 2022. The proposed access into the site would be created through the eastern boundary. In the absence of clear and up to date information, it has not been demonstrated that the proposed development would have an acceptable effect on ecology.

13. This additional information should be provided before a decision is made as it would not be appropriate to provide via a condition in case it reveals important features that would be lost. Therefore, based on the evidence before me, the proposed development would not accord with LP Policy LPP64 which seeks to protect species and habitats.

Character and appearance

14. The site is located between existing housing on this side of The Street. To the west is a pair of large semi-detached two-storey brick properties that are positioned above the road. To the east, is a large detached two-storey brick and weatherboarded property with flat roof garage to one side. Beyond that is a line of brick and rendered semi-detached two-storey properties on both sides of The Street leading into the village centre. To the south-east of the site is a detached brick bungalow and large weatherboarded historic barns and stables that now appear to be in residential use.
15. The proposed development would result in pair of large two-storey and semi-detached properties located within generously sized plots. Their size would not be out of keeping with the surrounding area given the variety of properties nearby. The flat roof double garages on either side would be quite prominent in certain views, but not uncharacteristic features in a residential setting. The overall massing of the development would be offset by the spacious nature of the plots and the gaps to neighbouring properties.
16. The use of black timber cladding and metal roofs would give the buildings a modern and contemporary appearance, but this would reflect the variety of materials nearby. The overall rural and agricultural design would not be inappropriate for the location. Other properties nearby do not face onto The Street and so the positioning of the properties, which would safeguard the existing woodland too, would be suitable.
17. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with LP Policies LPP35 and LPP52 which, amongst other things, seek developments of appropriate scale, massing and architectural quality that are in keeping with the locality. The development would also adhere to NPPF paragraphs 131 and 135 which seek well-designed places and schemes that are sympathetic to local character.

Heritage assets

18. White Notley Conservation Area is located to the south and east of the site. The conservation area encompasses the historic village centre around the church and the river and includes White Notley Hall and several outbuildings to the south of The Street. The significance of the conservation area is informed by its historic buildings and green spaces and has a strong rural setting too.
19. White Notley Hall is listed Grade II* as a 16th century or earlier timber framed house with a wealth of architectural and historic features. Between the hall

and the site are three Grade II listed buildings comprising two 16th century timber framed barns and a 19th century red brick stable range. These buildings also contain a variety of architectural and historic features and collectively form an important group with the hall.

20. The site forms a small part of the rural surroundings of the listed buildings and the conservation area. It is quite distant from the listed buildings, particularly the hall, and is chiefly experienced along the access track. Nevertheless, it makes a moderate contribution to the setting of the listed buildings and the conservation area and so informs their significance.
21. The proposed development would be visible from the access track as it enters the conservation area and as part of the approach to the four listed buildings. However, due to the design and spacious siting, the properties would have a suitable massing and appearance when experienced from the heritage assets and would not look incongruous. Although a heritage impact assessment has not been submitted, the development would preserve the setting of the listed buildings and conservation area and not result in harm to their significance.
22. In conclusion, there would be an acceptable effect on the significance and setting of the above heritage assets. Therefore, the proposed development would accord with LP Policies LPP52 and LPP57 which, amongst other things, seek to conserve and enhance heritage assets including their settings. It would also adhere to NPPF paragraph 200 which requires an understanding of the significance of heritage assets including any contribution from their setting.

Planning balance

23. At the appeal stage, the Council has highlighted that it can now demonstrate a five year supply of deliverable housing sites. This is not disputed by the appellant. Nevertheless, even if the Council could not demonstrate such a supply and larger sites were not coming forward as planned, the provision of only two additional dwellings would represent no more than a modest benefit.
24. The appellant notes that the properties would be intended for use by local farm worker families. However, I have little information on the need for such accommodation locally, why alternative provision does not exist, or why the village is losing younger people. In the absence of such evidence, or any mechanism to secure farm worker housing, I afford little weight to this benefit.
25. The proposed development location would not provide acceptable access to services and facilities and would conflict with several LP policies as a result. It has also not been demonstrated that the development would have an acceptable effect on ecology. Individually and combined, these factors carry significant weight against the development. Although the effects on the character and appearance of the area and heritage assets would be acceptable, the adverse impacts of the development would not be outweighed by the benefits. This indicates that planning permission should not be granted.

Other Matters

26. I note from the committee report that the Council considers the proposed terrace on the southern property would cause overlooking and a loss of privacy to the private outdoor spaces at the neighbouring property known as Leylandii. The Council also contends that the proposal has failed to demonstrate an adequate level of parking for each dwelling.

27. However, both these concerns do not feature as reasons for refusal. Given my findings on the main issues and the overall planning balance, it has not been necessary for me to address them in detail. Nevertheless, they are concerns that should be examined if the appellant submits another planning application for residential development on this site.

Conclusion

28. 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