



Appeal Decision

Site visit made on 4 March 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/Z1510/W/24/3340071

Walnut Tree Cottage, Piccotts Lane, Great Saling CM7 5DW

- 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 K Dorset against the decision of Braintree District Council.
 - The application Ref is 22/03099/FUL.
 - The development proposed is erection of 3 bedroomed dwelling with access, landscaping and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy 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. Comments have been sought from both parties in relation to the revised Framework and any comments received have been taken into consideration within my decision.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities.

Reasons

4. The appeal site is currently part of the garden belonging to the property Walnut Tree Cottage. It is laid to lawn with a number of trees and a hedge separating it from Piccotts Lane. It is located in a rural area, adjacent to the development boundary of the village of Great Saling. This is classified as a Tier 3 village in the Braintree District Local Plan 2013-2033 (the LP) 2022 which states that these are the smallest villages in the district that lack most of the facilities required to meet day to day needs. However, as the appeal site is located outside the development boundary of this village it is considered to be located within the countryside.
5. Policy LPP1 of the LP states that development outside development boundaries will be confined to uses appropriate to the countryside with the supporting text indicating that development here is normally restricted to that which supports countryside uses. The appellant contends that the appeal site appears as a logical

part of the settlement, as it is located between the host dwelling and a recently constructed village hall and car park, and it is noted that the development boundary is intended to represent a distinction between built up areas and the surrounding countryside. However, the LP dictates that the appeal site is still located outside of the development boundary. Therefore, due to its location and nature, the proposed development would not accord with this policy.

6. Policy SAL5 of The Salings Neighbourhood Plan 2021 (the NP) outlines that the plan provides for the provision of around 10 dwellings in the neighbourhood plan area between 2019 and 2034. This figure includes those where planning permission has already been given and the additional 4 dwellings for affordable and social housing needs. The latter need will be met through the development of sites within the Great Saling village envelope as defined on the policies maps, on a rural exception site or sites that comply with the definition set out in the glossary in the Framework and on other isolated sites that comply with paragraph 79 of the Framework. The proposed development is not for affordable and social housing needs and therefore is not supported by this Policy.
7. The appellant also contends that the proposed development represents logical infilling of an underused gap. Whilst not considered by the Council in their assessment, Policy LPP39 of the LP states that where there is a defined nucleus of at least ten existing dwellings and where it would not be detrimental to the character of the surrounding, exceptions may be made for the filling of a gap, for a single dwelling, between existing dwellings in hamlets and small groups of dwellings. However, I am not convinced that the appeal site is located within a hamlet or small group of dwellings relevant to this policy and, even if it were, the proposal does not represent a filling of a gap between existing dwellings, as it is located between a dwelling and a village hall.
8. Policy SP3 of the LP states that existing settlements will be the principle focus for additional growth. However, it goes on to say that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant across the wider strategic area. The appeal site does adjoin the settlement of Great Saling and the appellant indicates that the proposal is of an appropriate scale to this settlement. However, the sustainability of the development will be considered below.
9. Policy SP7 of the LP seeks to ensure that all new development should create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above the use of the private car. LPP42 of the LP also states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks with priority given to cycle and pedestrian movements and access to public transport.
10. This is not an isolated site, as it is located in close proximity to a number of other dwellings. Therefore, paragraph 84 of the Framework is not applicable. However, paragraph 83 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby.

11. There are some facilities within the village of Great Saling including the adjacent village hall, where various activities take place, a recreation ground, a church and a campsite. However, these are limited and as such the future occupiers of the proposed dwelling would still be required to travel elsewhere for most of their day to day needs. The nearby settlements of Braintree and Great Dunmow have a full range of services and facilities which could be used by the future occupants of the proposed dwelling. The appellant also indicates that there are schools and other facilities within villages nearby.
12. There is a bus service which runs from Great Saling to both Braintree and Saffron Walden. However, from the information provided, this is a very limited service with only several buses per day and no weekend service. Therefore, this could not be reliably used by the future occupiers of the dwelling to access all the services and facilities they require. The shared public transport service highlighted by the appellant, Digi Go, would also not provide a reliable service for everyday use. The surrounding settlements and villages identified above are some distance from the appeal site and are not accessible by foot. The surrounding roads are also narrow country lanes with no evidence of any dedicated cycle lanes, thereby making cycling an unattractive option for day to day family needs.
13. It is noted that working from home and receiving deliveries for food and other items is becoming more commonplace. However, it is still necessary for some people to travel to the workplace and to travel to access facilities, and there would be no restrictions on the future occupiers doing so. There would also be no requirement for the occupiers to use an electric vehicle, even if an electric vehicle charging point is installed as part of the proposed development. As such, the future occupiers of the proposed dwelling would largely be reliant on the use of a private vehicle to access the necessary services and facilities, contrary to the objectives of Policies SP7 and LPP42 of the LP outlined above.
14. Whilst paragraph 109 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users. Furthermore, due to the scale of the development, the benefit to services within villages nearby would be limited. Therefore, the proposed development would be given limited weight in relation to paragraph 83 of the Framework.
15. In conclusion, the necessary services and facilities which would be required by the future occupiers of the proposed dwelling would not be readily accessible and a single dwelling would not provide significant support for local services nearby. There are extremely limited sustainable transport options and therefore the future occupiers would largely be reliant on the use of a car to serve their day to day needs on a regular basis. Consequently, the proposed dwelling would not be located within a socially or environmentally sustainable location and would therefore not be supported by Policy SP3 of the LP.
16. Whilst the village hall, constructed outside of the settlement boundary, was deemed to be located in a suitable and accessible location, this is only relative to residents within the village of Great Saling who can easily access this facility by foot. Therefore, it is not comparable to the appeal proposal before me, where future occupiers would need to travel elsewhere. It is also noted that the preamble to Policy LPP1 states that development within a development boundary is

generally considered sustainable and that the appellant considers it illogical that development on the 'wrong' side of a line could render the development unsustainable. However, the assessment on sustainability undertaken, in relation to access to services and facilities, does not relate to the settlement boundary and its location in relation to this has no bearing on the overall findings.

17. The appellant also highlights the preamble to Policy LPP16 of the LP which states that opportunities for development of less than 10 homes within development boundaries, rural exception sites, prior approvals and windfall sites are not specifically allocated on the Proposals Maps. This does suggest that windfall sites could be located outside of development boundaries, of which are supported by Paragraph 70(d) of the Framework. However, the proposal would still need to be in a location suitable for new housing.
18. Therefore, for the reasons above, the proposed development would not be in a suitable location for new housing and would conflict with Policies SP3, SP7, LPP1 and LPP42 of the LP and Policy SAL5 of the NP, as detailed above. It would also be contrary to the relevant sections of the Framework which promote sustainable development in rural areas.

Other Matters

19. The appellant has indicated that the issue of housing land supply is not the basis for the appellant's appeal and the Council submit that they can demonstrate a five year supply of deliverable housing. Nevertheless, the development would add to the overall housing land supply and make a small contribution to the Government's objective of significantly boosting the supply of homes, with the addition of a new residential unit. Economic advantages would arise from its construction and its occupation through additional council tax and support for local businesses, along with the environmental benefits of making effective use of previously developed land. The appellant also considers it would enhance the streetscene. However, given the scale of the scheme, any such benefits would be small and would not overcome the conflict I have identified.
20. The appellant claims that the appeal site represents previously developed land, however the Council disagree with this assertion. Paragraph 125 of the Framework states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. However, regardless of whether the site could be considered previously developed land, it is not located within a settlement and therefore is not supported by this part of the Framework.
21. The appellant has brought a number of similar developments to my attention where planning permission was granted for dwellings outside of the settlement boundary. These were decided prior to the adoption of the most recent development plan and were, on balance, found to be acceptable as the benefits outweighed the harm. This is not the case for the appeal before me and therefore these examples are not directly comparable to the appeal site or the development proposed.
22. The emails from the Council stating that they would be recommending a grant of planning approval are noted. However, ultimately the decision was taken by the Council to refuse planning permission and, whilst I understand the appellant's

frustrations, the previous recommendation does not bind the Council to this decision in any way.

23. The appeal site is located within the Great Saling Conservation Area and within the setting of the nearby Grade II listed buildings at and around Saling Grove, which are designated heritage assets.
24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Although limited information has been provided, from my observations on site it would appear that the significance of the Conservation Area relates to its historic nature, its rural village character and the number of historic buildings within it. The appeal site as a whole forms part of this rural village character and its verdant nature makes a positive contribution to the significance of the Conservation Area. The Council have not raised any concerns in relation to the Conservation Area and I agree that the proposed development is modest in nature and would assimilate well into the historic, rural surroundings. The proposed development would therefore preserve the character and appearance of the Conservation Area.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the 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 feature of special architectural or historic interest. The Council have also not raised any concerns in relation to the impact of the proposed development on any of the listed buildings in the surrounding area. Whilst the appeal site is in close proximity to these neighbouring buildings, the proposal would not obscure any key views of these buildings or significantly alter their historic setting. As such, the proposed development would not detract from their individual setting. Therefore, it would have a neutral impact on the setting and significance of these listed buildings.

Conclusion

26. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR