
Appeal Decision

Site visit made on 22 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th September 2017

Appeal Ref: APP/A1530/W/17/3169662

Lodge Cottage, Lodge Lane, Peldon, Essex CO5 7PZ

- 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 Chris Kearney against the decision of Colchester Borough Council.
 - The application Ref 162473, dated 3 October 2016, was refused by notice dated 24 November 2016.
 - The development proposed is erection of single storey extension and conservatory with internal alterations to sub-divide existing dwelling into two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would comprise sustainable development in the context of local and national planning policy.

Reasons

3. The proposal relates to an existing detached dwelling, part single storey and part two-storey, occupying the narrower southern part of a triangular residential plot which widens to the north. The scheme involves the addition of a side extension and conservatory to the end of the single storey element to Lodge Cottage to provide a two-bedroom dwelling separate from the remaining four bedroom house.
4. The dwelling is accessed from a track leading off Lodge Lane, which also serves a collection of storage buildings, to the north of the small village of Peldon. The proposal falls some 100 metres outside the settlement boundary defined for Peldon which the appellant acknowledges is a small settlement with no shop, school or medical centre and limited public transport availability.
5. The essence of the Council's refusal is that the proposal would be contrary to national and local planning policy to promote sustainable development by restricting housing in the countryside to where there is an essential need and focussing new residential development in places where there are existing services and where future residents would not be entirely reliant on private car use to access these.
6. Whilst in a semantic sense the new dwelling proposed might not be considered isolated or remote, from a planning perspective this clearly would be the case

as the location is within mainly undeveloped countryside outside of the village. The National Planning Policy Framework (the Framework) is a material consideration to which significant weight must be attached. This proposal would be contrary to the requirement of paragraph 55 of the Framework to avoid new isolated homes in the countryside unless there are special circumstances, none of which specified would apply to this case. Limited weight can be given to the dwelling being provided mainly through conversion of part of an existing dwelling and not involving the development of a green field site. However, this does not outweigh the clear conflict found with this Framework policy.

7. The development plan comprises the Council's Core Strategy of 2008 (CS) and Development Policies of 2010 (DP). CS Policy SD1 promotes sustainable development by steering growth to the most accessible and sustainable locations based on the adopted Settlement Hierarchy. CS Policy H1 directs the majority of new housing to Colchester and the surrounding land allocations, some to the larger settlements and a small amount amongst the other villages.
8. That the plan provides the five year supply of housing land required by the Framework means there is little justification for the development proposed here which would be outside of any settlement boundary and clearly contrary to the objectives of CS policies SD1 and H1. The fact that permission had in the past been given on appeal to convert the redundant post office in Peldon to a dwelling and that the Council has elsewhere allowed large replacement dwellings and large extensions to houses would not alter the policy conflict found with the new dwelling proposed in this location.
9. That large extensions or large replacement dwellings might be permissible which increased levels of occupation and vehicular use would not alter the conflict found with the aims of CS policies SD1 and H1 to restrict new housing to sustainable locations where access to regularly required services would not lead to an over-reliance on private car use.
10. Whilst the wording of CS Policy SD1 does not explicitly restrict development in rural locations and other villages its underlying intention quite clearly discourages sporadic housing development in the countryside. The proposal is outside the village envelope defined for Peldon and little weight can be given to SHLAA sites identified within this settlement or to nascent policies supporting some further housing growth in 'other villages'.
11. CS Policy ENV2 seeks to enhance the vitality of rural communities by supporting appropriate development of infill sites and previously development land within the settlement development boundaries of villages and encourages Neighbourhood and other community led plans so that these development needs can be decided locally.
12. However neither CS Policy ENV2 nor the Winstred Hundred Village Design Statement and Parish Plan (VDS) would support this proposal which lies outside the Peldon settlement boundary. I have given particular regard to the Parish Council's view that this proposal might exceptionally be supported by not being a separate new dwelling and offering smaller, lower cost housing that might enable young couples to stay in or return to their home village. However, there is nothing to suggest the proposal would comprise affordable housing as defined in the Framework or be available to meet this specific need. Therefore,

the views of the Parish Council do not persuade me this proposal would be supported either by CS Policy ENV2 or the VDS.

13. The Council's refusal refers to DP Policy DP13. This deals with dwelling alterations, extensions and replacement dwellings and also covers annexes. Although the proposal involves extensions the Council's reasons for refusal relate principally to the creation of a new dwelling in the countryside. This policy is of limited relevance to my decision. In regard to how DP Policy DP13 relates to the effect of the proposal on the character of the original dwelling and the surrounding rural area I find there to be little material harm. The extensions are relatively modest and I have no reason not to accept that the appellant has no intention to fell or prune surrounding trees or vegetation or that any additional residential paraphernalia would be likely to have a materially adverse visual impact.
14. However, the proposal would amount to the piecemeal development of housing outside the village boundary and in the countryside and where future occupants would not have convenient access to regular required services other than by means of private car use. The proposal would therefore conflict with the aims of CS policies SD1, H1 and ENV2. These policies are consistent with the principle of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable and its aims to promote sustainable development in rural areas and avoid new isolated homes in the countryside.
15. Other planning permissions have been cited by the appellant in support of this proposal but full details of these are not supplied. In any event it is a generally established principle that planning proposals each be assessed on their own, individual merits. Similarly I can give no weight to the Council's concerns over this proposal being a precedent which would make similar proposals more difficult to resist. Nevertheless, for the reasons given, the proposal would not comprise sustainable development when assessed against local and national planning policy.

Conclusion

16. On the basis of what is set out above, and having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR