
Appeal Decision

Site visit made on 13 March 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th March 2017

Appeal Ref: APP/A1530/W/16/3164500

Land at Heathside Farm, The Bridleway/Huxtables Lane, Fordham Heath, Eight Ash Green, Colchester, Essex CO3 9TA

- 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 Ms Lucy Chamley against the decision of Colchester Borough Council.
 - The application Ref 16400, dated 30 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is to demolish agricultural buildings, erect detached bungalow, lay out parking and amenity areas, and form new vehicular access onto farm track off Huxtables lane and pedestrian access off bridleway off Huxtables Lane.
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Decision

1. The appeal is allowed and planning permission is granted to demolish agricultural buildings, erect detached bungalow, lay out parking and amenity areas, and form new vehicular access onto farm track off Huxtables Lane and pedestrian access off bridleway off Huxtables Lane at land at Heathside Farm, The Bridleway/Huxtables Lane, Fordham Heath, Eight Ash Green, Colchester, Essex CO3 9TA in accordance with the terms of the application, Ref 16400, dated 30 May 2016, subject to the conditions set out in the Schedule attached to the decision.

Procedural Matters

2. The application was submitted in outline with reserved matter approval sought for access and layout. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this case are (i) the effect of the proposed bungalow on the character and appearance of the surrounding area and (ii) whether future occupants would have reasonable access to locally available facilities and services.

Reasons

(i) Character and appearance

4. Fordham Heath comprises a quite large and spread out village which is situated north of the A12 and not far from the suburbs of Colchester beyond this to the south. The appeal site is a rectangular plot containing disused farm buildings situated on The Bridleway leading north from Huxtables Lane. Ribbon
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development occupies the southern and western side of Huxtables Lane/The Bridleway up to and beyond the appeal site. This housing faces onto an expansive area of open space, allotments and partly-wooded heathland which occupies a large segment of the northern part of the village.

5. Access to the dwelling would be via an existing access onto and at the end of the made-up part of Huxtables Lane/The Bridleway, which serves active farm buildings immediately to the west. Beyond this farm entrance The Bridleway continues as an unsealed road and is blocked-up further along to prevent use as a through-route to Heath Road in the north.
6. An earlier appeal against the refusal of outline planning permission for a single dwelling on this site was dismissed¹ on 2 July 2002 due to the proposal falling just outside the village envelope, where the Inspector found a clear difference between the largely undeveloped character of this area and that of the built-up part of the village. The appeal was dismissed on the grounds of protecting the character and appearance of the countryside and specifically preventing the consolidation of sporadic residential development on the edge of the settlement. However, I am persuaded by the appellant's case that extensions to existing dwellings and to residential gardens has altered the mainly rural character of this area since the 2002 appeal.
7. This previous appeal decision is a material consideration, but so too is the fact that local and national policy has subsequently progressed, with the current development plan, comprising the Core Strategy² of 2008 (CS) and Development Policies³ of 2010 (DP), and with the National Planning Policy Framework of 2012 (the Framework). Both the Council's plans were the subject of revisions made in 2014.
8. Although the proposal would be outside the defined village envelope there is a bungalow immediately to the north and a traditional farmhouse to the south on the other side of the farm track. Replacing the existing disused farm buildings with a dwelling would be the infilling of a relatively confined piece of land where the bungalow proposed would reflect the prevailing pattern of continuous frontage housing along Huxtables Lane/The Bridleway. Beyond the bungalow to the north there is a significantly larger gap, and beyond this a more isolated group of houses at the junction with Heath Road, and it is only from this point that the character of the area appears more as open countryside with only sporadic housing.
9. The application is made in outline but the layout of a bungalow shown would respect the prevailing built character of the area and be an acceptable infill within an otherwise developed housing frontage. An acceptable architectural approach and scale of dwelling could be secured through the approval of reserved matters, and provide an enhancement by removing derelict farm buildings. Consequently, the proposal would not conflict with the design aims set out in DP Policy 1.
10. Although the site is occupied by disused farm buildings, and would therefore not be defined or supported by the Framework as building on previously

¹ APP/A1530/A/02/1089566

² Colchester Borough Council Local Development Framework Core Strategy adopted December 2008 (as revised 2014).

³ Colchester Borough Council Local Development Framework Development Policies adopted October 2010 (as revised 2014).

developed land, this infill proposal would nonetheless sustain the built character of this part of the village and through reserved matter control could achieve a high standard of design. Therefore, this proposal would not conflict to any material degree with the relevant parts of CS Policy SD1, concerning sustainable development locations, or of CS Policy UR2, concerning built design and character.

11. CS Policy ENV1 seeks to conserve and enhance the countryside by protecting unallocated greenfield land outside of settlement boundaries. The appeal site is not the open countryside that this policy seeks to protect as it is occupied by disused farm buildings and has further farm buildings to the rear and housing on both sides. I can find no material harm arising from this proposal which would conflict with the aims of this policy.

(ii) Access to locally available facilities and services

12. The appellant's evidence suggests to me that this village has a good range of services and facilities, including a public house, bus service, churches, primary school, petrol station, convenience store, dentist and village hall. These are quite spread out but not to the extent that I can accept the Council's argument that this would be a wholly unsustainable location for a further dwelling. Neither do I consider that a short walk along a section of lightly trafficked, unlit lane without a footpath to reach a lit carriageway with pavements would present an insurmountable obstacle to a future resident who wished to walk to the bus stop or cycle to a nearby facility.
13. The dwelling would be within a built-up village, albeit towards the fringes of it, and not in a remote, rural location where essential services would be distant, difficult to reach and require total reliance on private car use. That future occupiers might likely have a car to reach other destinations hardly seems reasonable grounds to consider this to be an entirely unsustainable location for a new dwelling.
14. CS Policy SD1 seeks to steer the majority of housing growth to the larger centres and more sustainable, accessible locations. However, this does not preclude a small amount of housing being permitted in villages which would help support local services. Notwithstanding the fact that this site falls just outside the village envelope, little material harm would arise from this proposal such that there would be any significant conflict with the broad aims of Policy SD1.
15. The strategy in Policy SD1 augments the aims in CS Policy TA1 for future development in the Borough to be focussed on highly accessible locations, to reduce the need to travel. Policy TA1 states that developments that are car dependent or promote unsustainable travel behaviour will not be supported. This policy clearly seeks to avoid a large amount of development growth away from main centres, and the services and public transport links these offer, which would otherwise generate significant amount of private car journeys. This policy would not reasonably preclude a small amount of new housing in villages, even where occupiers would be likely to be partially dependent on the use of a private car. The conflict found by the Council with the broad intentions of Policy TA1 would be disproportionate with the limited impact a single dwelling would have, and consequently no material harm is found to arise.

Other Matters

16. The Village Design Statement (VDS) is included in the Council's statement and, whilst I am not persuaded this yet amounts to an advanced or adopted Neighbourhood Plan, regard has been given to this seeking that any new development be within the village envelope with no expansion outside of this. The VDS is owned by the Parish Council which has raised objections to the proposal but not provided any detailed comment beyond this. Although this proposal would be just outside the village envelope it would not result in any expansion to the main built-up limits of the village and so, for the reasons given, the VDS does not alter the conclusions reached over the appeal.
17. Consideration has been given to the representations made by the occupiers of the neighbouring dwellings either side of this proposal. Whilst not objecting to the principle of a single dwelling both are concerned this might set a precedent for further development. However, this decision relates solely to what has been proposed and the reasoning on which it is based has no bearing on the acceptability or otherwise of further development. This would be a matter for the Council to decide upon, taking into account any future neighbourhood plan.
18. The proposal shows that vehicular access will be from the southern boundary and via the farm access. The position and locking of the gate to the farm buildings would be a private matter separate from this proposal. It is right that the hedge along the eastern boundary be retained and maintained, other than to provide a small gap to provide a pedestrian entrance, and this can be secured by a condition. Concerns over any fast growing tall boundary hedging can be addressed in the reserved matters for landscaping.

Conditions

19. The conditions suggested by the Council have been considered in the light of the advice contained within the national Planning Practice Guidance and the Framework. In addition to the standard outline conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters, it is necessary in the interest of certainty to define the plan with which the scheme should accord.
20. In the interests of the character and appearance of the area conditions are necessary which preclude the development from commencing until the extent of any loss of the frontage hedge along the eastern site boundary, and the details of all other boundary treatments, have been agreed with the Council. To ensure adequate on-site car parking for two cars a condition requires these details to be agreed and provided before occupation.

Conclusion

21. The proposal would not consolidate a sporadic form of housing in the open countryside or remove a significant visual gap in the landscape but be contained within the existing developed frontage and result in no material harm to either the character and appearance of the village or its rural setting. The dwelling would have access to a good range of locally available services and facilities which could be reached without undue dependence upon the use of a private car.
22. That the Council can demonstrate a five-year supply of housing land would provide no reasonable grounds to resist this additional single dwelling. The

proposal would provide a small social benefit in helping to boost the supply of housing supported by under paragraph 47 of the Framework. This would also help in a small way to support local services and the vitality of the village.

23. Although the dwelling would be just outside the village envelope it would not be a new isolated home in the countryside that should be resisted under paragraph 55 of the Framework.

24. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/A1530/W/16/3164500
Land at Heathside Farm, The Bridleway/Huxtables Lane, Fordham Heath,
Eight Ash Green, Colchester, Essex CO3 9TA

- 1) Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: PDB/16/73/02.
- 5) Prior to the first occupation of the development hereby permitted, 2 parking spaces shall have been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.
- 6) No development shall take place until details of the extent of frontage hedging along the eastern site boundary to be removed to provide the footway entrance, and measures for the maintenance of that remaining have been submitted to and agreed in writing by the Local Planning Authority. The hedge shall thereafter be retained and maintained in accordance with these agreed details
- 7) No development shall take place until details of the provision, siting, design and materials of any boundary treatment, screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved boundary treatment shall then be erected prior to the first occupation of the dwelling and shall thereafter be retained in the approved form.

end of conditions