



Appeal Decision

Hearing held on 10 July 2018

Site visit made on 10 July 2018

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

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2018

Appeal Ref: APP/Z1510/W/17/3191139

Land adjacent Orchard Close, Mill Road, Ridgewell CO9 4SQ

- 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 Z Sibree Lait, R French & T Puttock against the decision of Braintree District Council.
 - The application Ref 17/01478/OUT, dated 9 August 2017, was refused by notice dated 15 November 2017.
 - The development proposed is erection of 21 dwellings (including 8 affordable homes) and provision of public open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved apart from access. An outline planning drawing (reference 4226 01) has been provided to show a potential form of layout and landscaping and an indication of appearance and scale for some of the dwellings. While I have had regard to this drawing, I have treated all elements shown as indicative only with the exception of the proposed access location.
3. The application was refused for three reasons. The second reason related to insufficient information on the issue of surface water run-off and flood risk. An updated flood risk assessment and surface water strategy report has been submitted by the appellants. The Council via the advice of the lead local flood authority has confirmed that it no longer wishes to contest the second reason for refusal. Interested parties have continued to raise concerns regarding this issue. However, given that I am dismissing the appeal for other reasons, it has not been necessary for me to consider this issue in any detail.
4. The third reason for refusal related to the absence of a completed planning obligation to address a financial contribution to public open space and on-site affordable housing. A signed and dated planning obligation was provided shortly before the hearing with an updated version provided at the hearing. The Council has confirmed that it is satisfied with the planning obligation and that it addresses the third reason for refusal. My decision below refers to individual elements of the planning obligation where appropriate. However, given that I am dismissing the appeal, it has not been necessary for me to consider the obligation in detail.

5. Following the close of the hearing, a revised version of the National Planning Policy Framework (NPPF) was published on 24 July 2018. Both main parties have been given the opportunity to comment on the revised NPPF in relation to this appeal, and I have taken their comments into account.

Application for costs

6. At the hearing an application for costs was made by Z Sibree Lait, R French & T Puttock against Braintree District Council. This application is the subject of a separate decision.

Main Issues

7. The main issues are:
 - (a) whether the location would provide acceptable access to everyday services and facilities;
 - (b) the effect of the development on the character and appearance of the settlement and surrounding area; and
 - (c) the effect of the development on the setting of listed buildings, Ridgewell Conservation Area and the scheduled monument at Moat Farm;

Reasons

Accessibility of services and facilities

8. The appeal site is located beyond the settlement boundary for Ridgewell and is regarded by the Council as being located within the countryside. Policy RLP2 of the Braintree Local Plan Review (LPR) and Policy CS5 of the Braintree Core Strategy 2011 (CS) restrict development outside of settlement boundaries to protect the character of the countryside as well as natural resources. It is common ground between the main parties that the development would not represent new isolated homes in the countryside given its location next to the village. As such, there would be no conflict with paragraph 79 of the revised NPPF (formerly paragraph 55). Nevertheless, it is still necessary to consider whether the development would provide acceptable access to services and facilities given the Council's concerns.
9. Ridgewell is located on the A1017 between Haverhill and Braintree. The services and facilities within the village include a church, village hall, primary school, two public houses and an Indian takeaway. These services and facilities are within reasonable walking distance from the appeal site, but they do not provide for every day-to-day need. As such, there would be a requirement to travel beyond the village on a regular basis for aspects including employment and retail even with home working and online deliveries.
10. Bus services are limited to secondary school services in term time and an on demand service (DaRT). The DaRT service has to be booked in advance with journeys shared between people to provide efficiencies. The service would reduce the number of separate journeys, but would not be as convenient as private car or a regular frequent bus service that does not require booking in advance. Therefore, future occupants of the development are likely to be largely reliant on the private car. Although the number of vehicle movements generated by the development would not be significant, there would be 21 new

dwellings. This would have negative social and environmental effects in terms of the ability to access services and facilities without having to drive.

11. Concluding on this main issue, the location would not provide acceptable access to everyday services and facilities. Therefore, there would be conflict with Policies RLP2 and CS5, as well as CS Policy CS7 which seeks to locate development in accessible locations to reduce the need to travel.

Character and appearance

12. Ridgewell is a small village situated on a plateau in a gently undulating landscape. The countryside to the south and east of the village drops towards Great Yeldham although rises again to Toppesfield. The views across this countryside from the southern edge of the village are lengthy, panoramic and predominantly of fields, with only glimpses of buildings such as churches on the horizon. These views reinforce the rural surroundings of the village.
13. The appeal site is situated on the south-eastern edge of Ridgewell and comprises an agricultural field adjacent to Mill Road (the A1017). The road forms the north-western and western edges of the site with little boundary planting. Housing lines the opposite side of the road and consists mainly of modern chalet bungalows. To the north-east are similar bungalows at Orchard Close. A tree belt runs along most of the eastern and south-eastern edge of the site. The southernmost part of the site is bounded by a layby and public footpath, with a larger field beyond. Another public footpath runs through the site between Mill Road and the southern end of the tree belt.
14. Travelling along the A1017 from Great Yeldham, views of Ridgewell are largely obscured by rising ground, bends and vegetation and it is not until one reaches the first warning sign indicating a 30mph speed limit ahead that you see buildings such as the Church of St Lawrence. The appeal site is hidden until this point, but becomes increasingly apparent nearer to the layby and footpath. The view across the site towards the village takes in the housing at Orchard Close and Mill Road as well as the tree belt.
15. Travelling out of Ridgewell on the A1017, views across the site are contained by the tree belt to the east, but the lack of planting along the southernmost part of the site provides attractive long distant views across the landscape which open out as one passes the end of the 30mph speed limit. Therefore, in its current form, the appeal site makes a positive contribution to the rural surroundings of the village looking in either direction. The absence of any special landscape designation at a local or national level does not mean that the appeal site and surrounding countryside lack value.
16. The outline drawing indicates that dwellings could be contained by the tree belt to the north-east of the footpath through the site, with open space provided to the south-west of the footpath. This layout would limit views of buildings in approaches from the south and east, although by the point of the layby and Sparks Lane one would see housing. Such views would continue past the site as far as Orchard Close. Even with the indicative layout, housing would intrude on views toward the countryside from the edge of the village along Mill Road.
17. Planting along the road boundary and within the open space would help to soften and filter views of housing, but would be unlikely to screen them entirely. In itself, such planting would obstruct views across the site in either

direction. Much of the existing housing on Mill Road and Orchard Close present a hard urban edge to the village, and the development could help to soften views towards these houses with additional planting. The design of properties could also utilise sympathetic materials and designs suitable for a rural location. However, there would still be an erosion of the rural surroundings of the village and negative effects on views out of the village in particular.

18. Concluding on this main issue, the development would have a negative effect on the character and appearance of the settlement and the surrounding area. Therefore, it would not accord with CS Policies CS8 and CS9 and LPR Policies RLP80 and RLP90 which, amongst other things, require development to have regard to landscape character and local distinctiveness.

Heritage assets

19. Ridgewell Conservation Area incorporates the village green at the centre of the village and the roads and buildings leading off the green. Along Mill Road, the conservation area stops at the junction to Rose Walk, with Orchard Close and much of the rest of Mill Road excluded. The boundary of the conservation area wraps around the back of the bungalows on Mill Road, along the eastern side of Sparks Lane as far as Moat Farm near to the junction with Mill Road.
20. The character and appearance of the conservation area is greatly informed by the variety of historic buildings and lanes as well as the undeveloped green spaces of the village green and along Sparks Lane including Moat Farm. The boundary of the conservation area adjoins fields and countryside in many locations which forms part of its setting. This includes the section along Sparks Lane and at Moat Farm. The lack of a conservation area appraisal for Ridgewell is noted, but this does not lessen the significance of the conservation area.
21. Moat House within the grounds of Moat Farm is a Grade II listed building dating from the 18th century with later additions. Seen from the entrance gates, it has a farmhouse appearance and contains several elements of architectural interest. The house is set back from the gates and situated on top of the Moat Farm scheduled monument which covers much of the grounds. The scheduled monument encompasses a medieval moated site and is of archaeological interest in terms of the potential to reveal earlier phases of development in Ridgewell's history. Both the listed building and the scheduled monument are screened from Mill Road by dense vegetation, although glimpses of the house and the moat are possible from the gates and boundary.
22. The Grade I listed Church of St Lawrence is situated on the eastern side of the village. As a medieval parish church, it has considerable architectural and historic interest. While not mentioned in the Council's reason for refusal, I have also had regard to the Grade II listed September Cottage on the west side of Mill Road opposite the site. It is a 17th century thatched cottage of architectural interest, set back from the road by a front garden and boundary fencing and hedging.
23. The appeal site forms part of the surroundings in which the above heritage assets are experienced. Looking north-east towards the conservation area along Mill Road, the site forms part of the approach to the village green, but views of the conservation area are restricted by Orchard Close and modern development on Mill Road. However, the part of the conservation area that includes Sparks Lane and the grounds of Moat Farm is directly opposite the

- appeal site. Standing on the pavement adjacent to the front boundary of Moat Farm and on the edge of the conservation area and scheduled monument, the views across the site are predominantly rural with the tree belt and the wider countryside beyond.
24. For the listed Moat House, views from the building and its grounds are limited by the set back and screening, but a focused view of the undeveloped appeal site and the end of the tree belt is achievable through the gates. Therefore, the site forms an important part of the setting for the scheduled monument, listed Moat House and this section of the conservation area and makes an important contribution to their significance.
 25. The vegetation between September Cottage and the appeal site limits views to and from the listed building. However, glimpses of the site beyond the vegetation are possible with first floor windows on the front elevation. The appeal site provides a rural backdrop in these glimpses with the tree belt limiting views of the wider countryside. As such, the site forms an important part of the cottage's setting and so makes an important contribution to the significance of this listed building.
 26. There are no views from the church to the appeal site, but its tower is glimpsed approaching the site from the south along the A1017. It is difficult to appreciate both the church and the site in such views, due to the topography and screening provided by vegetation including the tree belt. The church is then seen behind the housing on Orchard Close travelling past the site and from the footpath through the site. These houses compromise the quality of the view towards the church and it is not seen as separate from modern development in this location. Therefore, the site does not form a key part of the church's setting and so only makes a moderate contribution to the significance of this listed building.
 27. Based on the outline drawing, much of the appeal site would be residential development. From Moat House, it is possible that built development would be visible although this could be addressed through siting and landscaping. The house would remain largely hidden from views across the site. This would limit negative effects on the setting of the listed building and limit harm. Views from the edge of the conservation area and scheduled monument at Moat Farm would incorporate housing even with the area of open space indicated on the outline drawing. Existing and proposed screening would alleviate some of the impact but the erosion of rural views would result in reasonable adverse effects on both heritage assets and a moderate degree of harm to their significance.
 28. The rural backdrop to September Cottage would alter considerably based on a number of houses between the road and the tree belt. The set back from the road combined with existing and proposed vegetation would mitigate the impact to some extent but there would still be a reasonable adverse effect on the setting of the cottage and a moderate degree of harm to its significance.
 29. Views towards the church tower from the layby onwards, including from the footpath through the site, would likely be obscured by new housing with only brief glimpses possible at most. It would be harder to appreciate the location of the church on this approach to the village. However, given the existing housing at Orchard Close, the adverse effect on the setting of the church and the harm to its significance would be modest.

30. Based on the above reasoning, the development would have a negative effect on the setting of listed buildings, Ridgewell Conservation Area and the scheduled monument at Moat Farm. Therefore, it would not accord with CS Policy CS9 and LPR Policies RLP95 and RLP100 which seek to protect the historic environment including listed buildings, conservation areas and archaeological sites and their settings.
31. The harm to the significance of each heritage asset would be less than substantial. Nevertheless, paragraphs 193 and 194 of the revised NPPF state that great weight should be given to the conservation of designated heritage assets and any harm should require clear and convincing justification. Paragraph 196 of the revised NPPF requires less than substantial harm to be weighed against the public benefits, which I consider next.

Planning balance

32. It was common ground at the hearing that the Council cannot demonstrate a 5 year housing land supply. The Council has confirmed that based on the Sedgefield methodology the supply stands at 4.33 years as of 31 March 2018.
33. As a consequence of the shortfall, policies which are most important for determining the proposal should be considered out-of-date based on paragraph 11(d) of the revised NPPF. In such circumstances, paragraph 11(d) advises that permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (as defined in footnote 6) provides a clear reason for refusing the proposal or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
34. The amount of weight to be attributed to any policy conflict remains a matter for the decision-maker. I consider that Policies RLP2 and CS5 remain broadly consistent with the NPPF in terms of recognising the intrinsic value of the countryside and seeking to protect natural resources. Policies CS7, CS8, CS9, RLP80, RLP90, RLP95 and RLP100 seek accessible services and facilities and the protection and enhancement of landscape character and the built and historic environment, all of which is consistent with the NPPF.
35. The development would provide 21 houses including affordable units secured via the planning obligation. The obligation would also provide a financial contribution towards the provision of public open space facilities within Ridgewell. There would be economic investment in the construction and maintenance of the development and support for local services and facilities from future occupants. These benefits carry significant weight and can be regarded as public benefits too.
36. The appellants argued at the hearing that the appeal site has limited value in terms of its current agricultural use due to its size and shape and the existing footpaths. However, the site had crops on it at my site visit and is used for different crops on a rotational basis. Moreover, I have little evidence that the site could not continue in some viable agricultural use. Thus, I give little weight to the re-use of the land as a benefit, public or private.
37. The extent of harm to the designated heritage assets discussed above would be less than substantial and no more than moderate in any case. Individually, the public benefits would outweigh the harm to each designated heritage asset.

However, great weight should be given to the conservation of assets and collectively the harm would be significant. Therefore, the public benefits would not outweigh the overall harm to heritage assets.

38. As NPPF policies relating to designated heritage assets are identified in footnote 6 to paragraph 11(d), the lack of sufficient public benefits indicates that permission should not be granted. In addition to the harm to heritage assets, there would be harm to the character and appearance of the settlement and surrounding area through the changes to rural setting of village, and harm from the lack of accessibility to everyday services and facilities. The overall adverse effects of development would significantly and demonstrably outweigh the benefits of the development. The presumption in favour of sustainable development would not apply, which indicates that planning permission should not be granted in this instance. There would be conflict with a number of policies with no material considerations that lead me to conclude against the development plan.

Other Matters

39. The Council has approved development for up to 16 dwellings on a site on the edge of the village at Ashen Road which is also identified as a site allocation in the emerging Local Plan. In doing so, the Council acknowledged the limited facilities within the village and the adverse effects of allowing development in terms of accessibility. In weighing up the benefits and adverse effects in that instance, including limited landscape and heritage effects, the Council determined the Ashen Road proposal would be acceptable overall. The appeal scheme is not identical, and so the approval does not alter my findings.
40. The appellants suggest that the Council provided an encouraging response to the proposed development at the pre-application stage in a letter dated 17 March 2017. However, from my reading of the letter, it appears that the Council expressed reservations about the limited facilities within the village and highlighted the need to consider all three aspects of sustainable development. Pre-application advice is not binding on the Council and the letter does not lead me to a different conclusion on this proposal.
41. I also note that the Council has considered extending the village envelope in the past via the plan-making process, as revealed in correspondence between the Council and Ridgewell Parish Council. This extension could have incorporated the appeal site and made it available to residential development. However, it is clear that the Parish Council objected to the proposed inclusion of the site within the village envelope to prevent sprawl, while the emerging Local Plan does not seek to amend the status of this site.

Conclusion

42. 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

APPEARANCES

FOR THE APPELLANTS

Philip Cobbold BA PGDip MRTPI

Phil Cobbold Planning Ltd

Christian Puttock

FOR THE LOCAL PLANNING AUTHORITY

Clive Tokley

Braintree District Council

INTERESTED PARTIES WHO SPOKE AT THE HEARING

Robert Steward

Ridgewell Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Updated planning obligation, submitted by the appellant
2. Pre-application advice letter for appeal site, submitted by the appellant
3. Letter from Ridgewell Parish Council to Braintree District Council dated 19 January 2016 regarding site allocations in Ridgewell, submitted by the appellant
4. Correspondence between Ridgewell Parish Council and Braintree District Council between the dates of 11 October 2011 and 22 May 2013 regarding site allocations in Ridgewell, submitted by the local planning authority