

Appeal Decision

Site visit made on 9 January 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/A1530/W/16/3157261

Daisy Green, Eight Ash Green, Essex CO3 8NF

- 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 Mrs Janet Fowler against the decision of Colchester Borough Council.
 - The application Ref 160588, dated 12 March 2016, was refused by notice dated 6 June 2016.
 - The development proposed is change of use of barn to residential use and construction of basement.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Janet Fowler against Colchester Borough Council. That application will be the subject of a separate Decision.

Main Issues

3. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly, whether the proposal would provide a suitable site for housing with particular regard to its accessibility.

Reasons

Character and appearance

4. The appeal site forms a plot of land on which is located a barn. The site is surrounded by agricultural fields, typically bounded by hedges and trees. Access to the barn is from Daisy Green over the field. On the opposite side of the road is a small row of residential properties. The area therefore has an overall rural character and appearance. The appeal site with its agricultural barn set within an arable field therefore contributes positively to that character and appearance.
 5. The proposal to change the use of the barn to a dwelling, together with the construction of a basement would lead to a part three storey and part two storey dwelling albeit with one storey below ground level. To facilitate the provision of the basement would necessitate the excavation of an area about 6 metres wide around three sides of the building to a depth of about 3 metres. The sides of the excavated area would be graded. In addition a large bridging
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structure with railings would be provided on three sides of the house over that part of the proposed excavated area which would extend beyond the footprint of the building.

6. Such a feature is wholly uncharacteristic on traditional vernacular buildings such as this and would be seen in jarring contrast to the simple unadorned character and appearance of the barn structure. As a consequence it would have a significant adverse visual impact in this countryside location emphasising the proposed domestic use which would materially detract from the current rural character and appearance of the barn within the field. That impact would be exacerbated by light from the basement rooms which would spill out at an uncharacteristic and unexpected level for a building such as this even though the majority of the basement rooms would be bedrooms.
7. I saw that there is a clear open view of the property from the site entrance off Daisy Green. Furthermore, while there is a hedge around the field east of the site entrance and continued along Turkey Cock Lane, it is intermittent and deciduous. As a result, views of the appeal site are available. It is only from a westerly direction where there is a thick hedgerow and mature trees that the view of the site is restricted. The appellant has provided a sketch of what she considers would be the view of the proposal from Daisy Green. However I am not persuaded by this illustration. While the barn is set some distance from the surrounding roads, the large extent of the excavation works and, in particular, the associated bridging, would mean that they would be visible, particularly when viewed in profile from Daisy Green.
8. The appellant proposes to plant a hedge around the excavated area in order to mitigate any visual impact. While hedges are an important part of the character here, it would take some time to establish. In any case the screening of the scheme through landscaping would not be sufficient to overcome the harm I have identified through light spill and the proposed bridging structures.
9. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies UR2 of the Colchester Local Development Framework Core Strategy 2008 (the Core Strategy) and Policy DP1 of the Colchester Local Development Framework Development Policies 2010 (the DP). These require, amongst other things, that development respects and enhances the character of the site, its context and surroundings and respects its landscape setting.

Accessible location

10. Policy H1 of the Core Strategy provides that the majority of new housing development will be located within the urban areas of Colchester and indicates in table H1a a hierarchy of where new housing will be permitted. This does not include greenfield sites outside of village settlement boundaries. Further, policy SD1 of the Core Strategy provides that growth throughout the borough will be located at the most accessible and sustainable locations and Policy ENV1 states that unallocated greenfield land outside settlement boundaries will be protected. As the appeal site is located outside of any settlement boundary then the proposed house would be contrary to these Policies.
11. Paragraph 55 of the Framework, which post-dates the development plan, 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 in the countryside unless there are special circumstances. One such circumstance involves the re-use of a redundant or disused building. However this would only be where such development led to an enhancement of the immediate setting. I have found that the works required to construct a basement would be harmful to the character and appearance of the area and therefore in this instance the conversion would not constitute a special circumstance.

12. In terms more generally than of paragraph 55, I note that the Framework does not define the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically isolated relative to settlements and other built development and whether it is functionally isolated relative to services and facilities.
13. The appeal site is within an arable field. There are a small number of dwellings situated in the vicinity of the appeal site. However this is a loose-knit and relatively sporadic grouping that does not form part of a recognised settlement and is surrounded by open countryside. In the context of this small and dispersed grouping, the proposal would have the sense of being in a physically isolated location.
14. Some limited local facilities are available in Eight Ash Green some 1.2-1.7km away. A wider range of facilities are available in Colchester a further distance away. The nearest bus stop is about 1km away. The journey for pedestrians and cyclists from the appeal site to the facilities would for a large part be along a narrow unlit road with no footway.
15. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this particular circumstance, the combination of the unlit route, particularly in the winter months, with no footway or cycle path, together with the distance to the majority of services means that there would not be a safe or convenient pedestrian or cycle access to local services or bus stops. As a result, local services would not be easily accessible in terms of the social role of the planning system for the occupiers of the proposed house.
16. As such, I find that the proposal would be a functionally isolated development in the countryside due to its remoteness from everyday services and facilities. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
17. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. There would be a lack of relationship between the site and the nearest settlements able to provide basic services and in this respect the dwelling would be functionally isolated. My overall finding, therefore, is that the appeal site is both physically and functionally isolated.

18. Paragraph 55 of the Framework also refers to development in small villages potentially supporting services either in the immediate environment, or in a village nearby. However, the proposal is not within a small village nor have I seen substantive evidence to suggest that the location of the appeal site is well placed by way of public transport connectivity, to the available facilities in nearby settlements. One dwelling would in any event, make a limited contribution in this regard.
19. For the reasons above therefore I conclude that the proposal would not provide a suitable site for housing with particular regard to its accessibility. It would therefore be contrary to Policies H1, SD1 and ENV1 of the Core Strategy, paragraphs 7, 17 and 55, of the Framework and Policy DG2 of the Eight Ash Green Village Design Statement (2013). These require that development is located within development boundaries and avoids isolated houses in the countryside. Furthermore, growth should be located at the most accessible and sustainable locations.

Other matters

20. The Council in their decision notice refer to concerns that, despite claims otherwise, the existing building will need to be dismantled and potentially damaged whilst the extensive excavation takes place. However, the appellant has submitted as part of her submission a structural report which demonstrates that the barn would remain in situ while the proposed basement would be constructed. I have no reason to doubt the report that has been prepared by consulting civil and structural engineers.

Planning Balance and Conclusion

21. In support of the development proposed my attention is drawn to a Prior Approval granted under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for conversion of the barn to a dwellinghouse under application 150456 in 2015 subject to conditions. Both parties confirm that the conditions have been discharged and, from the appellant's submission I have no reason to doubt that the approval would be implemented should this appeal fail. I am satisfied in this regard that that consent is a material consideration in this case
22. I have given careful consideration to the Council's comments regarding the reasoning for the introduction of Class Q of the GPDO taken in part from the statement from the Department of Communities and Local Government (DCLG) on 20 March 2013 and the DCLG publication Greater Flexibilities for Change of Use: Report on Responses to the Consultation 2014. However, I must be guided by the wording of the relevant legislation which does not preclude the change of use of one building of 450 sq m. The appellant confirms that the proposed house would be 338 sq m and therefore below that requirement. Furthermore, there is nothing in the legislation to suggest that the houses should be affordable, for local people or agricultural workers as suggested by the Council.
23. I acknowledge that accessibility of the proposed location is not a consideration within the prior approval process under part Q of the GPDO, any such assessment being undertaken under a different policy and legislative framework from the consideration of a planning application. Nevertheless, the provisions of the GPDO have effectively granted planning permission for the

- barn to be used as a dwelling and that is a material consideration in the assessment of this appeal.
24. While the appeal proposal may contain more bedrooms than the approval under Class Q and therefore may contain more occupiers, this is not a given. In any case any difference in car movements between the permitted scheme and that now proposed is unlikely to be material. In terms of accessibility considerations therefore, I find that the 'fall back' scheme would be similar in effect to the subject of the appeal.
25. The appellant has submitted details of the elevations of the dwelling as was approved under Part Q of the GPDO. In this respect the fenestration is similar to that proposed under the current appeal. Therefore there would already be some impact on the character and appearance of the area. However, the building would retain its essential character as a barn in that approved scheme and while there would be some domestic curtilage, I am not aware that any structures or alterations of land levels were part of that approval. The proposed addition of a basement, together with necessary land works and structural additions associated with the development the subject of this appeal would therefore be significantly different from that already approved.
26. The works currently proposed would have a far greater impact on the rural character and appearance than the modest proposals approved under Part Q of the GPDO. Consequently, in respect of the issue of the effect of the proposal on the character and appearance of the area, the consented scheme would not be similar or more harmful than that now proposed. On that basis whilst the existence of an existing consent for use of the barn as a dwelling is a material consideration, it would, overall, cause less harm than the scheme currently proposed. So whilst that consent is a material consideration, it does not outweigh the harm that would be a consequence of the appeal scheme, particularly to the character and appearance of the area.
27. To conclude, I have found that the development proposed would harm the established character and appearance of the area and that it would not provide a suitable site for housing in terms of accessibility. That brings the development into conflict with the development plan. I have regard to the impacts of the consented scheme as a material consideration but, that scheme is less harmful than that proposed and, in the overall planning balance, is not sufficient to outweigh the harm I have identified. On that basis, the appeal scheme cannot be considered as sustainable development and thus does not benefit from the presumption in favour of such as set out in the Framework. Thus, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR