



Appeal Decision

Site Visit made on 16 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/Z1510/W/21/3274860

The Meadows Colne Park Road, White Colne, Essex 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 Mr R Finbow, Triple Five Asset LTD against the decision of Braintree District Council.
 - The application Ref 20/02104/FUL, dated 9 December 2020, was refused by notice dated 23 April 2021.
 - The development proposed is erection of a single residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether or not the proposed development would provide a suitable location for housing having regard to its position within the countryside and its accessibility to services and facilities.

Reasons

Character and Appearance

3. The appeal proposes a dwelling on a site that is near to, but outside of the boundary of White Colne as defined within the development plan. It would therefore be within the countryside in planning policy terms, and the proposal would conflict with Policy RLP2 of the Local Plan Review 2005 (LPR) which states that new development will be confined to areas within town development boundaries and village envelopes. There would also be conflict with Policy CS5 of the Core Strategy 2011 (CS) which outlines that development outside of defined areas will be controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
4. The site comprises part of a large, predominantly grassed, field. It is adjacent to a detached bungalow at 30 Colne Park Road, and there are a few further dwellings to the opposite side of Colne Park Road. However, the open break provided by the field including the appeal site and a fairly dense landscape belt which extends to either side of Colne Park Road serve to set these dwellings and the appeal site apart from the main linear form of the White Colne settlement. Surrounding fields further provide for an appreciable impression of openness around the site and the few other buildings along this part of Colne Park Road which contrasts with the denser pattern of built form in White Colne.

In combination, these factors serve to distinguish the immediate environs of the appeal site from development in White Colne, and provide for an attractive rural character and setting to the village.

5. The main parties indicate that planning permission has previously been granted at the site for development including a stables building together with an access road, hardstanding and fencing. The stables have not yet been constructed, but there is a gated access from Colne Park Road and the Council does not dispute the appellant's assertion that the permission remains extant. I have therefore taken it into account as a fallback position in considering the effects of the current scheme.
6. The appellant indicates that the dwelling would have a smaller floor area and volume than the permitted stable building. In spatial terms, the effect of the dwelling on the openness of the site would therefore be slightly reduced. However, the difference would be small, and given the comparable footprint and height of the developments, I find that the scale of the buildings would in reality appear very similar. The figures presented in the table at 2.26 of the appellant's statement contradict the suggestion that there would also be a reduction in hardstanding on the site, but the ground level position of hardstanding would in any event limit the visual impact of any improvement made. Given these factors, I find that the benefit to openness of the appeal scheme in comparison to the fallback would be very modest.
7. The roof form and external materials to the dwelling would be generally sympathetic to the surrounding area, and I note that the arrangement of openings would be broadly consistent with those that were indicated to the stable building. Nevertheless, there would be a much greater extent of glazing within these openings, and despite its simple form, I consider that the building would be clearly appreciated as a dwelling rather than a rural building. In combination with the parking, garden and residential paraphernalia that would additionally be likely to accompany residential occupation, the development would therefore introduce a more formal and domestic appearance to the site which would in itself be urbanising.
8. Moreover, the dwelling would be set significantly back from Colne Park Road and the neighbour at No 30. Its position would be incongruous against the layout of other nearby dwellings within the countryside which are typically set relatively close to their frontages. This would increase the prominence of the development, and would exacerbate the impression of domestic encroachment into the countryside and the current open gap to the edge of White Colne.
9. The development would be readily visible from Colne Park Road, as well as from a public footpath to the south which runs from Colne Park Road towards Bures Road. The layout of the development and sloping topography of the intervening land as well as potential landscaping would provide for partial screening of the dwelling and its garden from some viewpoints, including along the footpath. Even so, views would change as observers moved along the footpath, and based on my observations at my visit, I consider that a large proportion of the building would be visible, and that it would be appreciable as a dwelling. Notwithstanding its similar form and scale, the visual impact of the development would not therefore be directly comparable to the permitted stables.

10. In some views, the development would be seen together with buildings of similar single-storey form at Brooms Farm to the north which sit in an elevated position to the appeal site. It would also sit alongside the boundary and site of No 30. Nevertheless, it would result in a greater spread of urbanising development, and despite potential for additional landscaping of the site, I am not persuaded that it would deliver a more sensitive transition to the existing rural character of its surroundings.
11. In my judgement, the resulting visual impact of the development would more than offset both the very slight reduction in the volume and floor area of the building and any reduction in hardstanding and parking of larger vehicles in comparison to the fallback development. I find as a consequence that the proposal would result in an unwelcome and intrusive incursion of built form into the countryside to the detriment of the generally rural character and appearance of the area.
12. For the reasons above, I conclude on this main issue that there would be significant harm to the character and appearance of the area, and conflict with Policies RLP2 of the LPR, CS5 of the CS and SP1 and SP3 of the Shared Strategic Section 1 Local Plan 2021 (Section 1 LP). Together, these policies broadly direct development towards identified settlements, and require, amongst other things, that development protects and enhances landscape character and the amenity of the countryside. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it seeks development that is sympathetic to local character and requires recognition for the intrinsic character and beauty of the countryside, as well as the National Design Guide referred to by the appellant which highlights that well-designed new development will be integrated into its wider surroundings.
13. For the same reasons, the proposal would be contrary to Policies LPP1, LPP50, LPP55 and LPP71 of the draft Section 2 Local Plan which also include requirements for development to respect and respond to local context and landscape character, and which seek protection of the intrinsic character and beauty of the countryside. The weight that I afford to this conflict is more limited though because the Council indicates that the examination of the draft plan is ongoing, and so I cannot be certain that policies will be adopted in their current form.

Suitability of the Location

14. While the site is located within the countryside, it is close to the edge of White Colne. There is no footway or street lighting along Colne Park Road between the site and its junctions with Colchester Road/Colneford Hill, but the distance is short, and in my view this would not therefore offer a notable deterrent to travel on foot or by cycle. I note that White Colne is identified within the CS as an 'other village' and that it includes fairly limited provision of services. However, there are a variety of services and facilities within Earls Colne nearby which is designated as a 'Key Service Village'. Although I accept that walking or cycling may not be realistic options for all future occupiers, the distance to reach these would not be great, and would certainly be within reasonable cycling distance. Moreover, there are bus stops in White Colne served by routes to centres including Halstead and Colchester where a much greater range of services and facilities are available.

15. An interested party comments that bus services are sporadic, and I consider it likely that there would be some reliance by future occupiers of the development on private vehicles in order to access a full range of services and facilities and destinations further afield. Even so, journeys would be fairly short which would limit the adverse effects of such travel, and there would be potential to access some local services by sustainable travel modes, helping to reduce overall dependency on private vehicles. I am also mindful that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
16. In light of the above, I am satisfied that the development would have reasonable access to services and facilities, and I do not find material conflict with Policy CS7 of the CS which seeks to reduce the impact of development on climate change and which requires, amongst other things, that development is provided in accessible locations to reduce the need to travel. Nevertheless, this does not outweigh the conflict with the development plan and harm to the character and appearance of the area that I have identified would arise in relation to the first main issue.

Planning Balance

17. The proposal would make effective use of the site to deliver an additional dwelling towards the supply of housing locally. In light of clear objectives within the Framework to significantly boost the supply of housing, this is an important benefit and I afford it great weight. However, the extent of the benefit would be limited by the very modest contribution that the proposal would make to the supply of housing overall. There would additionally be some economic and social benefits associated with construction jobs and spend, as well as longer-term through contribution to the local economy and support for local services through patronage by future occupiers, but these would also be restricted by its small scale and I afford them limited weight. General support within Policies CS1 of the CS and SP3 of the Section 1 LP for development of previously developed land within settlements also carries limited weight in favour of the proposal given the location of the site outside of the boundary of White Colne.
18. The appellant asserts that the development would introduce native species and enhance biodiversity over the existing situation. However, from the limited details provided, the extent of any improvement has not been clearly demonstrated, particularly in comparison to the permitted stables development which also indicated some new planting on the site. The weight that I afford to these further benefits of the proposal is therefore limited.
19. Against these benefits, the significant harm that would be caused to the distinctive rural character and appearance of the area and detriment to the intrinsic character and beauty of the countryside is a matter of significant weight. The proposal would also conflict with Policies RLP2 of the LPR, CS5 of the CS, and SP1 and SP3 of the Section 1 LP. Insofar as they broadly seek development that reflects and enhances local distinctiveness and landscape character and recognition for the intrinsic character and beauty of the countryside, these policies accord generally with the Framework. The conflict with relevant policies of the development plan in these regards is a matter of substantial weight.

20. At the time the Council determined the planning application, it accepted that it could not demonstrate a five year supply of housing referring to a supply position of 3.73 years. In the absence of a five year supply, the Framework indicates that the policies which are most important for determining the application would be deemed out-of-date, and the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework would be engaged. This provides that planning 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.
21. The appellant has not challenged the Council's declaration at appeal stage that it can now demonstrate a 5.34 year supply of housing. However, even if the position remained a fairly large shortfall in supply as was the case at the time of the Council's decision and paragraph 11(d) of the Framework were to be engaged, I find that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits of a single dwelling when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Other Matters

22. The appeal site is located within the Zone of Influence of the Blackwater Estuary Special Protection Area and Ramsar site. The evidence before me indicates that the integrity of this site may be adversely affected by increased visitor pressure associated with new development, but that the appellant has made a payment towards measures intended to mitigate the effect of additional visitors. Had I found the proposal to be otherwise acceptable, I would need to consider further the effect of development on the integrity of the site and the potential for mitigation within the framework of an Appropriate Assessment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. However, given the harm that I identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter any further as it could not alter my decision.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR