

Appeal Decision

Site visit made on 9 September 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/A1530/W/19/3229116

Land at Timberlands Farm, Spring Gardens Road, Chappel CO6 2DW

- 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 Mr D White against the decision of Colchester Borough Council.
 - The application Ref 183025, dated 3 December 2018, was refused by notice dated 1 February 2019.
 - The development proposed is erection of one self-build/custom built dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D White against Colchester Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal proposes outline permission, with all other matters reserved.
4. The application form gives the site address as Spring Garden Road, however the street sign names it Spring Gardens Road. Therefore, I have referred to the site address as Spring Gardens Road in this appeal decision.

Main Issues

5. Whether the proposed development:
 - Constitutes sustainable development; and
 - Is an isolated home.

Reasons

6. The appeal site is an open grassed field that utilises access to Timberlands Farm and Fishery. There is a tree lined grass bank adjacent to Spring Gardens Road and the appeal site is located on this higher ground. The site is within the countryside, outside the nearest settlement boundary of Rose Green. Spring Gardens Road is characterised by groups of houses interspersed by large fields. Overall the site has a predominantly rural character and appearance.

Sustainable development

7. Policy ENV1 of the Local Development Framework, Core Strategy Adopted December 2008, Selected policies revised July 2014 (CS) explains how 'unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough.' Policy SD1 of the CS expects development to achieve a high standard of design, sustainability and compatibility with local character. Policy DP1 of the Local Development Framework, Development Policies Adopted October 2010, Selected policies revised July 2014 (DP) highlights that all development must demonstrate social, economic and environmental sustainability.
8. The National Planning Policy Framework (the Framework) identifies a presumption in favour of sustainable development, which comprises of environmental, economic and social elements. Paragraph 78 of the Framework refers to promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
9. As the appeal is for outline permission, details of design, scale and massing are reserved matters. The proposed site plan does however indicate the boundary of the appeal development. The site is presently open and visible from the street through gaps in the trees. I do have concerns with the extent of the proposed access route across the site. The appeal site is raised in comparison to the street and any new dwelling and domestication of the site would be prominent in the street scene. Landscaping would not mitigate against this harm. I consider, the introduction of a new dwelling and associated domestic paraphernalia would erode the site's openness and harmfully alter the character and appearance of the area and is at odds with Policy ENV1 of the CS.
10. It is maintained by the appellant that the proposed development is an infill plot with a strong linear pattern of development at Rose Green. In my view, the prevailing character of Spring Gardens Road is groups of houses interspersed by large fields.
11. The appellant argues that Policy ENV1 of the CS is largely an ecology policy. I accept that it covers ecology but it is titled 'ENV1 - Environment' and the first sentence explains 'the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline.' This is of relevance to the appeal site which is located within the countryside. The policy does lay out criteria for new development that needs, or is compatible with, a rural location. Criterion (i) requires accordance with policies (including local and national) and criterion (iii) is to protect, conserve or enhance landscape and townscape character, including maintaining settlement separation. It has been established that the appeal development does not comply with these criteria.
12. The site is not far from the settlement boundary of Rose Green, however the nearest settlement with a selection of services and facilities is Chappel which is 0.5km away according to the Council. Chappel has a primary school, general store, village hall and public house. There is a footpath between Rose Green and Chappel. The appellant identifies a bus stop 130 metres from the site and

mainline railway service around 1 kilometre away, which serves Colchester. I have not been provided with timetables to establish how regularly these services run. Access to these is along Spring Gardens Road which has no pavement and narrow or no verges and no street lighting. This would result in pedestrians walking along the narrow bending country road to access the centre of Rose Green or the footpath linking to Chappel. The appellant argues this road is not excessively busy, however regardless of this I consider the reduced visibility, lack of footpath and street lighting would discourage pedestrian users. Cyclists may use this route, although visibility is not ideal. It is likely future occupiers would therefore use private vehicles, however this is not uncommon in a rural setting.

13. The proposal would create a dwelling that provides housing for the local community. The appellant highlights Policy H1 of the CS identifies housing allocation for 'other villages' and considers there limited opportunities to develop nearby villages. This policy explanation explains that most housing allocations have been accounted for and are on previously developed land to improve accessibility and protect the countryside. It also expects housing development to contribute to the achievement of sustainable development. It is also notable that there is no allocation for housing in the countryside. The Council identifies that nearby Chappel has been allocated 30 houses and that it has a five year housing supply. Consequently, an additional house within the countryside would have a social benefit, however it would fail to comply with Policy H1 of the CS.
14. Economic benefits would be through construction jobs and future occupiers spending in the local community, which are limited benefit.
15. I find the appeal development would not constitute sustainable development as the harm outweighs the social and economic benefits I have identified. The proposal would fail to comply with the Framework and policies DP1 of the DP and policies ENV1, H1 and SD1 of the CS, these policies seek amongst other things, for sustainable development and to protect unallocated greenfield land outside of settlement boundaries.

Isolated homes

16. The reason for refusal referred to Paragraph 79 of the Framework which seeks to avoid development of isolated homes in the countryside, unless there are special circumstances. The appellant argues Paragraph 79 of the Framework is not invoked and has provided the Braintree v Secretary of State case in response. In this case it refers to "isolated homes in the countryside simply connotes a dwelling that is physically separate or remote from a settlement". I do not consider the appeal development to be isolated in this sense as there are houses next to and opposite the appeal site. In my view Paragraph 79 of the Framework is not directly relevant to this appeal. The reason for refusal also referred to the site being functionally isolated in the countryside. I do consider it to be relatively functionally isolated due to its location which has been explored in greater detail above.
17. Accordingly, I find the appeal development would comply with Paragraph 79 of the Framework.

Conclusion

18. For the reasons set out above, I conclude the proposed development would not accord with the development plan. The appeal should therefore be dismissed.

L Gilbert

INSPECTOR