
Appeal Decision

Site visit made on 23 May 2016

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 27 May 2016

Appeal Ref: APP/A1530/W/16/3143553

Land adjacent Palmer's Farm Cottage, Blind Lane, Birch, Essex CO5 9XE

- 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 Mr S Purdy against the decision of Colchester Borough Council.
 - The application Ref 151264, dated 8 June 2015, was refused by notice dated 3 August 2015.
 - The development proposed is described as 'outline planning application for the erection of one dwelling and associated works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in 'outline' with all matters reserved. A drawing has been submitted detailing a possible layout of the development with an outbuilding to the front of the site and a hipped roofed house set further into the site. The drawing is not marked as illustrative or indicative but neither is it presented in detail. As such, I have treated the drawing as being an illustrative concept and have only considered it in so far as it relates to my assessment of the suitability of residential development in principle.

Main Issue

3. The main issue in this appeal is whether the proposed development would constitute a suitable site for housing having regard to local and national policy and the principles of sustainable development

Reasons

Whether the proposed development would constitute a suitable site for housing

4. Policy SD1 of the Colchester Borough Core Strategy 2008 (CS) directs development using a settlement hierarchy as a means of focusing new residential development on areas that are in need of regeneration and are accessible by a range of transport modes. The aims of this approach include the protection of the countryside and reducing the need to travel. The site is located outside of a regional centre, district settlement or village as defined in Policy SD1 of the CS. As such the proposal would undermine the planned strategy for the siting and provision of housing and the protection of the countryside, contained in the Development Plan.

5. There is no evidence before me that the Council is unable to demonstrate a 5 year housing land supply and as such there is no pressing need to approve further housing outside of identified settlements.
6. Furthermore, whilst the National Planning Policy Framework (the Framework) aims to boost housing supply significantly this is to be achieved in a sustainable way following a planned approach and there is nothing to suggest that the Council's strategy conflicts with the Framework.
7. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement along with its functional connectivity to services.
8. The site adjoins Palmer's Farm Cottage and has pedestrian access from the garden of this residential property. It also adjoins woodland to the west and has an aspect to the south over open fields. This gives the site and its environs a rural character. These fields separate the site from the nearest defined settlement at Layer Marney/Smythe's Green. Given the distance and intervening fields I do not consider the site is physically part of this settlement.
9. To the east is Palmer's Farm, but this property is set back from Blind Lane and obscured from view behind trees and hedges. In my view, Palmer's Farm and Palmer's Farm Cottage, along with other sporadic development nearby, do not read as a discernable grouping of houses. The proposed dwelling would therefore have the appearance of being a physically isolated dwelling in the countryside contrary to Paragraph 55 of the Framework.
10. Moreover, Layer Marney/Smythe's Green would not cater for the everyday needs of any future residents of the appeal proposal. For everyday needs, future residents of the proposal would likely need to travel to Tiptree, Birch Green and further afield. Access to Tiptree or Birch Green on foot or by bicycle would be along the B1022 for a considerable distance. There are few pavements and no dedicated cycle lane along this route and I observed that traffic moved at speed. As such, I would not describe the facilities available in these settlements as a convenient or comfortable walking or cycling distance from the appeal site and I have seen no substantive evidence to counter this view.
11. Layer Marney/Smythe's Green is located on a bus route. The Number 75 bus is a reasonably regular service connecting this settlement with Tiptree, Colchester and Maldon. However, there is no pavement connecting the appeal site with the bus stop and to access the bus stop it would be necessary to negotiate an 'S' bend in the B1022. Consequently, the walking route to the bus stop would be unattractive, especially to vulnerable pedestrians (including parents with push chairs and children and those with mobility problems) and particularly in the evening as there is no street lighting. As such, I do not consider it likely that future occupants of the proposed dwelling would travel regularly by bus.
12. Given the distance, unattractive walking and cycle environment and the relative inaccessibility of the bus stop I consider it highly likely that future

- residents would be predisposed to rely on a private car to access necessary services and facilities. As such, I find that the proposed development would be functionally isolated from services and would be in an unsustainable location.
13. The isolated location would result in harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on a private vehicle with limited travel choices. It would also undermine the Framework's aims of locating new dwellings in rural areas close to local services and facilities. Moreover, the proposal would conflict with the Framework's aim of reducing unnecessary travel by car, with its associated carbon emissions, as a measure to cumulatively limit the effects of climate change.
 14. In considering any special circumstances that could justify the isolated location of the appeal scheme, I do not have substantive evidence before me to suggest that the examples of special circumstances listed Paragraph 55 of the Framework are met. However, the list in the Framework is not exhaustive and as such I note the appellant's contention that the proposed development would remove a use that could be considered inappropriate in a rural setting.
 15. The appeal site is a parcel of land currently used to store reclaimed building materials with the materials stored in crates behind a brick wall. The use is lawful having been confirmed by a Lawful Development Certificate (CL/COL/95/1166). Nevertheless, the use appeared low key. There was no staff on site when I visited and no equipment or vehicles. Many of the storage crates were on the ground in an informal arrangement with only a few stacked on top of one another. Furthermore, given the presence of Palmer's Farm Cottage, a large detached dwelling to the south east and woodland to the west, along with the narrow site frontage, the site has little presence when viewed from the public realm. As such, there is no substantive evidence to suggest the existing use harms the rural character of the countryside or that it is particularly unsustainable with high numbers of associated vehicle movements.
 16. The appellant indicates that he has recently received an offer to purchase the site. The offer is from a company seeking to relocate to the site and continue to store and sell building materials. The appellant is concerned that the company may use the site in a more intensive way and this could impact on the living conditions of the occupants of Palmer's Farm Cottage. Palmer's Farm Cottage is however within the ownership of the appellant and is his home. Consequently, the decision whether to sell or not is within his control. As such, a more intensive use of the appeal site is not inevitable.
 17. I am not therefore, persuaded that a new isolated dwelling is necessary, as a special circumstance, to prevent the possibility of unacceptable harm arising to the living conditions of Palmer's Farm Cottage or to relocate an unsustainably located business with high levels of associated vehicle movements.
 18. Moreover, the proposed dwelling would, in all likelihood, be significantly more prominent than crates currently occupying the site, especially if the dwelling was two stories in height. The increased presence of the dwelling and isolated appearance would have an urbanising appearance on the countryside, in stark contrast to the low key appearance of the current land use.
 19. I therefore conclude that the proposal would not constitute suitable or sustainable residential development in the countryside as it would be contrary

to both local and national policy. In particular it would be contrary to Policy SD1 of the CS, which seeks to deliver housing within defined settlements to protect the countryside and reduce the need to travel. The proposal is also functionally isolated from services and therefore conflicts with the aims of national policy in the Framework (Paragraph 55 in particular).

20. Additionally, a new dwelling at the appeal site would have a harmful urbanising impact on the countryside contrary to Policy ENV1 of the CS. I find Policy ENV1 consistent with Paragraph 17 of the Framework, which recognises the intrinsic character and beauty of the countryside.

Other Matters

21. I find no reason why the development plan policies relied upon by the Council should be regarded as being absent, silent or out-of-date with the Framework. I have found those policies referred to by the Council as being consistent with the Framework. The application should therefore be determined in accordance with the development plan unless there are material considerations which indicate otherwise. The appellant has advanced a number of social, economic and environmental matters relevant to the proposal that should be weighed as material considerations in my overall planning balance. I consider these below.
22. The proposal would provide a single dwelling on previously developed land that would modestly increase the rural housing stock but this would be in a location isolated from services. A single dwelling could provide some assistance towards the vitality/viability of rural communities and services, but most of the facilities future occupants would likely use on a regular basis are in Tiptree and surrounding settlements and therefore a dwelling would be better sited closer to these settlements. Consequently, I do not find these social benefits as persuasive in justifying the dwelling. Nor do I find the modest economic benefits that would be derived from the construction of the dwelling, or the future 'spend' of occupants, as overriding benefits either. Moreover, such economic benefits can also be gleaned from new residential development closer to facilities. The proposal would also remove a commercial use from the site.
23. The appellant also suggests the proposal could result in decontamination of the land, but little substantive evidence has been submitted to indicate the extent of the problem and therefore to what extent this is an environmental benefit. I therefore attach it little weight as a benefit. An enhancement of biodiversity via a landscaping scheme is an expectation of such development and therefore this is not a determinative environmental benefit either.
24. Consequently, I do not find the social, environmental or economic matters/benefits, advanced as material considerations, are sufficient to outweigh the conflict with the development plan.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR