



Appeal Decision

Site visit made on 17 January 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/A1530/W/19/3237455

West House Farm, Bakers Lane, Colchester CO3 4AU

- 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 Stephenson against the decision of Colchester Borough Council.
 - The application Ref 172873, dated 28 October 2017, was refused by notice dated 3 June 2019.
 - The development proposed is the erection of 6 holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site comprises of two parcels of land which are separated by Bakers Lane and form part of the agricultural holding of West House Farm. I will refer to the land to the east of Bakers Lane as 'Parcel A' and the land to the west of Bakers Lane as 'Parcel B'. However, I will refer to both parcels of land together as 'the appeal site' or 'the site'.
3. The appellant submitted amended plans part way through the determination of the planning application. For the avoidance of doubt, I have determined the appeal on the basis of the amended plans.
4. The Council's appeal statement refers to the 'Colchester Orbital', which is a green infrastructure project set out within the Colchester Borough Council Emerging Local Plan. In addition, the Council have drawn my attention to the Colchester Green Infrastructure Strategy Executive Summary, which forms part of the evidence base of the Emerging Local Plan. In accordance with paragraph 48 of the National Planning Policy Framework (the 'Framework'), weight may be given to policies within emerging plans. The weight given is determined by the stage of preparation of the emerging plan, the extent of unresolved objections and the degree of consistency of the relevant policies to the Framework. I have not been provided with any substantive details of the status of the emerging plan and whether the evidence base has been found to be sound. Therefore, I attribute the plan and policies, including the delivery of the Colchester Orbital green infrastructure project, very limited weight as a material planning consideration.

Main Issues

5. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) whether the proposed development would provide a suitable and sustainable location for holiday accommodation, with respect to the availability of modes of transport.

Reasons

Character and appearance

6. Parcel A predominately comprises of the main garden of an existing dwelling which is located at the appeal site. The main garden, which slopes downwards to the roadside, is grassed and mostly enclosed by mature hedgerow. To the side of the dwelling there are several small buildings, which the evidence before me indicates are associated with an existing small holding. Adjacent to the main garden, there is a separate grassed area, which is located near to a pair of neighbouring cottages to the side of the appeal site. The main garden and grassed area are separated by a mature hedge and some trees. Immediately to the eastern side of the appeal site there is an existing golf course, which occupies a considerable amount of land and includes a large clubhouse building and car park.
7. Parcel B is a plot of agricultural land, which slopes downwards to the River Colne. The boundary with Bakers Lane is defined by a mature hedgerow and several trees. Beyond the river, there is a large arable field, which is enclosed by a dual carriageway to the west.
8. It is proposed to erect six holiday lodges at the appeal site. Three of the lodges would be sited on Parcel A and three lodges would be sited on Parcel B. The lodges would be single storey and of an identical design with a timber exterior under a pitched roof.
9. The lodges within Parcel A would be located close to the site boundary, near to the golf course, and would have a dispersed layout. One of the lodges would be sited to the side of the existing dwelling and the other two lodges would be sited within the separate grassed area to the side of the neighbouring cottages. The lodges would be served via an existing gated access from Bakers Lane and a new track would be laid which would connect with the existing driveway which serves the existing dwelling.
10. The lodges within Parcel B would be laid out in a linear pattern near to the roadside boundary. The proposed buildings would be accessed via a new track which would be served via a new vehicular access onto Bakers Lane.
11. The Council's Landscape Character Assessment (2005) (the 'LCA') identifies that the site lies within the Colne River Valley Floor (A4) and the Colne River Valley Slopes (A5). The Council state that the key characteristics of the Colne River Floor include a meandering river floodplain; and largely agricultural land uses outside of the settlement boundary with views along the river facilitated by bridge crossings. Whereas the Colne River Valley Slopes is characterised by a road network that is narrow and tree-lined and features small linear villages, small hamlets and farmsteads.
12. The Council explain that the site is identified as being within a 'High Value Landscape' within the Review of Countryside Conservation Areas in Colchester

Borough (2005) (the 'RCCA'). The 'Countryside Conservation Areas' identified within the document were never adopted by the Council, but the document formed part of the evidence base for the Colchester Borough Council Core Strategy (adopted 2008, amended 2014) (the 'CS').

13. Notwithstanding the conclusions of the RCCA, the appeal site does not fall within any formal landscape designation, such as an Area of Outstanding Natural Beauty. Owing to the close proximity of the golf course and the degree of visibility of the dual carriageway from Parcel B and Bakers Lane, in addition to the extent to which road noise from the dual carriageway is audible from the appeal site, I consider that the local area has a semi-rural character.
14. Consequently, I am not persuaded that the appeal site and its immediate surroundings have the physical characteristics which would take it beyond countryside. As such, the appeal site does not lie within a valued landscape, which paragraph 170(a) of the Framework seeks to protect and enhance. Nevertheless, paragraph 170(b) of the Framework explains that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
15. In terms of the proposed lodges within Parcel A, the positioning of the two lodges that would be located within the grassed area near to the existing access onto Bakers Lane would respond to the pattern of development established by the neighbouring properties to the side of the site. In addition, the existing hedgerow and trees would provide a significant degree of screening which would limit views of the proposed lodges from Bakers Lane.
16. In terms of the third lodge within Parcel A, owing to its close position to the side of the existing dwelling, which in itself would provide a large degree of screening, and the single storey nature of the proposed building, I consider that the building would appear as part of the existing farmstead and thus the proposal would conserve the intrinsic character of the countryside. Therefore, the proposed holiday lodges within Parcel A would not cause harm to the area's semi-rural character when viewed from localised and wider viewpoints.
17. In terms of the proposed lodges within Parcel B, the buildings would occupy a more exposed position within the semi-rural landscape. Unlike the lodges within Parcel A, there are no existing buildings on the western side of Bakers Lane located within close proximity to the appeal site. At present, there are attractive landscape views from Bakers Lane across the site with the River Colne in the foreground and the arable field beyond. Therefore, despite the limited height of the lodges and timber construction, the structures would appear as a prominent form of development when viewed from localised viewpoints along Bakers Lane. This harm would be exacerbated during darkness hours by the presence of artificial lighting associated with the occupation of the holiday lodges.
18. The submitted landscaping plan indicates that a native hedgerow screen would be planted to the rear of the proposed lodges within Parcel B. Once mature, the hedgerow would screen views of the lodges when viewed from the south west of Parcel B. However, this would not mitigate the prominent views of the lodges from localised viewpoints along Bakers Lane.
19. Overall, the proposed holiday lodges within Parcel B would change the landscape and scenic qualities of the local area by introducing an out of

keeping and sporadic form of development within the open countryside, which would not relate to the local area's existing semi-rural character. As such, I am not persuaded by the conclusion of the appellant's Landscape and Visual Assessment¹ which states that the proposal would fit comfortably into the surrounding landscape.

20. The Council have drawn my attention to a recent appeal decision², where an Inspector refused outline planning permission for up to 122 dwellings on land off Bakers Lane. In that case, the Inspector found that the proposed development would cause substantial harm to the character and appearance of the area. Whilst I have been provided with the appeal decision, I am not aware of the particular circumstances in that case. However, based on the evidence before me, the previously refused development and the current proposal are not comparable due to the differing scale of the respective proposals, and, in any event, I must consider the appeal proposal on its individual planning merits.
21. For the reasons set out above, and notwithstanding my conclusions in respect of development proposed within Parcel A, when considered as a whole, I conclude that the proposal would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies ENV1 and ENV2 of the CS, which require new development to conserve and enhance Colchester's natural environment; and for small-scale rural tourism schemes to harmonise with the local character and surrounding natural environment. To this regard, the proposal would not accord with Policy UR2 of the CS which states that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.
22. In addition, the proposal would not accord with Policy DP1 of the Colchester Borough Council Development Policies (adopted 2010, amended 2014) (the 'DP') which requires development proposals to respect and enhance the landscape and other assets that contribute positively to the site and the surrounding area.

Location of development and modes of transport

23. Policy DP10 of the DP relates to the development of tourism, leisure and cultural facilities within the Borough. The policy states "*it is recognised that not all rural locations are readily accessible by public transport. Where accessibility is poor, proposals should be small scale...*".
24. Paragraph 4.28 of the supporting text to Policy DP10 explains that in order to maximise the benefits of tourism to rural economies, it is important to locate new tourism development in locations where visitors to such attractions and accommodation can help support local shops, pubs and other rural services.
25. The appellant explains that the proposed lodges could be used by visitors to the existing golf course, which also hosts weddings and private parties, but currently has no overnight accommodation. Moreover, the appellant argues that the lodges could be used by a local tennis centre near to the appeal site, which offers coaching and holiday training camps for children, but features no on-site accommodation. The Council have not disputed these matters.

¹ Landscape and Visual Issues Scoping Note – Prepared by Nigel Cowlin Ltd (Reference: NC17.325-lva01)

² Appeal Ref: APP/A1530/W/17/3178656

26. The policy does not define what is meant by 'small-scale' proposals. In this instance, and owing to the number of lodges proposed, I consider the proposal to be a small-scale development. In addition, I am satisfied that the proposed holiday lodges would support existing rural services in the local area by providing overnight accommodation for visitors to the golf course and tennis centre.
27. Notwithstanding the above, the Council have expressed concern that the visitors to the proposed development would be predominately reliant on the use of the private motor vehicle for most journeys. As such, the Council argue that the proposal would not accord with Policy DP17 of the DP which states that all developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to pedestrian, cycling and public transport access to ensure they are safe, convenient and attractive, and linked to existing networks.
28. In terms of public transport options, the appellant explains that there is a bus stop approximately 800 metres away from the appeal site, which provides a regular service every 15 minutes. However, no specific details have been put forward about routes and services from such a bus. The Council dispute the appellant's distance calculation to the bus stop and state that there are no bus services within a reasonable walking distance of the appeal site. In addition, several local residents question whether the local bus service stops at the location identified within the appellant's statement.
29. On the evidence that is before me, I cannot conclude that there are frequent bus services near to the appeal site which would provide a suitable and alternative means to travel to and from the appeal site to local services and facilities. Consequently, I am unable to conclude that suitable bus services are available that would provide an attractive alternative to the use of the private motor vehicle for most journeys.
30. The appellant states that the existing public footpath network provides access to Colchester town centre, which is located approximately two kilometres away from the site and that the road network could be used to cycle into Colchester town centre. Whilst the Council do not dispute that the site is not far from Colchester town centre, they argue that most people would feel uncomfortable accessing the town centre by means other than private car as Bakers Lane is unlit and lacks a pedestrian footway.
31. Given the existing road conditions along Bakers Lane, I acknowledge that most journeys to and from the appeal site by visitors to the holiday lodges would likely be undertaken by the private motor vehicle. Whilst some holiday makers may occasionally use a bicycle to reach the town centre, or may walk into the town centre along the existing network of public footpaths, especially during the summer months when daylight hours are prolonged and weather conditions are better, I consider that this would not be a regular occurrence and would be particularly unlikely during the winter months. In reality, and without evidence of reasonable alternative bus service provision, I consider that reliance on the private motor vehicle would be very likely.
32. I am also mindful that some visitors to the holiday lodges may intentionally choose to stay in this location to be near the golf club and tennis centre, respectively, which would significantly minimise their need to travel elsewhere within the local area. However, many would likely want to travel further afield to get to know the local area. For the above reasons, I cannot conclude that accessibility would be better than poor.

33. In conclusion, for the reasons set out above, I conclude that the proposal would provide a suitable location for holiday accommodation. As such, the proposal would accord with Policy DP10 of the DP which supports small-scale visitor accommodation in rural areas, even in areas which have poor accessibility. I recognise that there is a tension between Policies DP10 and DP17 of the DP from an accessibility point of view. As I have not been able to find that the proposal would be accessible to a choice of sustainable modes of transport, there would be some conflict with Policy DP17 of the DP. However, this 'small scale' proposal would accord with Policy DP10 and it is of note that paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Therefore, I do not find that the conflict with Policy DP17 of the DP would in itself be a reason to refuse planning permission.

Other Matters

34. I note that the Council's landscape officer has no objection to the proposal. However, this does not outweigh or alter my conclusions on the first main issue.
35. The proposal would provide additional visitor accommodation in the local area, which would make a positive contribution to the rural economy. However, any social or economic benefits associated with the erection of six holiday lodges would be modest. Such benefits would not overcome or outweigh the very significant harm that would be caused to the character and appearance of the area.
36. None of the other matters alter or outweigh my overall conclusion below.

Conclusion

37. The proposed development would provide a suitable location for holiday accommodation according to Policy DP10 of the DP. Whilst there would be some conflict with Policy DP17 of the DP this in itself would not justify refusing planning permission. However, very significant harm would be caused to the character and appearance of the area when the development is considered as a whole and this is a matter of overriding concern. Accordingly, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR