

Appeal Decision

Site visit made on 31 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/A1530/W/16/3156407

Land at Tile House, New Road, Aldham, Essex CO6 3PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N Byford against the decision of Colchester Borough Council.
 - The application Ref 161334, dated 24 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is revised application for the erection of two detached properties served from existing access including new private drive, garages and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two detached properties served from existing access including new private drive, garages and landscaping at Land at Tile House, New Road, Aldham, Essex CO6 3PN in accordance with the terms of the application, Ref 161334, dated 24 May 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this case are:
 - a) whether occupants of the proposed development would have reasonable access to shops and services; and
 - b) the effect of the proposal on the character and appearance of the area, with particular reference to landscape character.

Reasons

Access to shops and services

3. The starting point for my assessment is the development plan. This comprises the Core Strategy (adopted 2008) (CS) and Development Policies Development Plan Document (adopted 2010) (DP). Both documents were revised in 2014 following a focused review to bring them in line with the National Planning Policy Framework (the Framework).
 4. Policy SD1 of the CS is titled '*Sustainable Development Locations*'. This policy states that throughout the borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy and Key Diagrams. These identify Colchester Town and Stanway as a Regional Centre, three District Settlements in the second tier and below that Rural Communities.
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5. The village of Ford Street is named within Appendix B as falling into the latter category. Development plan policy does not stipulate the scale of development expected within each tier in the settlement hierarchy. However, it is evident from Table H.1a supporting Policy H1 that some housing development is anticipated within the villages, notwithstanding their lower order in the hierarchy.
6. The appeal site lies on the edge of Ford Street. The village itself is linear in form, with buildings fronting onto a half kilometre stretch of the A1224. The River Colne bisects the settlement at the midway point. Although an offshoot of the main street, New Road feels very much part of the settlement. It provides access to a small number of dwellings and beyond that a garden centre which wraps around the appeal site on two sides.
7. Core to the Council's case is the argument that the site lies outside the settlement boundary. I have been referred to Policy DP13 of the DP which is titled '*Dwelling Alterations, Extensions and Replacement Dwellings*'. The supporting text explains that the policy sets out additional criteria that the Council will apply for extensions and other alterations in the countryside, in order to protect and reflect the rural qualities and landscape character of the area. Having regard to this, and the wording of the policy itself, it seems to me that Policy DP13 is not directly relevant to the main issues in this case.
8. Furthermore, none of the other policies presented in evidence explain the Council's approach towards development outside of settlement boundaries. I have therefore assessed the proposal in the context of the presumption in favour of sustainable development as required by Paragraph 49 of the Framework. In doing so I have considered whether there would be material harm arising from a grant of planning permission.
9. With the exception of two public houses, Ford Street contains no services or facilities. Notwithstanding this, it is a named village within the settlement hierarchy and there is nothing within development plan policy (so far as has been put before me) to preclude new housing. However, in order to conform with the overall spatial strategy of the plan I consider that the scale of any scheme should be both proportionate to the size of the settlement and commensurate with its lower order status. I am content that the proposal for two dwellings in Ford Street would be compliant in this regard.
10. The Council points out that the nearest bus stop is at Aldham village hall which is some distance away on foot along a country lane. However, it became apparent to me that there are closer bus stops on the main street. According to the timetables, and as evidenced by the number of No 88 buses passing during my visit, there is a regular service to Colchester and Halstead. Both settlements have a wide range of shops and services, plus schools and employment opportunities. The bus route also passes through Wakes Colne which has its own railway station with connections to the mainline rail network, including services to London.
11. It is contended that the route from the appeal site to the main street is poor due to the lack of footways and lighting. However, I saw that traffic speeds are low and there are grass verges where pedestrians can take refuge if necessary. In my judgement, the journey on foot would not be inherently dangerous and occupiers of the proposed development would not be deterred from walking the short distance into the village centre.

12. I acknowledge that a proportion of journeys from the proposed development would be made by private car. However, occupiers of the dwellings would have the opportunity to use public transport and there would be a real choice about how they travel. Whilst the appeal site clearly has poorer access to shops and services than other settlements which are above it in the hierarchy, the access to public transport makes this a relatively sustainable location when taken in a rural context.
13. Policy SD1 of the CS states that the Council will seek to sustain the vitality of small towns, villages and the countryside. Paragraph 55 of the Framework explains that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In my judgement, the appeal scheme would be compatible with the main thrust of both policies. It would help to support the public houses in the village itself and other shops and services in settlements nearby. In my view, the proposed dwellings could not be categorised as isolated new homes in the countryside – development which the Framework seeks to avoid.
14. I therefore conclude that the occupants of the proposed development would have reasonable access to shops and services. As such, there would be no conflict with Policies SD1 and H1 of the CS in respect of the location of new housing development.

Character and appearance

15. Tile House is a modern detached dwelling set within spacious grounds. Much of the site is heavily treed, particularly around the perimeter, and this ensures a high degree of containment in landscape and visual terms. The proposed dwellings would be hidden from public view behind a dense conifer plantation and tall roadside hedge. New planting within the site would prevent any glimpses of the development through the driveway entrance.
16. The Council is content with the design of the development but has raised concerns regarding the loss of woodland blocks which are a defining feature of the local landscape. However, the development itself would be mainly confined to areas of domestic lawn and shrub beds. Various trees would need to be removed but these are comparatively few in number and mainly ornamental and garden specimens. In my opinion, this would not amount to loss of woodland and there would be no significant effect on views from outside the site. For this reason there would be no harm to landscape character. Accordingly, I do not share the Council's view that the proposal would dominate Ford Street and change its character.
17. I therefore conclude that the development would not cause material harm to the character or appearance of the area. I find no conflict with Policies SD1, UR2 and ENV1 of the CS and Policy DP1 of the DP, insofar as they seek to ensure that development conserves and enhances the countryside, respects its context and sustains the character of villages.

Other Matters

18. The Council argues that it has sufficient housing allocations in place for a five year period. The limited evidence before me does not enable me to reach a conclusion on whether this is the case. Nevertheless, the existence of a five

year supply of housing land is not a ceiling to further development and does not prevent me from allowing the appeal.

Conditions

19. I have considered the Council's suggested conditions having regard to paragraphs 203 and 206 of the Framework and advice contained in the Planning Practice Guidance. Where necessary I have adjusted the wording to improve precision and enforceability.
20. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission.
21. Conditions are also required to secure details of materials and the implementation of a landscaping scheme, in the interests of preserving the character and appearance of the area. To protect existing trees additional conditions are necessary in relation to protective fencing and to control burning and material storage on site.
22. Finally, in the interests of highway safety I have attached conditions to ensure that the parking on the plans is provided prior to occupation and to prevent the use of unbound materials for the first part of the access.

Conclusion

23. To conclude, the proposed development would be physically well related to the village and its occupiers would have reasonable access to shops and services. There would be no harm to landscape character or the character and appearance of the area in general. Having regard to these findings, the absence of any other identified harm and the modest benefits to the economy and housing supply overall, I conclude that the proposal would be a sustainable form of development. This outweighs any conflict with development plan policy arising from the location of the site outside of the settlement boundary.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos 321, 322, 323, 324 and 325.
- 3) No development shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the local planning authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.
- 5) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the local planning authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or become seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agrees, in writing, to a variation of the previously approved details.
- 6) No development shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the local planning authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the local planning authority.
- 7) No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).
- 8) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9) Prior to the first occupation of the development, the vehicle parking and turning areas indicated on the approved plans shall have been laid out, hard surfaced and made available for use to the satisfaction of the local planning authority. The vehicle parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.