The Planning Inspectorate

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: 6 February 2023

Appeal Ref: APP/A1530/W/21/3287983
Apple Garth, Cooks Mill Lane, Fordham Heath, CO3 9TE

- 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 Nigel Castle against the decision of Colchester City Council.
- The application Ref 210219, dated 27 January 2021, was refused by notice dated 8 September 2021.
- The development proposed is erection of a single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. These are:

   - Whether the proposed development would have adequate access to services and facilities by sustainable transport modes;
   - The effect on the character and appearance of the surrounding area; and
   - The effect on highway safety arising from turning movements on Cooks Mill Lane.

Reasons

Access to services and facilities

3. The appeal site comprises the side garden of Apple Garth and is situated adjacent to the crossroads formed by Cooks Mill Lane, Argents Lane, Spring Lane and Heath Road. It is just outside the settlement boundary of Eight Ash Green which is about 50m to the south.

4. Policy SP3 of the Colchester Borough Local Plan (Section 1) indicates that development will be accommodated within or adjoining existing settlements. In the Section 2 Plan, Policy SG1 identifies Eight Ash Green as a Sustainable Settlement which has the potential to accommodate further proportionate growth. Because of its proximity to the boundary, the proposed dwelling would be adjoining the defined settlement and there is therefore no objection in terms of the spatial strategy for Colchester.

5. The Framework seeks to promote sustainable transport. Policy DM21 of the Section 2 Plan indicates that all new developments should seek to enhance accessibility for sustainable modes of transport.

6. The appeal site is about 220m from a public house. There are bus stops outside it although the services only run four or five times each day. More frequent services between Colchester and Halstead are available on Halstead Road (A1124) and the stops are about 800m away. The primary school at Eight Ash Green is approximately 1km from the site and convenience shopping is around 1.2km. There is also a takeaway food restaurant at this location.

7. The majority of these facilities are at or beyond the distance that most people would be likely to walk to. Although there is no footway along much of Wood Lane, it would be feasible to walk on the heath and so this would not be a significant deterrent. However, negotiating Heath Lane to get to the school would not be an appealing option with young children as it is without pavements and the national speed limit applies. Cycling is possible but this would not always be feasible if carrying shopping or for onward bus journeys. Nonetheless some linked trips could be made by calling in at local services as part of a longer journey.

8. Overall the site is not particularly well placed to easily access the services and facilities at Eight Ash Green given how far away they are and the constraints of using Heath Lane. Some trips could be made by means other than the car. However, the prospect of this occurring is not high and the likelihood is that future occupiers would use their own vehicles for the majority of the time. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas but, because of its location, the proposed development would not further its aims in this respect.

9. Appeal decisions at Aldham and Messing (Refs APP/A1530/W/16/3156407 & APP/A1530/W/20/3262247) have previously considered the accessibility of local services. However, no two situations are alike. Indeed, the appeal can be distinguished from the Aldham case which refers to the short distance into the village centre to access bus services. That is not so here.

10. In conclusion, the proposal would have inadequate access to services and facilities by sustainable transport modes and would conflict with the aims of Policy DM21.

Character and appearance

11. 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 settlements boundaries will need to demonstrate, amongst other things, that the scheme respects the character and appearance of landscapes and the built environment.

12. The proposed dwelling would be sited end-on to Cooks Mill Lane with its longer side elevation facing onto Argents Lane. It would be one and a half stories high with a simple gable roof and a traditional design finished in brick and tile. The proposal would be subservient in scale to Apple Garth and would add to a small cluster of buildings.

13. However, this is the point at which development on the edge of the village 'tails off' as it merges into the surrounding countryside. Furthermore, the open area at the side of Apple Garth complements those on the other four corners of the junction, including the heath and the wooded area to the west. As such, it makes a positive contribution to the locality. Although partly concealed by the

boundary hedge the proposal would be prominent and lead to an unexpected 'thickening' of built form where it is otherwise petering out. As a result it would not be well integrated with its surroundings, including the adjacent spacious residential plots. It would therefore detract from the pleasant rural character that prevails on the periphery of Eight Ash Green.

14. The proposal would have no detrimental impact on the heath itself which is the dominant feature of the locality according to the Village Design Statement. Even if the site is defined as previously-developed land, neither of these considerations alter the harm to the character and appearance of the surrounding area that would occur. As well as the conflict with Policy OV2 the proposal would be contrary to the place shaping principles in Policy SP7 of the Section 1 Plan, Policy DM15 of Section 2 which is concerned with design and amenity and Policy DH1 of the Eight Ash Green Neighbourhood Plan which requires new residential development to respect and respond to local character.

Highway safety

15. Turning space for vehicles within the site would be restricted meaning that future occupiers may occasionally need to reverse off of or onto Cooks Mill Lane. However, this is a no through road that only serves 4 properties. Even allowing for the recent increase in home deliveries and potential use by building or maintenance vehicles, the amount of traffic using the lane is likely to be extremely limited.

16. The new access would be close to Heath Road. However, there is a wide verge so that any drivers turning into the lane from that direction should be able to easily see any vehicles arriving at or leaving the proposed dwelling. Those living there would no doubt take the appropriate level of care if they needed to reverse. Even allowing for possible use of the lane by cyclists and pedestrians, the prospect of any collisions would be extremely low. There would be no unacceptable risk to highway safety and no conflict with Policy DM21 which refers to safe layouts and minimising conflicts.

Other Matters

17. 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.

18. The unilateral undertaking dated 17 May 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.

19. 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 and also one towards open space, sport and recreational facilities. However, it is unnecessary to address whether

these obligations are necessary to make the development acceptable in planning terms, as the appeal will be dismissed.

Conclusion

20. The proposal would have inadequate access to services and facilities by sustainable transport modes and would harm the character and appearance of the surrounding area. Although there would be no unacceptable risk to highway safety, there are no material considerations which indicate that a decision should be made other than in accordance with the development plan.

21. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR