



Appeal Decision

Site visit made on 6 June 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/A1530/W/23/3331832

Blackbrook Stud Farm, Ivy Lodge Road, Great Horkesley, Essex CO6 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Hawe against the decision of Colchester City Council.
 - The application Ref is 231672.
 - The development proposed is conversion of existing buildings to create five self contained residential dwellings plus an annexe at Blackbrook Stud Farm, Ivy Lodge Road, Great Horkesley, Colchester, Essex, CO6 4EN.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is in a suitable location for residential development.

Reasons

3. The appeal site comprises several buildings and a static caravan spread over the landholding of Blackbrook Stud Farm that are currently in use, or benefit from consent for use, as holiday accommodation.
4. Policy SP3 of the Colchester Borough Local Plan 2013-2033 Section 1 – North Essex Authorities Shared Strategic Section 1 Plan – Adopted February 2021 (the S1P), sets out that existing settlements will be the principal focus for additional growth and development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role.
5. Policy DM5 of the Colchester Borough Local Plan 2017-2033 Section 2 – Adopted July 2022 (the S2P) sets out that in locations where residential use would be inappropriate, developments of visitor accommodation will be limited by condition or legal agreement to holiday use only and/or certain periods of the year in order to prevent permanent or long-term occupation.
6. Policy OV2 of the S2P sets out that residential development proposals in the countryside will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. Policy SG2 of the S2P broadly echoes these provisions.
7. The supporting text to Policy OV2 sets out that development within the countryside will be limited to activities that either require a rural location or help sustain a rural community and local economy. It expands that residential

development in the countryside would be functionally isolated and negatively impact the ability of residents to access local services and facilities. It notes the examples set out in paragraph 84 of the National Planning Policy Framework (the Framework) whereby proposals for isolated dwellings in the countryside may be acceptable.

8. Given the above, the policies of the development plan, when read together, seek to focus residential development in or adjacent to settlements, and to resist it in the countryside unless specific circumstances apply.
9. The appeal site is reached via an access road from Ivy Lodge Road. The junction with Ivy Lodge Road lies outside but close to the settlement boundary of Great Horkesley. The parties concur that the site lies outside of the settlement, placing it in the countryside.
10. The "dog grooming unit" is several hundred metres from the Ivy Lodge Road junction and is the closest of the appeal buildings to it. The "barn" is the furthest building from the junction, located several hundred metres beyond the dog grooming unit.
11. Great Horkesley is identified by the development plan as a sustainable settlement with a range of services and facilities. Although the site's access point lies near to the settlement boundary, the buildings in question are not. The development plan specifically notes that sites will be considered "isolated" if they are physically isolated relative to existing settlements and functionally isolated relative to services and facilities.
12. The appellant offers alternative definitions of isolated development, arguing that the presence of neighbouring dwellings means the appeal buildings are not isolated. However, the development plan's definition does not consider neighbouring dwellings. Therefore, based on the development plan, I find the appeal buildings are isolated.
13. Paragraph 84 of the Framework outlines criteria under which isolated homes in the countryside may be acceptable. Some buildings on the site are redundant or disused, potentially meeting criterion c), but the evidence suggests they all have consent for holiday let use. Moreover, as observed at my visit, some buildings are in holiday let use. Therefore, this criterion does not apply to all buildings. Because I must consider the proposal as a whole, I am not persuaded that the proposal would fulfil any of the Paragraph 84 criteria.
14. Although Great Horkesley's facilities, amenities and public transport links could be reached by walking or cycling, the appeal buildings are of a sufficient distance away that, to my mind, the primary mode of transport for prospective occupiers would be private car. While car dependency would also occur with holiday use, occupation is unlikely to be continuous and would vary in frequency throughout the year. Hence, the vehicle movements for residential use would not be comparable. In accordance with the development plan, the appeal buildings are located where residential use would not be appropriate, and their current restrictions for holiday use ensure compliance with its provisions.
15. The appellant cites other appeal decisions relating to development in the countryside, some of which lie in other authorities and are subject to a different development plan, and therefore carry limited weight. A submitted appeal

decision in this same local authority is of greater relevance, but there are key differences in the circumstances and main issues between the appeals. Whilst the development plan does not explicitly prohibit residential development in the countryside, it will only be supported in specific circumstances. For the reasons set out above, the considerations in this case do not persuade me that the proposal would comply with the development plan.

16. For the reasons given above, by virtue of its position outside of a settlement and within the countryside, the proposed development would not be in a suitable location for residential development and would conflict with Policy SP3 of the S1P, and Policies OV2 and DM5 of the S2P, the aims of which have previously been set out. It would also conflict with Policy SP1 of the S1P, which seeks to reflect the presumption in favour of sustainable development contained in the Framework.

Other Matters

17. The appellant asserts that the proposal would comply with relevant development plan policies in respect of matters regarding the area's character and appearance, heritage considerations, living conditions of nearby occupiers and biodiversity. Nevertheless, compliance with such policies would be expected for any good quality development. Such considerations are therefore neutral factors that would not weigh in favour of the proposal.
18. The appellant notes that some buildings, particularly the barn, are run-down and would benefit from restoration and re-use. Despite its somewhat dilapidated appearance, the barn assimilates with the rural landscape. In any event, with specific regard to the Framework's provisions regarding the effective use of land, the barn benefits from consent for upgrades that have not been implemented. Accordingly, any benefits regarding the restoration of buildings would be limited.
19. The consented use for visitor accommodation is likely to support local services. I am provided with no substantive evidence that the proposed residential use would increase the support to local services to the extent that the previously identified harm would be overcome.
20. The development plan sets out that residential development in the countryside is not needed to contribute to the social element of sustainable development. In this regard, the parties do not dispute that the Council has a 5-year supply of deliverable housing land. Nevertheless, the provision of additional dwellings that could be delivered relatively quickly would contribute to the Framework's objective of significantly boosting the supply of homes, as well as providing employment opportunities during construction. Although these considerations weigh in favour of the proposal, the weight attached to such benefits would not overcome the harm previously identified.
21. The site is within the zone of influence (ZoI) of one or more of the European designated sites falling under the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Mitigation of recreational impacts on these sites is required for all developments resulting in a net gain of residential units within the ZoI. In the event that I was minded to allow the appeal, it would have been necessary to consider this matter within an Appropriate Assessment. However, because I am dismissing the appeal for other reasons, I have not done so.

22. The Council's decision notice also refers to the lack of a planning obligation to secure contributions for community and sport/recreation projects. The appellant suggests that this could be addressed through a suitable condition in the event that the appeal was allowed. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Conclusion

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

P Storey

INSPECTOR