



Appeal Decision

Site visit made on 31 January 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/A1530/W/21/3289440

Land west of Coggeshall Road, Dedham, Essex, CO7 6EU

- 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 M Minns against the decision of Colchester City Council.
 - The application Ref 210896, dated 1 April 2021, was refused by notice dated 14 July 2021.
 - The development proposed is use of land for the siting of 6 no. holiday pods, including new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, it has adopted Section 2 of the Colchester Borough Local Plan 2017-2033 in July 2022. Therefore, the development plan for Colchester City now comprises the adopted Section 1 and Section 2 of the Colchester Borough Local Plan (LP).
3. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The policies in the LP supersede those referred to in the Council's delegated report. The parties have had an opportunity to address these changes in policy.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed access arrangements;
 - the effect of the development on the character and appearance of the area, with particular reference to trees; and
 - whether the appeal site represents an appropriate location for the proposed development, having regard to the spatial strategy in the development plan.

Reasons

Highway Safety

5. The access to the site would join Coggeshall Road, on a straight section of carriage way. It is a rural road subject to a 30 mph mandatory speed limit and there are several other accesses within the vicinity of the site serving existing residential development. However, the County Highway Authority have provided evidence that nearby roads experience traffic speeds slightly above that limit and expect the same to be true of Coggeshall Road. However no specific evidence has been provided for Coggeshall Road.
6. The appellant's evidence indicates that the proposed development could generate a maximum of 48 vehicular movements a day, calculated at 3.2 movements an hour between 8am-11pm.
7. The appellant originally submitted plans for a new access, including the provision of a 70m visibility splay in both directions, however the County Highway Authority raised an objection to this and amended plans were submitted to utilise the original access. Having sought clarification from the parties on this matter, it is my understanding that the amended plan is that which the Council considered in its refusal and is before me as part of this appeal.
8. The amended drawing does not indicate any visibility splays but it would appear that those required towards Long Road West/East would pass over the neighbouring accesses and would not be in the appellant's control. The highway authority has recommended that the application be refused and the Council's concerns are borne out in third party representations.
9. Paragraph 109 of the National Planning Policy Framework (the Framework) advises that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. However, the guidance within Manual for Streets 2 (MFS2) advises that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem.
10. MFS2 is the starting point for the design of roads and streets that are not Trunk Roads, and a presumption in favour of applying the standards set out within that document would normally be appropriate unless local context demands otherwise.
11. Based on what I saw on my site visit the existing access is located close to other accesses serving residential properties within an area which has houses on both sides. The number of accesses and visibility of the dwellings fronting Coggeshall Road provide active frontages and the "movement" and "place" functions of the road as referred to in MFS2 are, in this instance, balanced more in favour of the "place" function. I would, therefore, consider that the design guidance contained within MFS2 would be appropriate for this instance.
12. However, the proposal before me to utilise the existing access does not provide sufficient certainty that appropriate visibility splays can be achieved. As a result of the proposed development the use of Coggeshall Road would be intensified and the lack of appropriate visibility splays increases the potential for conflict with vehicles exiting and entering the site.

13. In addition, the existing access road leading to the appeal site is of limited width and is bordered on one side by hedging and fencing which encloses the space further. The limited width of the road means that it would not be possible for two vehicles to pass along the length of the access, which would result in cars either having to wait within the site, or on the highway when entering or exiting the site.
14. The access also includes a sharp turn on entering the site. If a vehicle was turning into the access road, visibility of vehicles coming down the access road would be limited until after they had committed to a turning line. This would result in the turning vehicle having to either stop part way through its manoeuvre which may not be anticipated by other traffic on Coggeshall Road, or reverse back onto the highway.
15. Whilst average vehicle movements and speeds indicate that the development would not result in frequent conflicts between vehicles entering and exiting the site, even limited incursion into traffic passing along Coggeshall Road as a result of vehicles accessing the site would result in an unacceptable impact on highway safety.
16. Furthermore, as a result of its limited width and lack of dedicated footpath, the access road would also be a shared space between pedestrians, cyclists and vehicles, which could lead to conflict between these users. To my mind, this arrangement would result in a less than ideal situation for pedestrians and would be a safety concern for those trying to access the services within the village from the proposed development. This is particularly important as this route would be the only way for pedestrians to gain access to local facilities from the appeal development.
17. In conclusion, it has not been demonstrated within the evidence before me that the proposed access arrangements would not result in an adverse effect on highway safety, contrary to policies DM15 and DM21 of Section 2 of the LP which seek to ensure development will not be detrimental to highway safety.

Character and appearance

18. The appeal site comprises an area of broad leaved woodland and the proposed pods would be located amongst the existing trees with paths provided through the rear portion of the site with a small play area.
19. The submitted Preliminary Ecological Appraisal, by Greenwood Arboriculture (PEA) notes that the understorey of the woodland is poor due to the dense nature of the grey willow stands and lack of management and infrequent hawthorn and blackthorn. The western part of the site is identified as a Priority Habitat and comprises more mature oak and hawthorn trees. The remainder of the woodland is considered to be a secondary woodland, due to the poor diversity of the species present, closely grown nature of the trees and poor understorey/ground flora.
20. The proposed pods will be located within an area which currently has sparse tree cover and therefore will limit the need for trees to be removed. Glimpsed views through the existing hedgerow into the site are possible, however additional planting could be secured through a suitably worded planning condition in order to provide further screening.

21. The PEA notes that the woodland has not been managed effectively, and the Council's Landscape Officer has indicated that a woodland management and renovation plan is required to enhance the degraded structure of the woodland. This could include the reinstatement and renovation of the existing hedgerow enclosure to the woodland. The submission of this would enable an enhancement to the existing woodland and ensure its effective management, improving it as a habitat and ensuring it is maintained in the future.
22. The Council's arboricultural officer response to the proposal indicates that the pods are light weight structures which are unlikely to have a significant negative impact on the trees. Whilst comments made on an earlier application have been provided, by the Council, that suggested that an arboricultural impact assessment and tree survey should be submitted in order for a full assessment of the proposed development to be made, from the evidence before me these comments appear to have been addressed in this latest submission.
23. The Council's Landscape Officer suggests further information is required in relation to how the creation of a new access would affect the existing frontage hedgerow. However, the proposal before me is for the use of the existing access and therefore the concerns raised are not relevant to my considerations.
24. In conclusion, the scale of development proposed, the positioning of the pods within the area with sparse tree cover together with the lack of identified harm to the existing trees weigh in the proposals favour. In addition, the proposal could secure the delivery of a woodland management and renovation plan which would provide opportunities for biodiversity enhancements. Therefore, the proposal would accord with Policy DM5 and DM15 of Section 2 of the LP, which supports new visitor accommodation, including holiday lodges in suitable locations subject to minimising their impact on the neighbouring area and provide biodiversity enhancements and requires development to reflect the importance of green networks for biodiversity.

Location

25. Paragraph 7.22 of Section 2 of the LP sets out that in order to maximise the benefits of tourism to rural economies it is important to locate new tourism development in locations where visitors can help to support local shops, pubs and other rural services. Proposals for new visitor facilities will be assessed against their ability to help deliver other relevant policies.
26. Policy DM5 of Section 2 of the LP supports new visitor accommodation, including holiday lodges in suitable locations subject to minimising their impact on neighbouring areas and provide biodiversity enhancements. Furthermore, it should be appropriate in scale and function to the surrounding area and accessible by a choice of means of transport.
27. Policy OV2 allows for sustainable rural leisure schemes and sets out that generally rural businesses will be supported if they are of an appropriate scale, minimise negative environmental impacts and harmonise with the local character and surrounding countryside where they are being proposed.

28. The appeal site is located outside of the defined settlement boundary of Dedham Heath, which is defined as an Other Village within the Local Plan. These are small villages with only limited facilities, which local communities rely on for basic needs and as social hubs. The site is outside the settlement boundary for Dedham Heath and is therefore in the countryside for planning purposes.
29. Whilst Dedham Heath is a small settlement with limited facilities, there are several services and facilities provided within the neighbouring settlement of Dedham, including a Post Office and a small number of shops and is likely to be an attractive destination for tourists exploring the local area.
30. There is a bus stop approximately 300m from the appeal site which provides a limited bus service to Manningtree Station and Colchester, however these do not run regularly throughout the day and there is a lack of footpath to provide pedestrian access to the bus stop. It is therefore unlikely that the bus service would be a realistic alternative to the convenience of a private car, however it would be an alternative for those who did not have access to a car.
31. The rural location of the site seems to me to be a fundamental part of its attraction to future tourists/holiday makers, providing an escape from an urban environment whilst at the same time not being remote in a rural context, given its location adjacent to the settlement of Dedham Heath. The access and travel patterns of tourists/holiday makers, and their requirements for services and facilities, are materially different from those associated with permanent residential occupation of a property.
32. It is reasonable to suppose for instance, that tourists on a rural holiday may be more prepared to contemplate walking or cycling the relatively short distance to access the nearest facilities within Dedham, or walking to the bus stop. I recognise that Coggeshall Road has no footways or lighting. However, with due care, such journeys would not be inherently unsafe, but typical of many rural roads, and would reduce reliance on the private car.
33. Additionally, the appellant has explained that cycles would be available on the site for hire, and while this could not be a requirement of any approval, nevertheless it would appear there is some opportunity to reduce private car movements for guests staying in the proposed accommodation. Taking all these elements together, I am satisfied that there would be the ability to reduce some of the dependence on the private vehicle by future guests and to facilitate walking and cycling.
34. While the locational strategy of the Local Plan directs development to the main towns and villages it does not prevent some limited development to take place in countryside areas. Such an approach is compatible with the policy approach to supporting a prosperous rural economy as set out in the the Framework which, in particular, requires decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, including through well-designed new buildings.

35. The Framework acknowledges that decisions should recognise that to meet local business needs in rural areas they may be found adjacent to or beyond existing settlements, and in locations not well served by public transport. Given the details explained above, the proposal would meet with the Framework requirements that, in such circumstances, it would exploit any opportunities to make a location more sustainable, such as by improving the scope for access by cycling.
36. The development would provide an appropriate form of rural tourist accommodation for which there is broad support in the development plan and national policy. Moreover, it occupies a sufficiently accessible location relative to local shops and bus services, such that future users would not be wholly reliant on the private car. I find no conflict therefore, with the relevant development plan policies set out above, subject to occupancy conditions.

Other Matters

37. The appeal site falls within the 'Zone of influence' for a designated habitats site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Planning Balance

38. The site is reasonably well located for tourism purposes in terms of its proximity to services and is of a scale appropriate to the size of the existing settlement. It would also give rise to some economic benefits during both the construction and operational phase and provide limited support to local services. The development would also lead to some enhancements arising from additional landscaping and enhanced boundary planting, which could be secured by planning condition.
39. However, the identified adverse impacts of the development, the conflict with the development plan to which I have afforded significant weight and the adverse impacts arising from the lack of a suitable access which I have also afforded significant weight, would outweigh the benefits outlined above.
40. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

41. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR