



Appeal Decision

Site visit made on 16 January 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/A1530/W/23/3322491

Godbolts Farm, Great Tey Road, Little Tey, Essex CO6 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Daniel Chapman (Widford Property Ltd) against the decision of Colchester City Council.
 - The application Ref is 223149.
 - The development proposed is described as 'an outline planning application including the details of access, layout and scale, for the erection of three dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline, with details of access, layout and scale. Therefore, the appearance and landscaping of the proposed development are matters reserved for future consideration. With that in mind, while I have had regard to the scale of the proposed dwellings and garages, as shown on drawings SK02, SK04, SK05 and SK06, I have treated the elevational detailing shown on those drawings as being indicative.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area,
 - whether the proposed development would provide a suitable location for housing, based on the Council's spatial strategy and the provisions of the Framework, and
 - whether the proposal would preserve the setting of nearby listed buildings.

Reasons

Character and Appearance

5. The appeal site is a parcel of vacant land behind two recently-constructed dwellings on Great Tey Road and a business park in converted farm buildings on Coggeshall Road. It was historically used for agricultural purposes, and evidence has been provided that it contained a barn until the late 1980s. However, there are no longer any buildings on the site. In the surrounding area, there is a dispersed pattern of development spreading out from the nearby settlement of Marks Tey, including residential development mainly fronting the roads and some commercial uses on larger sites, such as the business park and a nearby garden centre.
6. This existing development sits within an expansive agricultural landscape of arable fields and pasture, incorporating the fields behind the appeal site and its neighbours. There are extensive views into the wider landscape from the road network. As a result, the area as a whole has a rural character, notwithstanding the dispersed development described above.
7. Although the site is enclosed by developed land on three sides, the adjacent sites include areas of garden land and car parking, which do not materially obstruct views into the wider landscape. Likewise, the existing boundary fencing and hedgerows do not materially obstruct views across the open site, although they do screen the debris arising from earlier site clearance works. From both Great Tey Road and Coggeshall Road, there is a strong sense of openness behind the developed frontages, to which the appeal site contributes. Therefore, while it may not be functionally part of the wider expanse of countryside, it does contribute to the rural context described above.
8. The drawings indicate two storey dwellings, with additional accommodation in some of the steeply pitched roofs. There are other two storey dwellings in the vicinity, including the two recently constructed on the road frontage. However, the proposed dwellings would be among the tallest buildings in the vicinity and would be grouped closer together, increasing the cumulative massing of built form. Although they would be alongside the business units, these are single storey converted rural buildings, with more limited roofspace accommodation, and do not have a similarly imposing scale.
9. As such, although the proposed layout would keep the rear part of the site relatively open, the cluster of three substantial dwellings would materially intensify the depth and scale of built development. This would erode the open land behind the built-up frontages which currently makes a positive contribution to the character and appearance of the area. In addition, the use of the rear part of the plots as domestic gardens is likely, over time, to result in increased ancillary development and domestic paraphernalia, giving the site a more urbanised appearance, encroaching into the surrounding rural landscape.
10. I acknowledge that a high-quality design approach is intended, although since the appearance of the dwellings is a reserved matter, the elevational detailing is not before me for consideration. The arrangement of rectangular plots perpendicular to the road is not untypical of the ribbon development nearby. However, development in depth, behind the road frontages, is not typical. The dwellings would not be particularly cramped, given the amount of proposed garden land. However, it is the increased building mass and urbanisation,

rather than the detailed design or plot layout which leads to the harm described above.

11. For the above reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policy SP7 in the Section 1 Local Plan¹ and Policies OV2, ENV1 and DM15 of the Section 2 Local Plan². These policies require, amongst other things, that development responds positively to local character and context and that residential development in the countryside will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment.
12. The proposal would also be contrary to the underlying objectives in paragraph 3.3 of the Backland and Infill Development SPD³, which include ensuring that backland development respects and reflects the character of the area and the existing street scene and that local distinctiveness and identity are promoted.

Suitability of Location

13. The appeal site is located in the dispersed hamlet of Little Tey, in a location which is treated as countryside for purposes of the development plan. According to the Council's Officer Report, the site is over 300 metres outside the nearest settlement boundary, at Marks Tey, and I have not been provided with any evidence to the contrary.
14. That being the case, the proposal would conflict in principle with Policy SP3 of the Section 1 Local Plan and with Policy MT04 of the Marks Tey Neighbourhood Plan 2020 to 2033. Both policies allow for development within or adjoining settlement boundaries, but not further beyond them. The Neighbourhood Plan was prepared with reference to the then emerging Section 2 Local Plan and is now part of the adopted development plan. Although the appellant highlights the absence of site allocations, which are allowed for in Policy SS11 of the Section 2 Local Plan, the Neighbourhood Plan does include provision for housing beyond settlement boundaries.
15. The exceptional circumstances test in Policy MT04 is not applicable, since this only applies to sites on the edge of a defined settlement boundary. Furthermore, Policy MT04 explicitly excludes development adjoining a former settlement boundary at Little Tey, which has not been carried forward into the then emerging, and now adopted, Section 2 Local Plan.
16. In the Section 2 Local Plan, Policy OV2 does not preclude residential development outside settlement boundaries. However, any such development is required to demonstrate respect for the character and appearance of landscapes and the built environment. Since I have concluded that development of the scale and layout proposed would not do so, it does not find support in principle from the provisions of Policy OV2.
17. There is no dispute between the parties that the site benefits from access to a variety of services and facilities in Marks Tey, which include bus and rail services connecting the area to larger settlements. This view is supported by a

¹ North Essex Authorities' Shared Strategic Section 1 Plan, adopted February 2021

² Colchester Borough Local Plan 2017-2033 Section 2, adopted July 2022

³ Colchester Borough Council Backland and Infill Development Supplementary Planning Document 2009, rev 2010

2020 appeal decision⁴ which found that development on the adjacent site would have an acceptable standard of access to services and facilities, without over-reliance on travel by car. On that basis, there is no conflict with Policies DM20 and DM21 of the Section 2 Local Plan, which steer development towards accessible locations to reduce the need to travel.

18. However, the above appeal was determined prior to adoption of the Section 2 Local Plan or the Marks Tey Neighbourhood Plan. As such, the Inspector's overall conclusion that the location was suitable in principle for housing was made in a different policy context to the one outlined above. The proposal was also infill development on the road frontage, which the Inspector had concluded was consistent with the character and appearance of the area. Therefore, the circumstances leading to this decision differed in a number of respects from the current proposal, which I have considered on its individual merits.
19. By virtue of the site's location adjacent to existing development within the dispersed hamlet of Little Tey, the proposed dwellings would not be isolated. Therefore, there is no conflict with paragraph 84 of the Framework. Furthermore, paragraph 83 of the Framework does not limit housing in rural areas to locations within settlement boundaries, directing housing more generally towards locations where it will enhance or maintain rural communities, in order to promote sustainable development in rural areas. In this case, the occupiers are likely to make use of the services and facilities in Great Tey, so there would be some positive contribution to this rural community. However, that would be at a very modest scale, given that only three dwellings are proposed.
20. Taking all the above matters into consideration, notwithstanding the site's accessibility to services and facilities, the proposed development would conflict with the Council's spatial strategy as articulated in the relevant policies of the Section 1 and 2 Local Plan and the Marks Tey Neighbourhood Plan, as outlined above. While it finds limited support from the Framework's provisions for rural housing, any benefit to the vitality of rural communities would be at a modest scale, which would not outweigh the conflict with the development plan. For those reasons, having considered the particular proposal before me, I conclude that the development would not provide a suitable location for housing, based on the Council's spatial strategy and the provisions of the Framework.

Setting of Listed Buildings

21. There are four Grade II listed buildings close to the appeal site: Godbolt's Farmhouse, two associated barns on either side of the road and 184 Coggeshall Road, also referred to as Honeypot Cottage. I have accordingly had regard to the requirement under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to preserving these listed buildings, their settings or any features of special architectural or historic interest which they possess.
22. The significance of Godbolt's Farmhouse derives from its age, probably dating to the Medieval period, and its historic function as a farmstead in the local vernacular style. The two barns have significance which includes their group value as part of the farmstead and their vernacular architecture, representative of agricultural buildings of the period. The inter-relationship between the

⁴ Appeal Ref: APP/A1530/W/20/3253450, Land Adjacent to Godbolts Farm, Great Tey Road, Little Tey CO6 1HZ

buildings and their relationship with the surrounding agricultural landscape are among the characteristics which contribute positively to their setting and allow their historic significance to be appreciated.

23. The appeal site was part of the agricultural holding, but it is no longer in agricultural use and has been severed from the farmstead buildings, both functionally and visually. It is located on the far side of the former farm buildings, now used for business purposes. Therefore, notwithstanding the effect of the dwellings on the wider character and appearance of the area, they would not disrupt the relationship between the listed farmhouse and barns, grouped tightly together on either side of Coggeshall Road. Neither would the dwellings prevent the historic function and vernacular architecture of these three listed buildings from being appreciated.
24. Neither the farmhouse nor the barns retain any meaningful level of connectivity with the fields around the appeal site, since the intervening business park and its car park have disrupted that connection. Therefore, the development would not further erode the listed buildings' relationship with agricultural land and its effect on that aspect of their setting is neutral.
25. Honeypot Cottage has a more immediate relationship with the appeal site, since its rear garden would adjoin the gardens of the proposed dwellings. The significance of this Grade II listed dwelling includes its age, dating back to the 16th Century, and the retention of historic detailing such as timber framing and leaded windows, representative of vernacular domestic architecture of the period. The building stands in its own garden plot and can be readily appreciated from the road. However, its wider setting has been eroded by the modern residential and commercial development already described.
26. The proposed development would not prevent appreciation of the age or architectural detailing of Honeypot Cottage, which is most easily understood in views from Coggeshall Road. It would change the use of adjoining land at the rear, but the proposed gardens would adjoin its own established rear garden and would not materially change its relationship with the more extensive surrounding fields. While I have found that there would be more general harm arising from the erosion of the rural landscape, this would not prevent the significance of Honeypot Cottage from being appreciated. Therefore, the effect on its setting and historic significance would be neutral.
27. For the above reasons, I conclude that the proposal would preserve the setting of nearby listed buildings. It would not, therefore, conflict with the statutory obligations mentioned above or with relevant requirements in Policy SP7 of the Section 1 Local Plan or Policies ENV1 and DM16 of the Section 2 Local Plan. These policies, amongst other things, require protection and conservation of the historic environment.

Other Matters

28. Although the second reason for refusal refers to the risk of a precedent being set for further undesirable development, little evidence has been provided in support of this point and no directly similar sites have been brought to my attention. Furthermore, the circumstances surrounding each particular proposal are rarely identical. Similarly, although I have noted the other appeal decisions mentioned in the Officer Report and the appellant's Statement of Case, very little information has been provided about the circumstances of those cases. I

have accordingly given them little weight and have considered the proposal on its own merits.

29. I acknowledge that the proposal has been revised from a previously refused scheme, addressing the Council's concerns about noise from the adjacent business park and the relationship with neighbouring properties. The Council has not raised any concerns about other matters such as access, parking, flood risk or compliance with internal or external space standards. However, these are neutral considerations which are not capable of outweighing the harm I have identified in relation to other relevant planning issues.
30. Appropriate soft landscaping and measures for biodiversity net gain could be secured at the reserved matters stage, as could the elevational treatment. However, this does not carry positive weight, since there is no evidence that such proposals would go beyond what is required to comply with the development plan.
31. The Framework's support for more efficient use of land and development on small and medium sites is not at the expense of ensuring that development is directed to suitable locations and has appropriate regard to local character and landscape setting. While the site is not within a Green Belt or designated landscape, the suitability of the location and the effect on the character and appearance of the area are nevertheless relevant planning considerations, in accordance with both the development plan and the Framework.
32. The proposal would contribute three dwellings to the supply of housing and there would be some economic benefit, both in terms of the construction process and longer-term contribution by future occupiers to the local economy. However, these benefits would be inherently modest, given the small number of dwellings proposed. There is no evidence before me indicating that the Council cannot demonstrate a deliverable five-year housing land supply or is otherwise failing to meet its housing targets. In that context, the modest benefits of the proposal do not outweigh the harm to the character and appearance of the area or the conflict with the Council's spatial strategy.
33. The Council's Officer Report refers to required mitigation having been secured in relation to the effect of the proposal on Habitats Sites. Both parties also refer to a proposed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990, to secure contributions addressing the effect of the proposal on community and sport/recreation facilities. Evidence has been provided of engagement between the parties to progress this matter, although there is no completed UU before me. Had I been minded to allow the appeal, this is a matter on which I could have sought further clarification. However, since I am dismissing the appeal for other reasons, there is no need for me to consider these matters further.

Conclusion

34. For the reasons given above the appeal should be dismissed.

Jane Smith

INSPECTOR