



Appeal Decisions

Site visit made on 12 August 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2020

Appeal Ref: APP/Z1510/W/19/3229655

Land South of 30 Colne Park Road, White Colne CO6 2PL

- 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 Triple Five Asset Limited against the decision of Braintree District Council.
 - The application Ref 17/01877/OUT, dated 16 October 2016, was refused by notice dated 3 May 2019.
 - The development proposed is an outline application for the erection of 3 residential units, with associated garages and alterations to existing vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposes outline permission relating to access, with all other matters reserved. As the appeal seeks outline planning permission, I have determined the appeal on this basis, treating the submitted plans as illustrative only.
3. Since the appeal was originally lodged, a letter dated 11th March 2020 was received from the Council. It confirms the Council cannot demonstrate a deliverable 5 year housing land supply and clarifies that they have a 4.51 years supply of housing for the period 2018-2023.
4. The Braintree District Publication Draft Local Plan (DLP) is going through an Examination and is not yet adopted. I have therefore afforded it limited weight.

Application for costs

5. An application for costs was made by Triple Five Asset Limited against Braintree District Council. This application is the subject of a separate Decision.

Main Issue

6. The main issues are the effect of the development on:
 - the character and appearance of the village, settlement pattern and the setting of the conservation area; and

- whether the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities.

Reasons

Character and appearance

7. The appeal site is an open grassed field which slopes down towards Colne Park Road. The appeal site is close to the White Colne's settlement boundary and the White Colne/Earls Colne Conservation Area (CA). Both are separated from the appeal site by the disused railway line. A Public Right of Way (PROW) runs past the appeal site.
8. When exiting White Colne, the eastern side of Colne Park Road that contains the appeal site, is characterised by sporadic housing with notable gaps between buildings. The western side of the road contains a small stretch of semi-detached properties and open countryside beyond.
9. Although the proposal relates to outline permission, the illustrative plans indicate that the three dwellings and associated residential paraphernalia would introduce built form across much of the front of the site. The appeal development would alter the sporadic pattern of development along the eastern side of Colne Park Road and would erode the pleasant rural gap in development. The extent of the proposed development would confuse the edge of the village as it would appear as a continuation of the village. This would alter the existing pattern of development and in turn cause considerable harm to the character and appearance of the village and the settlement pattern, as well as to the intrinsic character and beauty of the countryside.
10. The appeal development would be located next to a PROW. The proposal would disrupt some views across the open countryside from the PROW and in turn would alter the character and appearance of the area when viewed from this public space.
11. The CA is located close to and affords views of the appeal site. The significance of the CA is derived in part from the relatively tight knit pattern of development of White Colne and its strong association with the larger neighbouring village of Earls Colne. White Colne is also within a predominantly rural setting covered by the open Colne Valley. The edge of the CA would also be visible from the appeal site.
12. However, existing trees offer a buffer between the site and CA and hedging on the site would be retained. Also, the illustrative plans indicate that proposed dwellings would be set back from the front boundary and landscaping could be conditioned. Therefore, the proposed development would affect limited views into and out of the CA. On balance, the impact on the setting of the character and appearance of the CA would be negligible.
13. This notwithstanding, the appeal development would harm the character and appearance of the village, countryside, and the settlement pattern. It therefore fails to accord with Policies CS5 and CS9 of the Braintree District Council Local Development Framework 2011 Core Strategy (CS) and Policy RLP2 of the Braintree District Local Plan Review (2005) (LP) and the Framework, which seek amongst other things, to respect and respond to the

local context, and to recognise the intrinsic character and beauty of the countryside.

Whether the site is an appropriate location in terms of accessibility

14. The appeal site is classed as countryside with respect to the development plan. According to Policy CS5 of the CS, development is strictly controlled to uses appropriate to the countryside. Policy RLP2 of LP states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas the countryside policies will apply. I however acknowledge that the site is not isolated as it is near to other dwellings.
15. The site is not far from the settlement boundary of White Colne, however there is no hard-surface footpath or street lighting linking the site to the village. This would discourage pedestrians from walking into the village along Colne Park Road, particularly when there is limited daylight. The appellants have highlighted that a PROW running past the site provides access into the village and allotments, although an interested party disputes it serves the village. Regardless of whether future occupiers would use this route, it is unlit and without a hard surface and therefore would be less appealing to pedestrians during darker or wetter periods and for those with reduced mobility.
16. The appellants refer to the site being within 1 mile of Earls Colne which has a range of facilities and services. It is therefore realistic that future occupiers would have the option of cycling to reach these facilities and services. Both parties accept there are regular bus services that link White Colne to larger centres that offer a range of facilities and services and access to a railway station. An interested party refers to a recent reduction to the village's bus service, which includes the service being withdrawn on Sundays and the evening service reduced. On the other hand, the appellants have provided details of a Demand Responsive Transport Service (DART)/pre-book service that is available.
17. Overall, I consider this is a location with some public transport, albeit rather limited. Given my findings above, any residents of the new development would be likely to travel further afield for shops, services and employment which would necessitate trips by private vehicles. However, and importantly, the Paragraph 103 of the Framework, although seeking to promote sustainable transport, acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given that this area is primarily rural in character, with restricted access to public transport and limited services, a realistic approach is required to the general travel method of its residents.
18. Therefore, to sum up, I do not consider that the scheme should fail on the second main issue, notwithstanding that future residents may be reliant on private vehicles, and that there would be some conflict with Policies CS5, CS7 of the CS and RLP2 of the LP, relating to the location of housing, including accessibility of local services and facilities. This does not alter my findings on the first main issue.

Other Matters

19. Reference has been made to an approved scheme (16/02124/OUT) for 8 dwellings just outside the boundary of White Colne. However, there are differences between the two schemes. For one a bus stop has been relocated closer to the site and can be accessed via a footpath. Also, the Committee Report considered the proposal would not give rise to any significant visual harm to the landscape.
20. The site falls within a 'Zone of Influence' of a designated European Site. The Council has said that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case and has not objected on this ground. As the appeal is being dismissed for other reasons, it is unnecessary to consider the matter further.

Planning Balance and Conclusion

21. The Council now accepts it is unable to demonstrate a 5 year deliverable supply of housing land. Therefore, in light of Paragraph 11 of the Framework it is clear that in this instance the tilted balance is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposal would provide three dwellings for the local community and would make a modest contribution to the Council's housing land supply. It would also offer modest economic benefits through the creation of construction jobs and spending in the local economy by future occupiers. The site is not isolated and is near to White Colne.
23. The appellants have offered to the Parish Council an area of land for informal recreation, as well as improvements to the PROW. There is no planning obligation before me, and it is not clear how these benefits would be secured. In any event the Parish Council have declined the offer. I therefore accord this matter limited weight in my assessment.
24. Although there would be negligible harm to the setting of the CA, the proposal would cause considerable harm to the character and appearance of the village, surrounding countryside and settlement pattern, as well as the intrinsic character and beauty of the countryside. Future occupiers of the dwellings would be reliant on private vehicles to access services and facilities, contrary to local plan policy, although having regard to the Framework, a realistic approach is required on this matter.
25. I accept that some benefits would arise from the appeal proposal. However, the proposal would cause an unacceptable level of harm to the character and appearance of the village and countryside which would significantly and demonstrably outweigh the benefits of the scheme.
26. Accordingly, I find that the proposed development would conflict with the development plan and the Framework when taken as a whole, and the associated harm identified are significant overriding factors. I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR