



Appeal Decision

Site visit made on 18 December 2024

By Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/Z1510/W/24/3343584

Sparrows Cottage, Halstead Road, Sible Hedingham, Essex CO9 3AN

- 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 Janice Dent against the decision of Braintree District Council.
 - The application Ref is 23/02304/FUL.
 - The development proposed is proposed detached dwelling adjacent to Sparrows Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicated that permission was also being sought for Listed Building Consent for alterations, extension or demolition of a listed building. No such consent was being sought or was required. The planning application was submitted by Mr and Mrs Dent. The appeal has been submitted in the name of Janice Dent only and proceeds on that basis.
3. The Council has confirmed that matters relating to tree protection could be addressed by condition. I have no reason to disagree, and as such have not considered Reason 5 as a main issue.
4. The application refers to Sparrows Cottage. It is a Grade II listed building, with the list entry name of Halstead Road Cottages. For ease of understanding, I have referred to the listed building as Sparrows Cottage throughout this decision.
5. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

Main Issues

6. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area, including the setting of the adjacent listed building Sparrows Cottage;
 - whether the proposed development would provide acceptable access to services and facilities by means of transport other than the private car;

- whether the proposal would provide acceptable living conditions for future occupiers of the property with respect to daylight;
- whether the development would result in undue risk to human health or to other relevant receptors, arising from contamination of the land; and
- whether the proposal would have an acceptable effect on highway safety.

Reasons

Character and Appearance including Setting of Listed Building

7. Sparrows Cottage lies within an undulating, rural landscape, adjacent to Halstead Road. The area is characterised by sporadic development which generally appears to be related to the surrounding land uses. The surrounding dwellings, where they are visible from the road, are varied in scale and materials.
8. The front elevation of the proposed dwelling would be modest in scale, with the appearance of a dormer bungalow. This would be in marked contrast to the rear, which has the appearance of a two storey dwelling as a result of the substantial double gable rear elevation which would project from what should be the core of the building. This contrast would be further emphasised by the proposed change in materials from render to timber cladding and installation of large, bi-folding doors.
9. Consequently, the proposed dwelling would appear disjointed, and lack a cohesive form and appearance. It would not represent good design, nor would it reflect any local distinctiveness in its use of design features. This would be harmful to the character and appearance of the surrounding area.
10. Although the listed Sparrows Cottage is identified as a pair of cottages in the listing description, it is in use as a single dwelling. The main parties are in agreement that the expansive garden extends beyond that which would have historically been associated with the property, although it likely had the current arrangement at the time of listing.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the advice in paragraph 212 of the Framework that great weight should be given to the asset's conservation.
12. The significance of Sparrows Cottage is derived from its architectural interest through its design and historic fabric, and historic interest in evidencing agricultural patterns of occupation. Its setting is the open rural landscape, well separated from neighbouring properties. This contributes to particularly its historic significance by reinforcing the isolated nature of agricultural dwellings. The appeal site, due to its open nature and proximity to the listed building, contributes to the understanding and appreciation of this significance.
13. The proposal would introduce a new dwelling in proximity to Sparrows Cottage. This would be uncharacteristic of the area, given the dispersed nature of development along Halstead Road. It would erode the isolated setting of

Sparrows Cottage thus harming its special historic interest. As the appeal proposal affects only part of the rural setting, this harm would be less than substantial. Paragraph 215 of the Framework sets out that in such circumstances, this harm should be weighed against the public benefits of the proposal.

14. The public benefits of the proposed development are the contribution to the supply of housing, and the economic benefits associated with this during the construction and occupation stages of the development. However, these benefits would be limited due to the small scale of the development and would not outweigh the harm I have identified, to which I give considerable importance and weight.
15. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area including the setting of Sparrows Cottage. It would fail to meet the requirements of the Act, and would not accord with Braintree District Local Plan 2013 - 2033 Section 2 (adopted July 2022) (LPS2) Policies LPP 35, LPP 47, LPP 52 and LPP 57 which taken together and insofar as they relate to this main issue, require development to reflect or enhance the area's local distinctiveness, preserve and enhance the immediate settings of heritage assets, respect and respond to the local context where development may affect the setting of listed buildings and provide a high standard of layout which is sensitive to the need to conserve and enhance local features of historic importance particularly in proximity to heritage assets. It would also be contrary to the advice in Section 16 of the Framework.

Access to Services and Facilities

16. Halstead Road links to the wider highway network connecting to Halstead and Sible Hedingham. Both of these settlements provide access to services and facilities which are likely to meet the day to day needs of residents. However, Halstead Road is single carriageway and is subject to the national speed limit. It is unlit and there is not a footpath. There are verges alongside the road, however these are not consistent in width or maintenance. It is therefore unlikely that this would provide an attractive walking or cycling route to either settlement.
17. It is not in dispute that there are bus stops outside the site, or that there are two separate hourly services which connect to various settlements within the area as well as a school term only service. However, at my site visit it was not apparent where precisely these stops were. Notwithstanding, the site would provide access to public transport which would be at a reasonable level given the rural location of the site.
18. The proposal would incorporate an electric vehicle charging point. However, not only is this a requirement of the building regulations, it would not guarantee that future occupiers of the property would only use electric vehicles. I therefore could not be certain that car use would not contribute to the site's carbon footprint.
19. While there would be the potential for future occupiers to use public transport via the bus stop in proximity to the site, it is very unlikely that access by walking or cycling would be attractive to future occupiers of the property. The proposal would, overall, not provide acceptable access to services and facilities by means of transport other than the private car. It would therefore be

contrary to Braintree District Local Plan 2013 - 2033 Section 1 (adopted February 2021) (LPS1) Policies SP 3 and SP 7, and LPS2 Policies LPP 1, LPP 42 and LPP5 2 which taken together and insofar as they relate to this appeal, require development to be well-connected to walking and cycling networks and which prioritise the needs of pedestrians, cyclists and public transport services above use of the private car. In reaching this conclusion, I have had regard to the advice in paragraph 110 of the Framework which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Living Conditions

20. There are mature trees of some height, notably some conifers, towards the front of the site along the site boundaries. The proposed dwelling would be set in from the tree-lined side boundaries. The rear elevation of the property would face north-west onto a rear garden of approximately 63.5m length. Consequently, there would be a good quality of daylight available to the property, notwithstanding its orientation.
21. The ground floor would provide a large, multi-purpose living space. Expansive glazing in the form of bi-folding doors would serve this space, along with two side openings. The first floor bedrooms would be provided with well sized windows. Taken together with the spacious setting of the property, I am satisfied that levels of light to serve these rooms would be more than adequate.
22. The proposal would therefore provide suitable living conditions for future occupiers of the property with respect to daylight. The proposal would therefore be in accordance with LPS2 Policies LPP 35 and LPP 52 which require an appropriate standard of residential amenity to be provided to occupants and good levels of daylight to be provided to each habitable room.

Contaminated Land

23. The application was accompanied by a Phase I Contaminated Land survey. This was a desk based assessment which identified potential sources of contamination which could affect the proposed development. While such sources were identified, none were physically on the site. The overall level of risk was assessed as being, at worst, low to moderate for future occupiers and the property itself.
24. From the evidence contained within the survey, I see no overriding reason why any contamination on the site would not be capable of being remediated. This is a common scenario and is a matter that, were I minded to allow the appeal, could be addressed through the use of an appropriately worded condition.
25. I therefore conclude that the development would not result in undue risk to human health or to other relevant receptors, arising from contamination of the land. It would therefore comply with LPS2 Policy 70 which allows the use of conditions to secure mitigation measures and remedial works in appropriate cases.

Highway Safety

26. Access to the site would be taken from the existing vehicular access serving Sparrows Cottage. Halstead Road is subject to the national speed limit. There is no evidence before me of any existing highway safety issues with its operation. There are bends in the road in the vicinity of the site towards the existing property. While this may limit visibility somewhat, it would also reduce the speed of vehicles travelling along the road. There is clear visibility in the other direction. I have not been made aware of any specific highway safety concerns with the operation of Halstead Road.
27. Were the proposal to be allowed, two dwellings would use the access. This would not lead to a significant numerical increase in the use of the access. Drivers would be able to position themselves so as to allow them to move forward prior to turning right onto the road. I consider the access would be suitable for use by an additional dwelling.
28. The proposal would therefore have an acceptable effect on highway safety. It would therefore accord with LPS2 Policy LPP 52 which requires development to not have a detrimental impact on the safety of highways.

Other Matters

29. Section 149(1) of the Equality Act 2010 confirms that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
30. There is the potential for my decision to affect persons with a protected characteristic. The negative impacts of dismissing this appeal will arise from the difficulties in finding suitable accommodation, particularly in a rural area. However, having due regard to this, and to the principles set out in s149, in my view the adverse effects of dismissing the scheme on those with protected characteristics would be proportionate, having regard to the potential adverse effects of allowing the development.
31. Pre-application advice was sought from the Council which was in general not supportive of the proposal. I have not been provided with a copy of the comments from the Conservation Officer. However, this advice is clear that it is not binding on future decisions of the Council, and the scheme before me is different to that upon which the Council's views were sought. In any event, I have dealt with the appeal on its planning merits based on the evidence before me.
32. The proposal would not meet the definition of community-led development set out in the glossary to the Framework. There is no substantive evidence before me that the proposed dwelling would be energy efficient or environmentally sensitive.
33. There would be a benefit from the delivery of an additional dwelling, even though it is not in dispute that the Council can demonstrate a five year supply of deliverable housing land. There would also be economic benefits arising during the construction and occupation stage from the increased use of local labour, suppliers and facilities. A nature enhanced garden, with consequent benefits for biodiversity, would be a benefit of the proposal.

34. The appellant has also indicated they have longstanding ties to the village and wish to remain part of village life. However the proposal is not to provide a new dwelling for the appellant, nor is it readily apparent to which village the appellant has ties given its location between settlements. I am therefore not satisfied the proposal would promote social interaction as set out in paragraph 96 of the Framework.

Conclusion

35. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR