
Appeal Decision

Site visit made on 22 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/A1530/A/16/3156726

Church Farm, Church Lane, Marks Tey CO6 1LW

- 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 M Beamish against the decision of Colchester Borough Council.
 - The application Ref 160928, dated 19 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is described as the 'Creation of 7 new dwellings and conversion of existing Coach House to one dwelling adjustment of Coach House bungalow to remain as one dwelling with associated landscaping. Removal of two steel portal frame buildings associated with car sales business. Designation of land changed due to appeal/enquiry to previously developed commercially used brownfield land'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is sustainably located having regard to development plan and national policies for sustainable development.

Reasons

3. The appeal site is located on the west side of Church Lane some distance from the main built up area of Marks Tey and outside of the defined settlement boundary. The Coach House is proposed to be converted from one to two dwellings. In addition the site includes two modern buildings (the Long Barn and Building C), a further building called The Forge, associated areas of hardstanding, a manege, a pond and incidental grassed areas.
 4. Policy SD1 of the Colchester Borough Core Strategy amended 2014 (CS) seeks to guide development to accessible and sustainable locations in accordance with a settlement hierarchy which places rural villages such as Marks Tey below Regional and District Centres within the Borough. Policy SD1, together with CS Policy H1, also prioritises previously developed land and locations with good access to public transport and/or travel by means other than the private car. Whilst the accompanying table H1a identifies 70 housing units in Marks Tey during the period 2001-21, there is nothing to suggest that this provision requires the development of the appeal site.
 5. Paragraph 17 of the National Planning Policy Framework (the Framework) encourages the re-use of previously developed land as well as managing
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- patterns of growth to make the fullest use of public transport, walking and cycling and focusing significant development at locations which are, or can be made, sustainable.
6. The appeal site and adjoining land and buildings have been the subject of a number of Lawful Development Certificate applications. A subsequent enforcement appeal (ref APP/A1530/C/14/2220498) found that the Long Barn, Building C, The Forge and Coach House and associated areas of hardstanding have an established use for the storage and sale of motor vehicles. Therefore, that part of the site can be regarded as previously developed land. However, the proposed dwellings would also take in land to the north of the Long Barn and the manege. This amounts to a significant proportion of the area proposed to be developed.
 7. Apart from a church, there are no local services or facilities in the immediate vicinity of the appeal site. The next nearest facility is a restaurant some half mile away and the nearest facility providing for the day to day needs of future occupiers is a post office and store around 0.8 miles away. The closest school is almost 2 miles distant. Bus stops serving routes to Braintree and Colchester are located on the A120 less than 0.3 miles away and Marks Tey railway station is 0.6 miles from the site.
 8. The route to these facilities is along Church Lane, which has no footpath and sparse street lighting, and the A120 which is a busy road with limited crossing facilities. Consequently, I consider that access to the appeal site location would be unlikely to encourage future occupiers to travel on foot or by cycle for most of their day to day needs. I recognise that the site is reasonably well located with regard to public transport, although I have not been made aware of the frequency or timings of bus services.
 9. Overall therefore, I find that the appeal site performs poorly with regard to the development plan strategy for the location of new development, derives only limited support from the development plan and national policy preference for the re-use of previously used land and would not lead to sustainable travel patterns. Consequently, the proposal would not be sustainably located and would not accord with CS Policies SD1 or H1 or Framework paragraph 17.
 10. I understand that the appeal site was put forward in the call for sites as part of the emerging development plan process and is being currently being considered. However, it has not been adequately shown that the policies of the emerging development plan should be given greater weight than the adopted Core Strategy.

Other Matters

11. The appellant states that the Coach House could be converted under permitted development rights. However, the proposed additional unit in the Coach House is part of the appeal scheme and it would be open to the appellant to establish whether permitted development rights are available for that part of the proposal through the submission of an application for lawful use or development.
12. The appellant has referred to three approvals for residential development (application references 160405, 161075 and 150887). However, I have not

been provided with the locations or circumstances of those decisions and, therefore, can accord them limited weight.

Planning Balance and Conclusion

13. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together.
14. Framework paragraphs 17 and 47 seek to boost the supply of housing and CS Policy SD1 sets out the target for the delivery of new dwellings in the Borough. There is nothing to suggest that the CS target is not being met. Nevertheless, the provision of 8 additional dwellings would make a modest contribution to the supply of housing in the area and, therefore, to the social role of sustainability. This consideration weighs in favour of the proposal.
15. There no substantive evidence to demonstrate that the proposal would make a material contribution to the local economy and it would result in the loss or displacement of the vehicle sale and storage business. As such, it would be likely to have minor negative effect on the economic role of sustainability.
16. The appellant argues that the removal of the existing vehicle sales and storage activity would improve the appearance of the area. However, that activity is fairly well contained by existing buildings and planting and is not visually intrusive in public views from the surrounding area. Therefore, whilst there is nothing to suggest that the proposed development would be harmful to the character and appearance of the area, nor I am persuaded that it would provide a visual benefit. On the other hand, I have already found that the appeal site location is not sustainably located and would not, therefore, contribute to the wider environmental role of sustainability.
17. I have had regard to the other concerns expressed by the Parish Council but they have not led me to a different overall conclusion.
18. Overall therefore, I find that the proposal would not be sustainable and does not benefit from the presumption in favour of sustainable development. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR