



Appeal Decision

Site visit made on 25 January 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/A1530/W/22/3295728

Swallowfield Glamping Pods, Heath Road, Fordham Heath, CO3 9TN

- 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 John Warren against the decision of Colchester City Council.
 - The application Ref 213516, dated 23 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is erection of a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed development would be in a suitable location having regard to relevant development plan policies and the accessibility of services and facilities by sustainable transport; and
 - The effect on the character and appearance of the surrounding area.

Reasons

Location of development

3. The appeal site is a field containing three glamping pods with hedging along the roadside boundary. The proposed dwelling would be single storey and located behind an existing stable building. Directly to the east are three pairs of semi-detached houses but otherwise the immediate surroundings comprise open farmland.
4. Policy SP3 of the Colchester Borough Local Plan (Section 1) stipulates that existing settlements will be the principal focus for additional growth. Development will be accommodated within or adjoining them. In setting the spatial strategy, Policy SG1 in Section 2 of the Local Plan aims for growth to be located at the most accessible and sustainable locations and focussed on the urban area of Colchester. The second tier of preferred locations includes Sustainable Settlements of which Eight Ash Green is one. These have the potential to accommodate further proportionate growth.
5. The Eight Ash Green Neighbourhood Plan defines the village settlement boundary. Policy VSB1 sets a general presumption against new development outside it, unless it accords with the special circumstances set in the development plan or the National Planning Policy Framework. In turn, Policy

SS5 of the Section 2 Plan provides that development proposals will be required to comply with policies in the Neighbourhood Plan and any relevant Local Plan policies. These policies therefore have a circular relationship and do not alter the position that development adjoining existing settlements is not precluded by relevant development plan policies.

6. The appeal site is 129m from the settlement boundary and is divided by an intervening field. The Court of Appeal judgment in *Corbett v Cornwall Council and another* [2022] EWCA Civ 1069 confirms that “adjoining” does not necessarily mean contiguous. The fact that the proposed dwelling would not be right next to the settlement boundary is therefore not decisive. Indeed, as houses within the defined village can be seen from the appeal site, the physical and visual relationship between the two would be sufficiently close for the proposal to be considered as adjoining the settlement.
7. The *Corbett* judgment also indicates that the functional relationship between the site and the settlement can be considered. In this respect, there would be a reasonable range of services, facilities and transport within 600m of the site and so this reinforces the finding that the proposed dwelling would be adjoining Eight Ash Green.
8. Because of its proximity to the row of houses along Heath Road and the edge of the settlement, the proposed dwelling would be not physically separate or remote from a settlement. Therefore, having regard to the judgment in *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610, it would not be isolated. Accordingly there would be no conflict with paragraph 80 of the Framework.
9. The Council maintains that future occupiers would rely on motor cars to access services. The Framework seeks to promote sustainable transport but recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The supporting text of the Section 2 Plan refers to local facilities including a village hall, three shops, a takeaway, convenience store, beauty salon and a pub. The village primary school is also 500m away. There is a bus stop outside the site although the service is spasmodic. However, more frequent services between Colchester and Halstead are available on Halstead Road (A1124) at a distance of some 590m.
10. There is no footway along Heath Road for about 250m until the junction with Wood Lane. There are grass verges in places and the road is said to be lightly trafficked. Whilst this may deter some people from walking, the route is not so hazardous that journeys on foot would seldom take place. This is especially given the proximity of the village services and facilities and onward transport options. Future occupiers would nonetheless be highly likely to use their own transport to conduct some parts of their daily lives. However, the range and proximity of facilities means that there would be a reasonable choice of mode in line with the Framework’s sustainable transport aims.
11. Therefore the proposed development would be in a suitable location having regard to relevant development plan policies and the accessibility of services and facilities. It would accord with Policy SP3 of the Section 1 Local Plan and there would be no conflict with Policies SG1 and SS5 in Section 2 or with Policy VSB1 of the Neighbourhood Plan.

Character and appearance

12. In the Countryside, new development will only be acceptable where it accords with Policy OV2 of the Section 2 Local Plan. This provides that residential development outside defined settlement boundaries will need to demonstrate, amongst other things, that the scheme respects the character and appearance of landscapes and the built environment.
13. There are buildings connected to the glamping business on the appeal site but these are limited in scale and size. Indeed, the surroundings are generally rural in character. The short ribbon of development to the east is not the dominant feature and is the exception to the otherwise open land along this part of Heath Road. The landscape has no particular designation but is pleasant and rolling and provides an attractive setting on the edge of the village. Longer views are possible across the appeal site to the north.
14. The proposed dwelling would be low in height but its footprint would be quite extensive. As a result and because of its location, the proposal would intrude into the countryside scene and detract from its qualities. In addition, as the dwelling would be set well back into the site, it would have a poor relationship with the row of adjoining houses which are positioned further forward. The pattern of development that would be created would be fragmented and piecemeal and the proposal would not respect its context. The design would also be mundane. It would fail to reflect either the adjoining buildings or rural vernacular architecture and therefore would not be well integrated.
15. The proposal would not bring about coalescence between Eight Ash Green and neighbouring and existing and proposed settlements and so there would be no conflict with Neighbourhood Plan Policy EP1. However, it would cause harm to the character and appearance of the surrounding area and so would not accord with Policy OV2. It would also be contrary to the place shaping principles in Policy SP7 of the Section 1 Local Plan and Policy DM15 of Section 2 which is concerned with design and amenity.

Other Matters

16. The appeal site is within the zone of influence of the ecologically rich and diverse Essex Coast habitats sites. The proposed dwelling would be likely to increase recreational disturbance at these sites as future residents would be liable to travel to them. In combination with other development in Colchester, the proposal would therefore lead to a likely significant effect on the designated features of the habitats sites.
17. The unilateral undertaking dated 11 August 2022 secures payments towards the adopted Recreational Disturbance Avoidance and Mitigation Strategy. However, given that the appeal is to be dismissed, there is no need to consider whether this would be effective or to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations.
18. The Council expects new development to provide, or contribute towards, the provision of community facilities to meet the needs of new and expanded communities and mitigate impacts on existing communities. The unilateral undertaking includes such a contribution. The nearest identified project is the upgrading of a scout hut at West Bergholt. However, it is unnecessary to

address whether the obligation is necessary to make the development acceptable in planning terms.

Conclusion

19. The proposed dwelling would be in a suitable location having regard to relevant policies but it would harm the character and appearance of the surrounding area. There are no material considerations that warrant reaching a decision other than in accordance with the development plan.
20. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR