
Appeal Decisions

Site visit made on 13 March 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th March 2017

Appeal A Ref: APP/Z1510/W/16/3163476

Land to the north of Church Road, Bulmer, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Granville Developments and Mr N Burke against the decision of Braintree District Council.
 - The application Ref 16/00307/OUT, dated 19 February 2016, was refused by notice dated 18 May 2016.
 - The development proposed is 15 no. village dwellings with associated garages.
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Appeal B Ref: APP/Z1510/W/16/3163568

Land to the north of Church Road, Bulmer, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Granville Developments and Mr N Burke against the decision of Braintree District Council.
 - The application Ref 16/01491/OUT, dated 31 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is up to 10 no. village dwellings with associated garages.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They both relate to the same area of land but differ in that the Appeal A scheme proposes 15 dwellings and the Appeal B scheme up to 10. I have considered each proposal on its individual merits. However, to avoid duplication I have addressed the two proposals together, except where otherwise indicated.
3. Both applications were made in outline with all detailed matters reserved, including illustrative layouts. The Appeal A scheme is accompanied by a completed Section 106 obligation which commits to part of the development being provided as affordable housing and to a contribution towards public open space provision. This obligation overcomes the Council's second reason for refusing the 15 dwelling scheme. I have dealt with the appeals accordingly.

Main Issue

4. The main issue in both appeals is whether this site would be an appropriate location for housing in respect of providing reasonable access to services and facilities, having regard to national and local planning policies.
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Reasons

Site and surroundings

5. Bulmer is a relatively small village situated in the countryside around 2 miles south-west of Sudbury. The village is in three distinct and well-separated parts. These comprise Bulmer to the north, Bulmer Tye to the south and a smaller central part of slightly less than 40 dwellings, which contains the village primary school and where the appeal site is located. Church Road passes through this central part, making two right angled turns, with the majority of the existing housing fronting its left side.
6. The site of the appeals comprises farmland and the dwellings proposed would extend the existing small amount of housing east along the northern side of Church Road, completing the built frontage between the two right angled bends. The existing housing is of a varied character and age, including a mixture of houses and bungalows, all built to a comparable scale and pattern which the indicative layouts of the two appeal schemes would reflect.

Policy framework

7. The Council's development plan currently comprises the Core Strategy 2011 (CS) and Braintree District Local Plan Review 2005 (RLP). Under Policy CS 1 Bulmer is classed as an 'other village'. This is the lowest tier within the settlement hierarchy for providing housing growth, restricted to infill or development on previously developed land. The RLP proposals map draws tightly defined village envelopes around the three built-up parts of Bulmer and the site of the appeals would fall immediately outside that around this central part.
8. The Council is preparing a completely new Local Plan, having withdrawn and rolled in elements of an earlier Pre-submission Site Allocations and Development Management Plan. The appeals site was submitted as a housing allocation, following a call for sites exercise, but not taken forward in the draft Local Plan, which is currently not proposing to alter the current planning status of Bulmer. However, the draft Local Plan has not yet reached a sufficiently advanced stage for it to be afforded significant weight in this decision.
9. The Council's decisions relate to three specific development policies. Policy RLP 2 restricts new development to within village envelopes, outside of which countryside policies will apply. Policy CS 5 strictly controls development outside village envelopes, restricting this to uses appropriate to the countryside. This is in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity of the countryside. Policy CS 7 promotes accessibility and includes the aim that future development will be provided in accessible locations to reduce the need to travel.
10. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) are material planning considerations. The Council confirms that there is not currently the five year supply of housing land in Braintree District required under paragraph 47 of the Framework. The Council's statement refers to just 3.8 year supply. Paragraph 49 of the Framework goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

11. Policies RLP 2, CS 5 and CS 7 all influence where development might be allowed and so are relevant to the supply of housing and therefore not up-to-date. However, this does not mean these policies should be disregarded and carry no weight. Instead, the weight attached to them rests with this decision.

Whether appropriate location for housing

12. The PPG states that 'assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence'.
13. However, there is little evidence of adequate services in this village to support either the 15 or up to 10 dwellings proposed, and little likelihood that these amounts of residential development would support the provision of such. Furthermore, the relatively few village services that do exist are split between the three parts, separated by relatively long lengths of road without lighting or footpaths.
14. There is only the primary school within convenient walking distance of the appeal site and the other parts of the village offer only a public house, a post office open part of the week, a village hall and allotments. Whilst there is a bus service to Sudbury, having considered the timetables and taken account of the fact the buses are to become demand responsive, there is little to support a conclusion other than that occupiers of the housing would be mainly reliant on private car use to conveniently reach jobs and regularly required services.
15. The proposals would therefore conflict with the aims of Policy CS 7 in respect of promoting accessibility. As the aims of Policy CS 7 are consistent with the core planning principle of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, this policy can be afforded significant weight.
16. Regard has been given to the Landscape Statement and Site Overview¹ commissioned in support of the appeals. I agree that from further beyond to the north any views of the schemes would be from a long distance where the developments would both blend in visually as an extension to the existing built form of the village. Closer range views of the proposals could be softened through appropriate landscaping. Nevertheless both schemes would be quite significant in terms of the amount and extent of housing, relative to the scale of the settlement, whereby ribbon development would extent substantially into 'green field' farmland. The Bulmer Village Design Statement also lends no material weigh to the scale of either of the developments proposed.
17. Although the visual harm might be mitigated by landscaping neither scheme would protect and enhance the character or the amenity of the countryside. The proposals would both remain in clear conflict with Policy CS 5, as supported through Policy RLP 2, in respect of the strict control placed on development outside village envelopes. This policy is afforded significant

¹ By Kirsten Bowden Chartered Landscape Architect – date October 2016

weight in being consistent with the core planning principles of the Framework to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

Balance and conclusion

18. The relevant development plan policies must be considered as not up-to-date under paragraph 49 of the Framework. Therefore the presumption in favour of sustainable development set out in paragraph 14 of the Framework is invoked. Where relevant development plan policies are out-of-date this would mean granting permission 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.
19. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
20. The lack of harm to the setting of any nearby listed buildings and the ability to mitigate any landscape impacts carry no positive weight in favour of these proposals. Moderate weight can be given to the social and economic benefits both schemes would make, slightly greater in the case of the Appeal A scheme, in boosting the supply of housing in the District and to reducing the current 5 year under supply.
21. Economic benefits would include the construction and servicing of the housing and the support given to the vitality of local services, both of which attract moderate weight. Further moderate weight is given to the particular social benefits of the Appeal A scheme in respect of the 6 affordable houses and contribution to local open space provided. Whilst not part of the appeal the offer to provide the road lay-by is considered genuine but offers only a relatively small benefit overall.
22. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
23. However, in this part of Bulmer there are no facilities other than the primary school and there are limited services in the other parts of the village. In this case, the benefits of any support these schemes would provide to services in villages further afield would be outweighed by the harm caused in introducing housing in a location where occupiers would be largely dependent upon private car use. In this respect both schemes would introduce isolated homes in the countryside which paragraph 55 of the Framework seeks to be avoided.
24. The conclusions reached in the recent appeals in Great Bardfield² and Ashen³ have been taken into account. However, these present appeals have to be

² APP/Z1510/W/16/3148072

³ APP/Z1510/W/16/3147717

assessed mainly on their own, individual merits. The reduced amount of housing in the Appeal B scheme would not alter the concerns with both schemes resulting in new housing extending into open countryside in a location lacking, and having little prospect of gaining as a result, an adequate level of accessibility to regularly required services. The harm resulting from both proposals would significantly and demonstrably outweigh any benefits found from either development. As a consequence, having taken into consideration all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Jonathan Price

INSPECTOR

Richborough Estates