



Appeal Decision

Site visit made on 1 October 2020

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03/11/2020

Appeal Ref: APP/Z1510/D/20/3248467
43 Colne Road, Coggeshall, CO6 1TD

- 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 and Mrs Cross against the decision of Braintree District Council.
 - The application Ref 19/02007/HH, dated 4 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is for the demolition of 4no. dilapidated timber shed buildings to be replaced with 1no. steel frame outbuilding.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development applied for has been carried out. I have, however, removed reference to the application being retrospective from the bullet heading above as this is not a description of development.
3. The Council has referred to the policies LPP38, LPP50 and LPP55 of the emerging Braintree District Publication Draft Local Plan 2017 (DLP). Whilst I have had regard to these policies in my determination of this appeal, as this plan has not been formally adopted, I have given them limited weight as material considerations.
4. The Council's second reason for refusal in its decision notice relates to the formation of an access point off the A120 Colchester Road. On my site visit I saw that this access was substantially complete. However, this is not included in the description of the proposed development in the planning application forms or shown on the proposed plans. I have therefore not considered this matter as a part of my decision. For the avoidance of doubt, I therefore confirm that my determination of the appeal is based on the drawings submitted to and determined by the Council.
5. The Council queries whether the land on which the outbuilding has been erected forms a part of the appeal dwelling's curtilage and amounts to development for which separate planning permission is required. Nonetheless, whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under S78 of the Town and Country Planning Act 1990. It is open to the appellants to apply for a determination under sections 191/192 of the Act to determine this matter, and any such application would be unaffected by my determination of this appeal.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

7. The appeal relates to a roughly triangular shaped area of land to the rear of 43 Colne Road which lies adjacent to the A120 Colchester Road to the south and agricultural fields to the north. Although the character of the surrounding area is predominantly rural, dominated by relatively flat open fields and agricultural land, the appeal site is located to the rear of a small cluster of traditional two-storey residential properties.
8. I appreciate that the building sits within a spacious plot, is sited towards the rear and in close proximity to the side boundary of the appeal site, and has been painted dark green. However, the development is of a substantial size and scale, and introduces a dominant, stark building of metallic industrial appearance onto this land. This sharply contrasts with the traditional building materials of No 43, and the properties within the group of nearby neighbouring dwellings. It is also at odds with the appearance of other agricultural buildings in the area, including the predominantly glazed plant nursery building.
9. I have had regard to the submitted plans which indicate that 4 timber outbuildings of a smaller total footprint than the development occupied a similar position on this land. However, these outbuildings have been demolished, and no longer form a part of the immediate local context.
10. The design of the building including the use of vertical metal sheeting, a monopitch cement fibre roof and the silver metal roller shutter door is thereby utilitarian in nature and appears conspicuous in its immediate context. The potential for the colour of the roller shutter door to fade overtime does not overcome this harm. Furthermore, although it maintains a degree of screening from public viewpoints with mature vegetation, the development is still visible from the gap created in the tree line along the A120 and from neighbouring residential properties on Colne Road.
11. The appellants argue that the visual impact of the building would be reduced when their planted trees and shrubs mature. They also suggest that the imposition of a planning condition for landscaping in the area where the temporary access road is located would provide further screening. However, the planting would be likely to take a considerable amount of time to establish and I do not have the full details of this or the additional proposed landscaping before me. As such I cannot be sure that they would provide effective mitigation, particularly in the winter months when the trees would not be in leaf.
12. The appellants have also pointed out that the building is not much larger than what could be achieved under residential permitted development rights and that a domestic outbuilding of a significantly larger footprint than the development could be constructed on the appeal site without the need for planning permission. It has also been implied that agricultural permitted development rights might also be applicable if the site was not considered to be residential curtilage. Nonetheless, given the uncertainty about the lawful use of

this land it is unclear whether permitted development rights would be available to the appellants. I also have no substantive evidence to indicate that there is a significant probability that such developments would take place should this appeal be dismissed. These factors therefore limit the weight that I can attach to them as a fallback position.

13. I therefore conclude that the development significantly harms the character and appearance of the surrounding area. As such it conflicts with Policies RLP 17 and RLP 90 of the Braintree Local Plan Review 2005 (LP), which seek to secure development that is of a high standard of design that reflects or enhances the area. Conflict would also arise with Policies LPP38, LPP50 and LPP55 of the (DLP) as these seek to promote and secure the highest possible standards of design and layout in all new development. However, as previously noted, I consider these to carry limited weight.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR