



Appeal Decision

Site visit made on 17 November 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/A1530/W/22/3299584

Land Adj Rosaville, White Hart Lane, West Bergholt CO6 3DB

- 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 Owen De'Ath against the decision of Colchester Borough Council.
 - The application Ref 213465, dated 6 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is described in the application form as 'Outline permission with all matters reserved for a detached dwelling and double garage...'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading, I have referred to the description of the proposal from the application form, omitting that which is unnecessary to accurately describe the scheme.
3. The Colchester Local Plan 2017-2033 Section 2 (Local Plan Section 2) was adopted in July 2022. The Council has confirmed that the policies they refer to from the Development Policies document (adopted 2010, amended 2014) and the Core Strategy (adopted 2008, amended 2014) are now superseded by the adoption of the Local Plan Section 2. The Council has provided copies of those policies from the Local Plan Section 2 which they consider relevant. I am required to consider the appeal in the context of the development plan currently in place and so I have disregarded the superseded policies. Both parties have had an opportunity to comment on the adoption of the Local Plan Section 2 and so are not prejudiced by this change.

Main Issues

4. The main issues are whether the proposed development would provide a suitable location for housing with respect to the Council's spatial strategy and the accessibility of the site by sustainable modes of transport.

Reasons

5. The appeal site is a rectangular parcel of land, the boundaries of which are defined by trees, hedgerow and fencing. The site is located between two existing detached dwellings at the end of an unadopted, unmade road at White Hart Lane, accessed from Nayland Road. The site is to the north of West Bergholt, beyond the settlement limits of the village as defined in the development plan.

6. Policy SP3 of the North Essex Authorities' Shared Strategic Section 1 Plan adopted February 2021 (Local Plan Section 1) sets out the spatial strategy for North Essex, indicating that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. The policy also seeks to ensure that development locations are accessible by a choice of means of travel. The Council acknowledge that West Bergholt benefits from various services and facilities.
7. The supporting text to Local Plan Section 2 Policy SS15 indicates that development to the north of West Bergholt on Colchester Road/Nayland Road would extend new development away from existing key facilities and into open countryside, which the Council do not consider sustainable. Policy SS15 itself stipulates that development proposals will be required to comply with policies in the West Bergholt Neighbourhood Plan (NP), produced August 2019, and any relevant Local Plan policies.
8. Policy PP9 of the NP indicates that the minimum number of dwellings to be provided will be 120 and that these will be across 2 allocated housing sites, which do not include the appeal site. Based on the supporting text of the policy, the spatial approach to housing development supports proposals within or abutting the settlement boundary, close to the main village amenities, that can address transport, highways and infrastructure needs.
9. Policy DM20 and DM21 of the Local Plan Section 2 seek to promote walking and cycling as an integral part of development, and ensure all new developments enhance accessibility for sustainable modes of transport. This includes prioritising the movement of people walking and cycling, giving access to public transport, ensuring streets and junctions are people-friendly, minimising conflicts and ensuring accessibility for those with impaired mobility.
10. There are bus stops and other local services, including a public house and school, within a reasonable walking distance of the site. The wider facilities of the village are located beyond. However, a considerable portion of the routes to these for future occupiers would be along White Hart Lane.
11. White Hart Lane is a long, uneven gravel track, with poor drainage and no footpath or formal lighting along its entire length. At the bottom of the lane is a narrow chicane flanked by tall hedgerows with poor visibility around the corners. The junction of the lane with Nayland Road is immediately adjacent to the access for The White Hart public house, and the connection to the pedestrian footpath here is very narrow and somewhat unkept. In its current condition, it is not conducive to use by pedestrians, cyclists or anyone with impaired mobility. The level of access the site enjoys to key facilities within the village is therefore considerably curtailed by the condition of White Hart Lane, and the proposal is unlikely to encourage travel by sustainable means.
12. I recognise that the appeal site is geographically close to the housing sites allocated in the NP. However, these sites are within the settlement boundary, have greater accessibility including immediate access onto a main road, and are in closer proximity to local transport and services. The appeal site therefore does not benefit from the same relationship with the rest of the village.
13. I therefore conclude that the proposal would not provide a suitable location for housing with respect to the Council's spatial strategy and the accessibility of the site by sustainable modes of transport. It is therefore contrary to Policies

SP3 of the Local Plan Section 1, SS15, DM20 and DM21 of the Local Plan Section 2 and Policy PP9 of the NP. These policies, amongst other things, seek to reduce the need to travel, encourage sustainable transport and ensure that existing settlements are the principal focus for additional growth.

Other Matters

14. The appellant considers that there is unlikely to be sufficient development forthcoming to achieve the target for 120 new homes as set out in Policy PP9 of the NP. The Council advise that 79 dwellings have been permitted to date and maintain that the remaining 41 dwellings could be accommodated on allocated sites. The Council maintain they can demonstrate a 5-year housing land supply and there is no compelling evidence before me to indicate the aims of NP Policy PP9 are out-of-date or that there is a shortfall in housing delivery in the area.
15. Reference has been made to paragraph 149 of the National Planning Policy Framework 2021 (the Framework), concerning 'limited infilling in villages', and a High Court Judgement related to the interpretation of this term. However, this section of the Framework and associated High Court Judgement concern development in the Green Belt. The appeal site is not located within the Green Belt and so I find neither to be relevant to this case.
16. The appeal site is within the Zone of Influence for one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in which proposals for new residential development have the potential to give rise to significant effects (either alone, or in combination with other proposals). As the appeal is to be dismissed for other reasons, it is not necessary for me to undertake an appropriate assessment to consider the effect on the designated sites.

Conclusion

17. The scheme would result in the delivery of an additional housing unit, which would positively contribute to the local housing supply. It would also be located close to the settlement boundary of West Bergholt however access to local services by sustainable modes of transport would be limited. Some economic and social benefits would occur through construction and occupation. However, this contribution is modest given the scale and context of the development.
18. While the proposal may comply with other parts of the development plan or national policy, including meeting the Council's definition of 'infill' development, the absence of development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
19. I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan, taken as a whole. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR