

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: 28 April 2017

Appeal Ref: APP/A1530/W/16/3165658

Thurgoods Farm, Daisy Green, Eight Ash Green, Essex CO3 8NG

- 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 K Steel against the decision of Colchester Borough Council.
 - The application Ref 152679, dated 4 December 2015, was refused by notice dated 22 July 2016.
 - The development proposed is conversion of farm outbuildings to form residence and covered parking, with associated garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form and decision notice refers to the site's name as 'Thorogoods', but it is evident from the appeal form and my site visit that it is known as 'Thurgoods Farm' and so I have used this name above.
3. The Council's decision notice include two final paragraphs referring to potential increases in traffic levels and harm to highway safety associated with the proposed development. However, in its appeal statement, the Council confirms that the development will not result in material harm to the highway network and the final two paragraphs of the decision notice will not be defended. Thus, I have disregarded these two paragraphs in my consideration of this appeal.

Main Issues

4. The main issues are (a) whether the proposed development would result in the provision of an isolated new home in the countryside and (b) if isolated, whether any special circumstances exist for such development.

Reasons

Whether the home would be isolated

5. Thurgoods Farm contains a number of buildings associated with its agricultural and equestrian use, including a dwelling known as The Orchards which is occupied by the appellant. Other than two separate properties immediately to the east known as The Poplars and Green Acres, the farm is surrounded by a large area of open countryside. Thus, the proposed development would be isolated and remote in a physical sense.
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6. The settlements of Eight Ash Green and Fordham Heath are located to the east of the farm and contain a range of local services including a primary school. The urban area of Colchester is slightly further to the east. The farm is accessed via narrow country lanes from the A1124 without pavements, lighting or public transport. Although these lanes were quiet at the time of my early afternoon site visit, the distances from the farm to services in nearby settlements, and the nature of the lanes particularly in poorer weather and at night, means that the predominant mode of transport to and from the proposed development would be by private motor vehicle. Therefore, notwithstanding the recognition given by the National Planning Policy Framework (NPPF) in terms of different approaches to transport in rural areas, the proposal would also be isolated and remote in a functional sense.
7. Concluding on this main issue, the proposed development would result in a new isolated home in the countryside and would lead to negative social and environmental effects in terms of the lack of accessible local services and the inefficient use of natural resources through travel by private motor vehicle. Therefore, it would not accord with Policies SD1 and TA1 of the Colchester Core Strategy 2008 ('the Core Strategy') which seek to locate growth at the most accessible and sustainable locations and to not support car-dependent developments.

Whether special circumstances exist

8. Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless special circumstances exist, and sets out a list of examples. The appellant highlights that the Council's development plan does not contain a policy to reflect this paragraph, but this does not diminish the relevance of paragraph 55 to this case given the location and proposal.
9. The appellant highlights the intention to use the proposed development to improve and better monitor their farm business, particularly the equestrian aspect where livery stables are provided. At my site visit, I observed a number of these stables that are quite secluded and hidden from view from the country lanes, with a public footpath running through the site.
10. The appellant's home at The Orchards is only a short distance away, but detached from the stables and the rest of the farm by a field and the separate properties of The Poplars and Green Acres. Even if direct access from The Orchards to the stables can be achieved across the field rather than via the country lanes, intervening vegetation, including boundary planting for the existing properties makes the ability to see and monitor the equestrian business difficult from this property.
11. However, I have been provided with little information on why other measures, such as fencing, alarms, lighting or security cameras, could not provide similar results in terms of improved monitoring. The evidence before me is also limited in terms of why moving closer to the stables would increase business and help to better support the rural economy as advocated by paragraph 28 of the NPPF. While some details have been provided in terms of future income projection, I am unable to compare this with the financial vitality of the existing business. Furthermore, it has not been demonstrated that the size of the proposed dwelling as a five bedroom house is appropriate to provide the on-site monitoring benefits. Therefore, I am not convinced that the proposal

represents a special circumstance insofar as meeting the essential need for a rural worker to live permanently at their place of work in the countryside.

12. The appellant also highlights the ability to re-use a redundant/disused building and enhance the immediate setting. The building was empty at my site visit and appears to be surplus to requirements for the appellant. However, it is a solid and modern structure that could easily be used again for purposes relating to agricultural and/or equestrian activities. Therefore, I do not consider it to be redundant or disused. The removal of the portacabin and toilets along the south side of the building would be minor changes that would provide limited benefit and could occur without the conversion of the building. The same applies in terms of the potential removal of the ruinous building to the south adjacent to Chippetts Lane. Thus, the proposal does not represent a special circumstance insofar as the re-use of a redundant building and the enhancement of the immediate setting.
13. The development would not fall within the parameters of Policy DP13 of the Colchester Development Policies Document 2010 (CDPD) which supports the alteration, extension and replacement of dwellings outside of settlement boundaries. The appellant argues the relevance of Policy DP8 of the CDPD which focuses on agricultural diversification. However, the proposal does not involve the diversification of the existing business and so I do not consider the policy to be applicable.
14. I agree that it would not be practical or desirable to require the demolition of The Orchards in order to allow a replacement building, and accept that it would be possible to restrict the occupancy of any new dwelling by planning condition and/or obligation. However, these considerations do not make the proposed development acceptable, and I conclude that no special circumstances have been demonstrated.

Conclusion

15. The proposed development would result in an isolated new home in the countryside where no special circumstances would apply. It would therefore conflict with Policies SD1 and TA1 of the Core Strategy and Policy DP13 of the CDPD, as well as paragraph 55 of the NPPF. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR