



Appeal Decision

Site Visit made on 20 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2021

Appeal Ref: APP/Z1510/W/21/3269193

Land south of 100 Colchester Road, White Colne, CO6 2PP

- 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 Sarah Coleman against the decision of Braintree District Council.
 - The application Ref 20/01196/OUT, dated 21 July 2020, was refused by notice dated 6 November 2020.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal seeks outline planning permission with all matters reserved. The submitted plans have therefore been treated as indicative.
3. Section 1 of the Council's emerging Local Plan was adopted in February 2021. Section 2 is undergoing examination, but as no information has been provided regarding a timescale for adoption its policies attract limited weight.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

5. The appeal site is part of a field and is set back from Colchester Road behind an extended row of housing arranged in a largely linear manner. While neighbouring plots include some measure of setback, the appeal site would be accessed from a separate road and would be set behind every other house in the immediate vicinity. The appeal proposal would be an incongruous form of development by reason of its siting behind the row, detached from the existing houses in White Colne both by its location and the well-established boundary treatments and planting. This would be particularly apparent from the adjacent public right of way.
6. My attention has been drawn to recent permissions for residential development in the area, including the neighbouring Mill Field site. While those houses are set back from the road, with a separate shared driveway in between the houses and the highway, the rear boundaries of their gardens are level with the front boundary of the proposed house and the houses are broadly in line with those at Nos 112-122 Colchester Road. The approved house to the rear of 112 was found to follow the established building line of houses to the east of the site

and replaced an existing barn that was present on site. These developments therefore differ significantly from the proposed development, and only carry limited weight in the determination of this appeal.

7. The appeal proposal would therefore be harmful to the character and appearance of the area. It would conflict with Policies RLP80 and RLP90 of the Braintree District Local Plan (the LP) and Policies CS5 and CS8 of the Braintree District Core Strategy (the CS). Taken together these policies require that the layout of development shall be in harmony with the character and appearance of the surrounding area.

Planning Balance

8. There is a dispute between the appellant and Council as to whether the Council can demonstrate at least five years' supply of deliverable housing land. The Council's current position, based on its Housing Land Supply Statement from May of this year, is that it does have a five year supply. As most of the projected supply would be delivered on sites that are already under construction or which have planning permission or prior approval, I am satisfied that the Council's position is reasonable.
9. The appellant also contends that the Council's development plan is out of date due to its age. However, the National Planning Policy Framework (the Framework) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to the conflict with development plan policies according to their degree of consistency with the Framework.
10. The most important policies in the determination of this appeal are those identified in the Council's reason for refusal, Policies RLP80 and RLP90 of the LP and Policies CS5 and CS8 of the CS.
11. Policy RLP80 requires that development include an assessment of their impact on wildlife and that they should not be detrimental to the distinctive landscape features and habitats of the area. Policy RLP90 seeks a high standard of layout and design in all developments in the District. Policy CS8 seeks to ensure the protection and enhancement of the natural environment, habitats and biodiversity. These policies are consistent with the Framework and therefore the conflict with them attracts full weight.
12. Policy CS5 states that development in the countryside will be strictly controlled to uses appropriate in it. While the intent of the policy is to protect and enhance landscape character and biodiversity, geodiversity and amenity of the countryside the approach of blanket protection is not consistent with the Framework. The conflict with this policy therefore only attracts moderate weight.
13. Overall, I find that the most important development plan policies are generally consistent with the Framework. The inconsistency arising from Policy CS5 is not directly relevant to the main issue of this appeal, as there is no suggestion that the proposed development is not an appropriate use. The conflict with the most important policies therefore carries substantial weight in the determination of this appeal.
14. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. That

the Council has more than five years' supply of deliverable housing land does not diminish the value of new housing, and as the appeal site is immediately adjacent to White Colne it is in a sustainable location for new housing.

15. The appellant states that the proposal is for self-build housing. However, there is no legal mechanism before me to secure this and therefore it carries very little weight in the determination of this appeal.
16. There would be economic benefits from the construction of the proposed house, as well as both economic and social benefits for local services and facilities from its occupation in the longer term. The application seeks outline planning permission with all matters reserved, and an appropriate scale and design could be developed that would be in keeping with the general character of houses in White Colne.
17. However, while the benefits of the development are recognised, they would be modest given that the proposal is for a single dwelling. They would not, in this instance, outweigh the harm that would arise from the development to the character and appearance of the area.
18. There are therefore no material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Other Matters

19. Chalkley Mill and Chalkley Mill House are Grade II listed buildings located around 350 metres from the site. Given this separation I am satisfied that the proposed development would preserve the listed buildings and their settings.

Conclusion

20. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR