



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/21/3288712

Springfield, Station Road, Wakes Colne, CO6 2DS

- 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 & Mrs Tom Noble against the decision of Colchester City Council.
 - The application Ref 212722, dated 28 September 2021, was refused by notice dated 29 November 2021.
 - The development proposed is demolition of a garage and the erection of a single dwelling with access driveway and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of a garage and the erection of a single dwelling with access driveway and car parking at Springfield, Station Road, Wakes Colne, CO6 2DS in accordance with the terms of the application, Ref 212722, dated 28 September 2021, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellants against the Council is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with only access to be decided. The matters of appearance, landscaping, layout and scale are therefore reserved for future determination. The indicative layout nevertheless shows one way that the development could take place.

Main Issues

4. 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 modes;
 - The effect on the character and appearance of the surrounding area; and
 - The effect on the living conditions of adjoining occupiers with particular reference to any noise, disturbance or pollution arising from vehicle movements.

Reasons

Location of development

5. The appeal site forms part of the garden of Springfield. It also includes a strip of land in front of the dwelling and most of the private drive leading onto Station Road. The main body of the site is outside but immediately adjoining the defined settlement limits of Wakes Colne. This boundary is drawn tightly around Springfield and the housing to the south. There is open farmland to the north beyond the line of properties along Station Road.
6. 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 for Colchester, Policy SG1 in Section 2 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 Wakes Colne is one. These have the potential to accommodate further proportionate growth.
7. Therefore, the position is that development adjoining existing settlements is not precluded by relevant development plan policies. The proposed dwelling would be right on the edge of the defined settlement of Wakes Colne and so falls into this broad category. Furthermore, Wakes Colne is a place where some growth is anticipated and 30 new dwellings are allocated to the south of Swan Grove (Policy SS3). In itself this does not justify the proposal but it confirms that extra housing is generally appropriate in this location given the services and capacity available in Chappel and Wakes Colne.
8. Because of its proximity to Springfield and the row of buildings to the east along Station Road, 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 National Planning Policy Framework.
9. The supporting text of the Section 2 Plan indicates that settlement boundaries are an essential tool for the management of development. Amongst other things this approach is intended to reduce the likelihood of the private car being the sole mode of transport. However, no policies have been referred to that prevent development outside of settlement boundaries or set specific requirements for accessibility to services and facilities. The Framework seeks to promote sustainable transport but recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The appeal site is near to Chappel and Wakes Colne railway station. This has an hourly service which connects with the Colchester to London Liverpool Street mainline at Marks Tey. Within 500m to the south are a post office and village shop, primary school, public house, play areas, community uses, public open space and a church. Bus services run along the A1124 (Colchester Road) between Colchester and Halstead. On the face of it, future occupiers would therefore have reasonable options to access some facilities without needing to use a private vehicle.

11. Station Road is without a footway for about 190m to the south. Local residents draw attention to safety issues along this stretch due to the speed and volume of traffic, the narrow width of the road and its 'pinch points', incline, banked sides and limited street lighting. These factors may deter some from making short trips on foot. However, the evidence provided shows that people do currently walk down the hill and I also observed pedestrians on Station Road whilst I was in the area. Care and attention would clearly be required but the driveways along this section provide a potential refuge. Indeed, this route is not so intrinsically hazardous that it would never be used in favour of the car, especially given how close the village facilities are.
12. Future occupiers would be highly likely to use their own transport to carry out some parts of their daily lives. However, the range of facilities nearby means that it is not inevitable that all journeys would have to be made in this way. This is particularly as the railway station is so close at hand and linked by a footway. Safely negotiating Station Road would be a possible disincentive but not an insuperable one. In short, anyone living at the proposed dwelling would be reasonably able to access the services at this Sustainable Settlement in line with the Framework's sustainable transport aims.
13. The appellants refer to appeal decisions that have considered the accessibility of local services, especially those at Aldham (Ref APP/A1530/W/16/3156407) and Layer Breton. However, no two cases are alike and so they have had little bearing on my assessment. In particular, neither of those developments were as close to a railway station as the house proposed adjoining Springfield.
14. 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 Plan and there would be no conflict with Policy SG1 in Section 2.

Character and appearance

15. 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.
16. The proposed dwelling would be adjacent to the field to the north but would be well-contained by existing boundary vegetation which could be retained. The detailed design of the proposal could be devised so as to not be prominent when viewed from the surrounding countryside. It would also be seen in the context of other buildings and so the clear rural landscape character immediately outside the site would not be spoiled. Any views from the viaduct or in the vicinity of the station would be some distance away and therefore the dwelling would not be intrusive in the overall scene.
17. The Council's Supplementary Planning Document (SPD) on *Backland and Infill Development* of 2009 is now dated having been published prior to the Framework. The proposal would fall within the definition of backland development and the SPD seeks to ensure that this reflects the character of the area and the existing street scene. It also indicates that the Council will normally resist tandem development. However, the weight to be given to this statement is limited given the time that has passed since adoption and as it is

not part of the development plan. There is also nothing in national policy which indicates that backland development should not be contemplated.

18. The pattern of development along Station Road is largely linear. However, it has taken place to the rear of this line of buildings. There are two small groups served by private drives on the western side (one of which includes Springfield) and a small cluster on the eastern side adjacent to the station. Even if the proposed dwelling would be the first in the village to be built on garden land and served by a shared driveway, this does not alter the fact that development in depth is already a feature of the locality. Perpetuating this would not lead to a poor relationship between the proposed dwelling and its surroundings.
19. In terms of the effect on Station Road, the proposal would be discretely positioned behind other houses as part of the group of four properties served by the private drive. The garden of Springfield would be reduced and the residual area would much smaller than the other rear amenity areas within this enclave. However, it would provide an adequate and usable space in line with Policy DM19 and would not be a noticeable feature of the locality. Moreover, the size of it would not appear to be markedly different to the external areas associated with the newer houses on the eastern side of Station Road.
20. As the site is within a built-up area, the proposal would not be on previously developed land as defined by the Framework. However, this does not count against the proposed development. Indeed, it would not harm the character and appearance of the surrounding area and would comply with the relevant parts of Policy OV1. There is no reason to suppose that the place shaping principles in Policy SP7 of the Section 1 Plan or the expectations of Policy DM15 in Section 2 relating to design and amenity could not be met.

Living conditions

21. Vehicles moving to and from the proposed dwelling would pass directly in front of Springfield and they would also travel along or close to the rear boundaries of the properties in Station Road. However, the number of times this would occur each day is likely to be limited. As a result the consequences in terms of noise, disturbance and pollution for those living at neighbouring properties would be insignificant.
22. The existing gardens of the dwellings in Station Road are secluded and the proposal would introduce built development into an area where there is currently none. However, their rear elevations are at least about 37m from the site boundary. A reasonable separation would therefore exist between the backs of the houses and the proposed dwelling. Furthermore, the appeal site is sizeable. There would therefore be scope to design and site a dwelling so it would not be visually overbearing, taking account of the levels, and so any overlooking of the adjoining external areas could be minimised.
23. There would therefore be no adverse impact on the living conditions of adjoining occupiers and no conflict with Policy DM12 of Section 2 which is concerned with housing standards or with relevant parts of Policy DM15.

Other Matters

24. The private drive is initially quite steep but is currently negotiated by those residing at the four properties it serves – whether in a vehicle or on foot. There is therefore no reason to consider that it is unsuitable. Furthermore,

there is no technical evidence to show that additional usage of this junction would have an unacceptable impact on safety and, in particular, that visibility onto Station Road is deficient.

25. Policy OV2 also stipulates that development in the Countryside should preserve or enhance the historic environment and biodiversity. In this respect, the proposal would be well separated from the impressive Grade II listed viaduct and would not adversely affect its setting. There is no evidence of great crested newts around the pond within the site. Whilst there is evidence that surrounding gardens are a haven for wildlife, including some protected species, there is nothing to indicate that the proposal would change or disturb this. Indeed, the majority of the appeal site would remain in garden use.
26. There are a series of springs in the area. However, the Environment Agency's data shows that the site is at low risk of surface water flooding. There is no information to suggest that the proposal would be likely to have a negative impact on this natural source. Details of drainage and of any hard surfacing could be secured by condition to avoid increasing waterlogging issues locally.
27. There is concern that allowing the appeal could set a precedent for similar development to come forward nearby, especially as other houses served by the private drive have large gardens. There is no clear evidence that this is likely. In any event, any such proposals would be considered on an individual basis against the development plan policies in force at the time. This decision should not be taken as being anything other than a determination of this proposal.
28. There is also fear that this scheme is a fore runner to proposals for a greater amount of development in the grounds of Springfield. However, the appellants maintain that they have no intention of applying for further development beyond this site. In any event, similar principles to those outlined above would obtain if additional development were sought on the appeal site.
29. In the past land to the north of the appeal site has been promoted for residential development as part of a call for sites. However, the allocation of land is decided through the preparation and examination of a development plan and this decision should have no bearing on either of those future activities.
30. 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.
31. In conjunction with other Essex authorities, the Council has adopted a Recreational Disturbance Avoidance and Mitigation Strategy. This aims to avoid adverse effects by securing financial contributions towards a detailed programme of strategic avoidance and mitigation measures. Policy SP2 of the Section 1 Plan confirms this approach. A planning obligation dated 4 July 2022 has been submitted which secures the requisite payments.
32. Harmful effects would therefore be prevented by means of effective mitigation. As a result, following an appropriate assessment, the proposal would not adversely affect the integrity of the habitats sites. There would be no conflict

with Policy ENV1 of Section 2 and the proposal would also comply with the Conservation of Habitats and Species Regulations.

33. Policy DM2 of the Section 2 Plan requires 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. As the proposal would increase the resident population of Wakes Colne, a contribution towards additional community facility floorspace is expected. The Council has identified a project for improvements at the village hall which is in close proximity to Station Road. The payment is secured through the unilateral undertaking and is necessary to make the development acceptable in planning terms. The other tests in paragraph 57 of the Framework are also met.

Conditions

34. To ensure that the development functions as intended, a condition is required to secure the provision of the approved access. As well as routes within the development, the layout should contain details of the parking and turning for vehicles, including replacement parking for Springfield. Cycle storage facilities should also be incorporated to promote sustainable transport. Provision should be made for the siting of refuse facilities for visual and practical reasons. Due to the proximity to residential properties, a construction method statement is necessary together with a limit on working hours. Because of the springs in the area, details of the system of surface water drainage should be agreed.
35. Where necessary, the suggested wording of the conditions has been adjusted in the interests of clarity.
36. However, as the proposal relates to a single dwelling there is no justification for requiring passing places to be provided along the private drive. Given the other conditions to be imposed a separate one regarding the extension of the driveway into the site is not required.

Conclusion

37. The proposed development accords with the development plan and there are no material considerations to override this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the occupation of the dwelling hereby permitted, the access shown on drawing no. 0931_A_SC_03 shall be provided.
- 5) No development shall take place until details of the siting of refuse and recycling bins have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the dwelling hereby permitted and retained thereafter.
- 6) No development shall take place until details of cycle storage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the dwelling hereby permitted and retained thereafter.
- 7) The layout details submitted pursuant to Condition 1 shall include details of parking and turning for the dwelling hereby permitted and for Springfield. The dwelling hereby permitted shall not be occupied until the approved parking and turning areas have been provided. Thereafter those areas shall be retained and kept available for the parking and turning of vehicles.
- 8) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel and under body washing facilities; measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works. Construction works shall be undertaken in accordance with the approved method statement.
- 9) No demolition or construction work shall take place on any Sunday or Public Holiday, nor at any other time except between 0800 – 1800 hours on Mondays to Fridays and 0800 – 1300 hours on Saturdays.
- 10) No development shall take place until details of surface water drainage has been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved method of surface water drainage has been fully installed and is operational.