

Briantree Summary

Paragraph 55 and the definition of isolated homes

Paragraph 55 states that new isolated homes in the countryside should be avoided. That does not mean that all development not within an urban area or a village is isolated.

The recent High Court decision of **Braintree District Council V Greyread Ltd and Granville Developments Ltd** is particularly instructive. (Copy submitted as evidence)

Mrs Justice Lang concludes as follows:-

a) **A dwelling is only isolated if it is "far away from other places, buildings or people; remote" (para 24)**

24. *"The word "isolated" is not defined in the NPPF. I agree with the Defendants' submission that "isolated" should be given its ordinary objective meaning of "far away from other places, buildings or people; remote" (Oxford Concise English Dictionary).*

25. *The immediate context is the distinction in NPPF 55 between "rural communities", "settlements" and "villages" on the one hand, and "the countryside" on the other. This suggests that "isolated homes in the countryside" are not in communities and settlements and so the distinction between the two is primarily spatial/physical".*

The building is not isolated for the reasons given above. It is not far away from "other places, buildings or people; remote".

b) Dwellings which are not isolated can contribute to the vitality of rural communities by providing the necessary housing and in accordance with paragraph 55 of the NPPF. They don't need to be in villages: -

26. "As to the broader context. in my judgment. NPPF SS seeks to promote the economic, social and environmental dimensions of sustainable development, and to strike a balance between the core planning principles of "recognising the intrinsic character and beauty of the countryside" and "supporting thriving rural communities within it" (NPPF 17). The Claimant's analysis of the policy context is far too narrow in scope.

27. The policy in favour of locating housing where it will "enhance or maintain the vitality of rural communities" is not limited to economic benefits. The word "vitality" is broad in scope and includes the social role of sustainable development, described in NPPF 7 as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations". The Claimant's restriction of an "isolate-d home" to one that is isolated from services and facilities would deny policy support to a rural home that could contribute to social sustainability because of its proximity to other homes".

c) Dwellings which are not isolated can help to sustain services in surrounding villages - even, as in the case of the High Court case some such services were over 4 miles away. Moreover, a more flexible approach should be given to their accessibility by public transport in rural areas as distinct to within urban areas

29. "NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that "all settlements can play a role in delivering sustainable development in rural areas", cross-referencing to NPPF 55. "and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided ". Moreover. in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made

sustainable". But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised. and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to "Significant development".

35. For these reasons, I agree with the Defendants that the Claimant was seeking to add an impermissible gloss to NPPF 55 in order to give it a meaning not found in its wording and not justified by its context.

36. It was agreed that the village of Black more End had very limited facilities and amenities, comprising a village hall, public house and playing field. Blackmore End was within the parish of Wethersfield. Wethersfield village was about 2 miles away, and it had a post office, village store, public house, a nursery and pre-school. The village of Sible Hedingham, identified as one of five "Key Service Villages" in the draft

Local Plan was about 4 miles away. In assessing accessibility, the Inspector concluded, at AD 14:

"It is likely that those occupying the dwellings would rely heavily on the private car to access everyday services, community facilities and employment. While this weighs against the development, it is consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas."

36. Under the sub-heading "The Overall Balance and Sustainable Development", the Inspector said:

"16. Accessibility to services, facilities and employment from the site other than by car would be poor. On the other hand, the development would make a modest contribution to meeting housing need. In addition. subject to appropriate conditions, there would not be material harm to the character and appearance of the surrounding area or to the setting of listed buildings. A minor economic benefit would arise from developing the site and the economic activity of those occupying the buildings. There would be conflict

with policies CS5 and RLP2 but those policies are out of date and are worthy of limited weight. Applying the tests set out in Framework paragraph 14, I find that there are not adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits, when assessed against Framework policies as a whole. Nor are there specific policies in the Framework which indicate that the development should be restricted. The proposal would amount to sustainable development. Permission should be granted in accordance with the Framework's presumption in favour of sustainable development". ,

d) The judgement says in para 28 above that NPPF policy 17 of locating development in areas which are or can be made sustainable applies to "significant Development", One dwelling is not significant development in this context