

Appeal Decision

Site visit made on 21 March 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 5th April 2017

Appeal Ref: APP/A1530/W/16/3164452

Land adjacent to Columbyne Cottage, Kelvedon Road, Inworth, Essex CO5 9SH

- 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 & Mrs M Riley against the decision of Colchester Borough Council.
 - The application Ref 161942, dated 25 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is for a detached dwelling, access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the location would provide acceptable access to everyday services and facilities by a range of transport modes;
 - (b) the effect of development on the character and appearance of the area; and
 - (c) the effect of development on highway safety.

Reasons

Accessibility of services and facilities

3. The appeal site lies around a kilometre from the village core of Inworth, a small settlement with few services and facilities. The settlements of Feering and Kelvedon lie a similar distance to the north-west, which offer a broader range of services and facilities.
 4. The appeal site is located on the B1023 Kelvedon Road between Feering and Tiptree which is a rural road with a speed limit of 50mph past the site. At the time of my late morning site visit, the road was busy with fast-moving traffic including buses and lorries. There is no street lighting or pavements in the vicinity of the site, with warning signs of pedestrians walking along the road. Grass verges provide some off-road walking space, but are inconsistent in width and camber. A farm shop is located a short distance to the south of the site on the same side of the road along with a bus stop, both of which are possible to reach on foot via the grass verges. However, walking along the
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side of a busy road without proper footways is not an attractive prospect, and would be particularly difficult at night or in poor weather conditions.

5. A number of businesses are located at the farm complex opposite the site. While offering potential employment opportunities, they do not provide for day to day needs. Accessing any other service or facility by foot, including other employment sites, is not feasible. The road conditions and topography also make cycling less attractive, notwithstanding the proximity of Feering and Kelvedon train station. According to the information submitted by the appellants, the bus services are less than once an hour for most of the day on Mondays to Saturdays with no service on Sundays, which limits the usability of this transport mode.
6. Thus, while the proposed development would not be wholly dependent on the private car to access services and facilities, it is likely that this mode of transport would be used on a regular basis given the above limitations. I accept that school buses and online deliveries could partly replace the need to travel by car, but it would likely remain the predominant mode of transport. It is evident that a single dwelling house is unlikely to generate a large number of vehicular movements and the location does not lend itself to a range of sustainable transport modes. However, the development would still lead to negative social and environmental effects in terms of the lack of accessible local services and the inefficient use of natural resources.
7. Concluding on the main issue, the location of the proposed development would not provide acceptable access to everyday services and facilities by a range of transport modes. Therefore, it would not accord with Policies SD1 and H1 of the Colchester Core Strategy 2008 ('the Core Strategy') which seek to locate growth at the most accessible and sustainable locations.
8. While the appellants argue that the site is within a location classed as "Other Villages" by Policy H1, where some amount of housing is allowed, the evidence provided by the Council indicates that the site is not within a settlement boundary. On that basis, the development would also not accord with Policy ENV1 of the Core Strategy which seeks to protect unallocated greenfield land outside of such boundaries.
9. The appellants indicate a change in policy approach to rural housing in the Council's emerging Local Plan. However, I have little information on this plan and it appears to be at an early stage of preparation. Thus, I can give very little weight to this point.

Character and appearance

10. The land either side of the B1023 between Feering and Inworth is predominantly rural, open and agricultural with large fields alongside intermittent built development for business and residential properties. There is variety in terms of the size, siting and screening of buildings. Residential properties typically occupy wide plots with sufficient space to the side for boundary planting.
11. The appeal site comprises rough undeveloped green space that is exposed to the adjoining fields to the east and south-east with thicker planting to the north-west against the relatively secluded grounds of Columbyne Cottage. It forms part of a gap in built development along this side of the B1023 with

views across the wider countryside. Despite its current condition, the site makes a positive contribution to the open and rural qualities of the surrounding area.

12. Whilst set back from the road with landscape planting, the proposed development would occupy much of the width of its relatively narrow plot. Even with mature landscape screening along the south-east elevation, the close proximity of development to this side boundary would make it very prominent especially when approaching from the south. Moreover, there would be a loss of undeveloped space and an encroachment of built development into the countryside.
13. Concluding on this main issue, the proposed development would harm the character and appearance of the area. Thus, it would not accord with Policy ENV1 of the Core Strategy or Policy DP1 of the Colchester Development Policies Document 2010. Amongst other things, these policies seek to conserve the countryside and respect the character of the site and its surroundings in terms of matters such as siting and landscape setting. The development would also conflict with the aims of the National Planning Policy Framework (NPPF) in terms of not securing good design.

Highway safety

14. Although there is an existing dropped kerb onto the B1023, visibility from this access point in both directions is restricted by the curvature of the road. The drop in levels approaching the A12 bypass bridge and the existing roadside vegetation makes visibility particularly difficult to the north-west.
15. Visibility splays to the south-east would be relatively close to the 160 metres requested by the Highway Authority, but to the north-west, even with vegetation removed, would fall 50 metres short. The frequency and speed of vehicles along the B1023 presents a heightened risk of a traffic incident. While the probability of an incident would be low given the scale of development and number of vehicular movements to and from the site, the severity of a collision based on the speed limit would likely be significant.
16. In conclusion, the proposed development would result in harm to highway safety. Therefore, it would not accord with Policy DP1 of the Development Policies Document which, amongst other things, requires proposals and any ancillary activities associated with them, including vehicle movements, to create a safe environment.

Planning balance

17. The proposed development would not be particularly isolated in either a physical or functional sense and there would be no conflict with paragraph 55 of the NPPF. Nevertheless, it would not provide acceptable access to everyday services and facilities by a range of transport modes and would be harmful to the character and appearance of the area. There would also be harm to highway safety. Given the overall harm and the conflict with the development plan, the weight to be given to the adverse impacts is significant.
18. The proposed development would boost the supply of housing, provide employment in terms of its construction and help to enhance and maintain local services. However, given the small scale of development, these benefits only carry minor weight in favour of the proposal. I acknowledge the personal

circumstances of the appellants and the provision of a house that would cater for their specific needs. However, these circumstances are not sufficient to outweigh the adverse impacts I have identified.

19. The appellants state that the Council has not put forward enough evidence to show that it can demonstrate a five year housing land supply. The evidence put to me by both main parties is limited. However, even if I were to conclude that the Council cannot demonstrate a five year housing land supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the proposal would not be sustainable development.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR