



Appeal Decision

Site visit made on 20 December 2021

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/A1530/W/21/3270718

Parkhurst Green Farm, Parkhurst Green Lane, Wakes Colne CO6 2BL

- 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 A Bonnett against the decision of Colchester Borough Council.
 - The application Ref 201363, dated 4 July 2020, was refused by notice dated 16 September 2020.
 - The development is described on the application form as 'conversion of existing nissen hut to private residential dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not materially change the planning policy context in respect of the main issues.
3. Since the original application was determined, Section 1 of Colchester Local Plan was adopted (on 1 February 2021). This policy is afforded full weight and some of its policies supersede parts of the adopted Core Strategy (2008), which retains weight. Emerging Section 2 of Colchester Local Plan is not yet adopted and is afforded limited weight. The appellant had the opportunity to respond to this change in the development plan in their submissions, which were made after 1 February 2021.

Main Issue

4. The main issue is whether the proposed development would provide a suitable location for housing having regard to the character and appearance of the area.

Reasons

5. The appeal site incorporates an existing Nissen hut building. It is positioned near a cluster of former agricultural buildings, together forming the property known as Parkhurst Green Farm (the Farm).
6. The majority of the existing buildings at the Farm, with the exception of the Nissen hut, appear to have been converted for private domestic purposes. The appeal site is accessed from the adjoining rural lane, Parkhurst Green Lane, via a driveway shared with the main Farm complex. Well maintained paths and mown lawns surround the Nissen hut, typical of a domestic garden, noting that the photographs of the site contained within the appellant's application plans

and grounds of appeal do not reflect the manicured landscape that now exists at the site.

7. The land to the north of the Farm complex is generally in agricultural use whereas that to the immediate south and west appears to be in use for equestrian purposes, with more traditional agricultural uses beyond.
8. The Nissen hut is highly visible when traversing along Parkhurst Green Lane, particularly at the opening formed by the driveway to the appeal site and Farm. Further along, glimpsed views are obtained through small gaps in the hedgerow. In this respect the hut forms a dominant feature, constructed of corrugated iron sheets, coated in green paint with significant areas of rust. This is in stark contrast to the well maintained, black treated timber of the adjoining complex of buildings at the Farm, which are of a more traditional style.
9. Application was made in 2005 under a Certificate of Lawful Use to confirm the lawful use of the Nissen hut (Ref. K/COL/05/1735). This confirmed that the hut at this time was, in part, used to store car parts under Use Class B8. The remainder of the space was retained for agricultural purposes. I will return to this matter in more detail below.
10. Irrespective of its current use, the building undisputedly falls outside of the designated settlement boundary of Wakes Colne. Policy SP3 of the Local Plan (Part 1, 2021) sets out that 'existing settlements will be the principal focus for additional growth' and that 'development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role'. Policy ENV1 of the Core Strategy states that land outside settlement boundaries will be protected and strictly controlled. As such, the site falls within the countryside in terms of the development plan, where development will be strictly controlled. The objective of which is to protect the countryside and concentrate development on areas in need of regeneration and are accessible by a range of transport modes.
11. These policy objectives are consistent with the National Planning Policy Framework (the Framework), and there is no dispute between the parties that the appeal site should be termed 'isolated' with reference to paragraph 80 of the Framework. I have no reason to disagree. Although a cluster of traditional housing development forms a small settlement to the east of the site, the nearest services and facilities catering for day-to-day needs are located some distance away from the site (several miles) and would require reliance on private vehicles.
12. Under paragraph 80 of the Framework, such homes should be avoided unless special circumstances apply. One such relevant circumstance is that of criterion (c), and whether the development would re-use redundant or disused buildings as well as enhance the immediate setting. The appellant contends that the development proposed would meet the aims of the Framework in this regard.
13. At the time of my visit the Nissen hut was in use for what appeared to be storage. It was unclear if this supported domestic functions associated with the main house (importantly, no longer a farm in the traditional sense) or small commercial operations. Irrespective of the current planning use of the building, it could not be said that the building was being fully utilised at the time of my visit.

14. From my site visit and the information before me, I consider that the building is, to all intents and purposes, redundant. Whilst it may be used for some limited storage functions at present, and indeed could be going forward, it is not used to its full capacity. This is, in all likelihood, due to the significant scale of the building and its main access being via the manicured residential Parkhurst Green Farm complex.
15. It is apparent that the context of the building has changed over time with the conversion and redevelopment of the original farm buildings to other, largely domestic, uses. The appeal building is clearly no longer associated with the agricultural practices or land that it would once have been a part of. Therefore, demand for its current and future use is undoubtedly limited. In that respect, the proposed development would re-use what could be reasonably described as a redundant building.
16. Notwithstanding the above, paragraph 80 of the Framework also requires that the development enhances its setting. The appellant contends that the building, in its current state, is an “unattractive feature that causes some harm and intrusion to the countryside setting”. Whilst, as I have highlighted above, I find that the building is somewhat unusual, it is by no means unique in its appearance in a rural setting and I do not agree that it causes harm by its very existence. It has a certain charm and is redolent of many farmyards across the country. I find that the building has a neutral effect on its setting.
17. As this proposed development involves the conversion and minor modification of an existing and longstanding feature of the site and surrounding landscape, it would not result in any significant visual change. The main south and north elevations of the building would remain predominantly of corrugated metal sheeting, punctuated by new windows and entrances in places. The overall form of the building would generally remain the same and I do not consider the inclusion of windows, insets, balconies or timber cladding to necessarily enhance the appearance of the building.
18. It could be considered that the works to make good the slightly dilapidated appearance of the building would go some way to enhance its appearance. However, this is not an uncommon appearance for similar buildings and the improvement of the superficial appearance would be the case if any reasonable repair and redecoration took place, whether or not the proposed conversion was undertaken. I am also of the view that the proposal could result in a slightly contrived design, creating a hybrid appearance with windows and doors inserted into a structure somewhat awkwardly. In that respect, I am not convinced that the proposed conversion and associated alterations of the Nissen hut would enhance its immediate setting, as required under paragraph 80(c).
19. Consequently, I conclude that the development would be contrary to the relevant provisions of the Framework, policies SP1 and SP3 of Section 1 Local Plan (adopted 2021) and policies SD1 and H1 of the Core Strategy (adopted December 2008¹), which in summary seek to focus development to sustainable locations, typically within and adjoining established settlement boundaries. I note in this respect that although the ‘Overview’ in the Council’s statement of case states that Core Strategy Policy SD1 has been superseded by the Section

¹ Some parts of the Core Strategy policies are superseded by Section 1 Local Plan policies (adopted 2021), as set out within the Council’s Statement of Case, with remaining elements relevant for decision making purposes.

1 Local Plan, this is an error and confirmed not to be the case by subsequent paragraphs.

Other Matters

20. The appellant sets out the “significant opportunity” to provide new landscape planting and biodiversity enhancement measures as part of the development. It is also contended that the proposed development would bring with it multiple economic and social benefits in terms of job creation, the provision of housing and the contribution to the local economy.

21. I acknowledge these points. However, the benefits of a single new home (during and post-construction) would inevitably be modest, and the support in the development plan, and Framework, for new housing is not at the expense of ensuring that all development is appropriately located. Moreover, I am aware that Colchester Borough Council can demonstrate a five-year housing land supply and therefore give this argument little weight.

Conclusion

22. For the reasons above and having had regard to the development plan as a whole, the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR