



Appeal Decision

Site visit made on 16 January 2024

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/A1530/W/23/3324254

Park Farm, Coopers Lane, Dedham, CO7 6AX

- 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 and Mrs A Easey against the decision of Colchester City Council.
 - The application Ref 230492, dated 21 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is demolition of lean-to and outbuildings and conversion of a redundant agricultural building into a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policy SP1 of the Colchester Borough Council Local Plan 2017-2033 (LP1). However, having been provided with both Section 1 and Section 2 of the Plan, the wording of policy SP1 does not accord with the précis provided in either the reason for refusal, officers report or appeal statement. The wording is, however, comparable with policy SG1 of the LP and therefore I have had regard to this policy within my decision.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do.
4. However, the National Planning Policy Framework (the Framework) was revised in December 2023 and still references AONBs and therefore I shall continue to refer to them as such for the purposes of this decision. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views of the main parties in this instance.

Main Issues

5. The appellant has submitted a duly executed unilateral undertaking in order to address the reasons for refusal relating to contributions towards community and sports/recreation projects which I have taken into account and I have contemplated this further later in my decision.

6. Therefore, the main issues are framed in the context of the remaining parts of the Councils reason for refusal:

- whether the site represents an appropriate location for the proposed dwelling, having regard to access to services and facilities by a choice of modes of travel; and
- the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Dedham Vale Area of Outstanding Natural Beauty.

Reasons

Appropriate Location

7. Policy SP3 sets out the spatial strategy for North Essex with existing settlements being the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.
8. The policy sets out that in Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.
9. Policy SG1 of the LP sets out the Council's approach for delivering housing, ensuring that developments are directed towards accessible locations and sets out how housing will be delivered with the majority of new development located in Colchester, with a smaller proportion within the villages. It also aims to ensure the character and vitality of villages is sustained and therefore it is a relevant consideration for both main issues.
10. Policy OV2 sets out that residential development proposals in the countryside will need to demonstrate that the scheme respects the character and appearance of the landscape.
11. Whilst these policies are intended to ensure the protection of the countryside and to ensure housing is located in accessible areas which reduce the need to travel and where a real travel choice is provided, they do not prevent the development of land outside of settlement boundaries.
12. The village of Dedham benefits from a range of services, including a school, shop and 2 public houses. Despite these facilities I accept that occupiers of the proposed development would also have to travel onwards to the services and facilities within the nearby town of Colchester to access a wider range of shopping, healthcare, leisure and entertainment facilities.
13. Paragraph 83 of the Framework promotes sustainable development in rural areas, through locating housing where it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby.

14. A bus stop is present a short walk from the appeal site. According to the evidence before me this is served by two bus routes which provide services to Colchester and Manningtree Station during the week. Buses also run through the weekend and on bank holidays, including a late-night bus on a Saturday. This could be an available alternative to the private car enabling future residents the opportunity to access services by means other than the private car.
15. However, in order to access the services and facilities within Dedham and the bus stop, future occupiers would need to cycle or walk along Coopers Lane. For walkers, the route is unlit and does not have a paved footpath. Whilst it would not be particularly unattractive during summer months, it is unlikely that anyone would choose to walk this route in inclement weather and given the narrowness of the road in places, which may deter less confident cyclists and those with young children, it is more likely that occupiers would choose the convenience of a car in order to access day to day services.
16. In order for new housing to be sustainable it should be easily and safely accessible, on foot or bicycle or public transport, to local facilities and services, at any time of the day or night and whatever the weather, which the appeal proposal would not be.
17. In conclusion, the appeal site is in an inappropriate location for housing having regard to access to services and facilities by a choice of modes of travel. The development would fail to comply with policies SP3, SG1, OV1 and OV2 of the LP which together seek to direct growth towards sustainable and accessible locations where the countryside would be protected.

Character and appearance

18. The appeal site is within the Dedham Vale National Landscape (AONB). Policy ENV4 states that development will only be permitted in the AONB where it makes a positive contribution to its natural beauty and special qualities. Development must not adversely affect the character, quality views into and out of the AONB and its distinctiveness.
19. The Framework places great weight on conserving and enhancing landscape and scenic beauty in AONB's which have the highest status of protection in relation to these issues. The building's rural character and appearance is such that it has assimilated into the wider landscape and is appropriate to its rural context. It is for these reasons that I consider that the appeal site contributes to the landscape character of the AONB.
20. The wider area is characterised by a sporadic pattern of dwellings in plots spaced along Coopers Lane. The appeal site is located at the end of Coopers Lane and the wider site within the ownership of the appellant comprises a detached dwelling and a number of existing outbuildings. The site is accessed through an existing courtyard, which is enclosed by a group of buildings. All of the redundant buildings on the site are in a state of disrepair and the appellant has indicated that those closest to the appeal site would be demolished as part of the redevelopment of the site.

21. The conversion of the building would require the introduction of windows and doors and this would lead to an element of domestication to the building. Whilst the detailed design includes the introduction of full height glazing on the front and rear elevation of the building, this would heighten the vertical emphasis of the building and the overall design would retain its simple utilitarian form.
22. The introduction of a dwelling in this location would not adversely alter the character and appearance of this rural site, noting the wider area is predominately residential and the grouping of the proposed dwelling with the Old Granary would respect the character and appearance of the landscape and the built environment, in accordance with the Council's strategic policy, SG1.
23. Furthermore, consideration and weight must be given to the support offered within the Framework for the re-use of redundant buildings. This requires development to result in an enhancement to the buildings immediate setting. It also highlights the need for development to be sympathetic to local character. As set out above the scheme fully accords with the requirements of both policy OV2 and the Framework in this regard.
24. In conclusion, the introduction of a dwelling in this location, would recognise the intrinsic rural character of the countryside and would result in an enhancement to the buildings immediate setting, having particular regard to the location of the site within the Dedham Vale National Landscape and Paragraph 182 of the Framework. The development would accord with policies ENV4 and DM15 of the LP which together seek to enhance the character of the site and not adversely affect the character, quality views into and out of the AONB.

Other Matters

European designated sites

25. The appeal site falls within a 'Zone of influence' for the European designated sites as set out in the Essex Coast Recreational disturbance Activity and Mitigation Strategy 2018-2038. Natural England has provided advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
26. 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.

Unilateral Undertaking

27. The appellant has submitted a unilateral undertaking which includes a contribution towards improved community facilities within Dedham. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider whether the contribution is necessary to make the development acceptable in planning terms and is fairly and reasonably related to it in scale and kind or whether it would meet the tests for a planning obligation as set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Other Appeal Decisions

28. The appellant has provided copies of two appeal decisions, which were also referred to by the Council. The first appeal, APP/A1530/W/23/3319609, is located in the settlement of Tiptree where the Inspector found that the proposed development would undermine the spatial strategy on which the Development Plan is based and would suburbanise the surrounding area by consolidating development in the countryside. The Inspector found that the site would be accessible to some degree to local facilities but would not be well related to them. Therefore, I am content that my findings are not inconsistent with the findings of that Inspector as the circumstances appear specific to the case and may not be the same as those before me.
29. The second appeal, APP/A1530/W/21/3283922, is also located in Dedham and I am familiar with the case as I was also the Inspector for that appeal. As the appellant acknowledges, I did not, in that case, have any details of public transport links and in the current appeal I have been provided with this information. However, I have been consistent in my findings in both appeals concluding that the sites were in an inappropriate location for housing having regard to access to services and facilities by a choice of modes of travel.

Conclusion

30. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. However, these benefits are not of sufficient magnitude to outweigh the harm I have identified and the significant weight I afford to the conflict with the development plan in this instance.
31. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR