
Appeal Decision

Site visit made on 24 June 2025

by Mr James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/A1530/W/24/3346344

Petalo Lodge, Boxhouse Lane, Dedham CO7 6HZ

- 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 Shane Stubbs against the decision of Colchester City Council.
 - The application Ref is 232174.
 - The development is a proposed garage to replace existing cabin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are several other appeals concerning the same appeal site, which relate to other structures including kennels and boundary treatments. These appeals are the subject of separate decision notices.
3. The appeal site is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (2024) (Framework) is clear that great weight must be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which include AONBs. I have determined the appeal accordingly.

Main Issue

4. The sole main issue is the effect of the development on the character and appearance of the area, including the AONB.

Reasons

5. The appeal site is located along the western side of Boxhouse Lane. This narrow country lane is lined on either side by extensive trees and hedgerow, which gives it a rural and verdant character. The lane is punctuated by a number of residential dwellings which generally benefit from spacious wrap-around gardens. Several of these gardens are contiguous with the lane, and contribute a sense of openness to its rural quality.
6. Commensurate with other properties along the road, the appeal site itself comprises a detached dwelling within a large plot of land. However, in contrast to the sense of space which typify many of the other properties along the lane, the appeal site is occupied by numerous outbuildings close to the house. These include a stable block, a hay barn, a garage and a home office, all of which are

concentrated within the northern part of the appeal site. This part of the appeal site is therefore already abundant with built form.

7. Whilst currently occupied by a temporary static caravan, the north-eastern corner of the appeal site otherwise remains undeveloped. This leaves an important open gap within the corner of the appeal site which provides relief from the extent of built form. In turn, this gap helps preserve the open quality which characterises the lane.
8. The proposed garage would be sited along the eastern boundary of the appeal site within this north-eastern corner, and would therefore eradicate this important gap. This would result in the site being overly dominated by built form, which in turn, would undermine the open and rural quality of the area. Given the garage would be noticeably taller than the boundary hedgerow, this impact would be experienced keenly along the lane.
9. The development would therefore harm the character and appearance of the area, and would also fail to conserve the landscape and scenic beauty of the Dedham Vale AONB. The development would conflict with Policy SP7 of the Council's Local Plan (Section 1 – 2013-2033), which requires development to respond positively to its local character and context. The development would also conflict with Policies OV2, ENV1, ENV4, DM13 and DM15 of the Council's Local Plan (Section 2 – 2017 – 2033). Together, these require development to achieve high quality design which complements local character and safeguards the special qualities and tranquillity of the AONB. Importantly, policy DM13 also highlights the need to ensure a proposal does not result in over-development of a site. Finally, the development would conflict with the overarching design objectives set out in the Framework, including those which seek to preserve and enhance the special quality of Natural Landscapes.

Other Matters

10. As mentioned, there is currently a static caravan stationed within the same part of the site as the proposed garage. However, this is a temporary structure which means its impact is materially different to a permanent building in this same location. This factor therefore carries little weight in my decision.

Conclusion

11. The development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is therefore dismissed.

Mr James Blackwell

INSPECTOR