



Appeal Decision

Site visit made on 20 January 2026

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2026

Appeal Ref: APP/A1530/W/25/3375455

Stonefield Farm, Kelvedon Road, Inworth, Essex CO5 9SH

- 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 Miss Michelle Raczi against the decision of Colchester City Council.
 - The application Ref is 251540.
 - The development proposed is described as the construction of a 2 bed bungalow/chalet.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated in their appeal statement that they accept the Council's concerns regarding the removal of the hedgerow to accommodate a new highway access from Kelvedon Road, and that they are happy to submit drawings detailing use of a different access. During my site visit I observed that there were three accesses into the appellant's land – two from the B1023 and an overgrown access from Kelvedon Road in the south-east corner of the land parcel. However, drawings have not been provided detailing a different access to that proposed in the application. For example, the latter would require a very long driveway, and the former would result in an intensification which could require upgrades. Importantly, no party has had an opportunity to consider these alternatives so it would be procedurally unfair for me to assess them even if I had drawings before me. Indeed, the Planning Appeals: Procedural Guide explains that an appeal should not be used to evolve a scheme and that Inspectors should normally base their decisions on the same information considered by the local planning authority. As such, I have considered the proposal with the highway access proposed in the location shown on the plans considered by the Council.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed dwelling, with reference to the accessibility of services and facilities; and
 - The effect of the proposed development on: 1) The character and appearance of the area; 2) Infrastructure, with reference to sport, recreation and community facilities; 3) Biodiversity, with reference to the adequacy of the information submitted; and 4) Highway safety, with reference to visibility.

Reasons

The accessibility of services and facilities

4. Policy SG1 of the Section 2 Plan¹ sets out the spatial strategy for Colchester. It explains that development will be focused on accessible locations to reduce the need to travel, and development will be supported where sustainable travel is promoted. I take this to be a core requirement of the policy. It then goes on to explain that growth will be located at the most accessible and sustainable locations in accordance with a settlement hierarchy.
5. As a result, the focus for growth is Colchester as the largest settlement with the highest concentration of services and facilities. This is followed by a second tier that includes 'Sustainable Settlements' and a third called 'Other Villages'. The last tier includes the 'Countryside' where new development will only be permitted where it accords with Policy OV2 of the Section 2 Plan. The appeal site is in the Countryside and subject to Policy OV2. However, before considering whether the proposal adheres to Policy OV2, it is necessary to assess whether the proposal would promote sustainable travel, as this is a core requirement of Policy SG1 and therefore must be satisfied in addition to Policy OV2.
6. The appeal site is located a short distance from both Feering/Kelvedon and Tiptree. However, the services within these settlements are beyond a comfortable walking distance (of around 800 metres²). In the absence of evidence to the contrary, the walking route would likely be along the B1023, which appeared busy with traffic moving quickly. There is no pavement or street lighting and whilst this is not necessary in all locations in the countryside, a pedestrian would need these facilities to feel safe walking along the B1023. As such, its unlikely future occupants of the appeal scheme would walk regularly to local facilities given the combination of the distance and walking environment. The busy nature of the B1023 would also suppress the desirability of cycling despite the distance to facilities being with a reasonable range. I am also mindful that not all future residents would have the fitness and proficiency to cycle, which reduces the likelihood of this being a regular alternative to travel by private motor vehicles. Accordingly, it is unlikely future occupants would engage in active travel.
7. For the above reasons, the appeal site is not well placed to promote the health and resilience afforded by active travel. Indeed, walking is at the top of the movement hierarchy in Paragraph 117a) of the National Planning Policy Framework. Presumably because it allows for free, independent travel. The location of the proposal would also hamper the transition to a low carbon future as future occupants would be more likely to drive. Trips by car to Kelvedon and Tiptree would be short, but they would soon add up over the life of the development.
8. However, the intended occupants (the appellant, her daughter and partner) already live and work on the site. This is a relevant factor, but the weight I afford it is tempered because planning permission runs with the land. There is also a well-stocked retail premises next door and a bus stop nearby, but details of the service are not before me. Future occupants could use electric vehicles, but this is unlikely to be ubiquitous for some time and would not facilitate active travel. The proposal is also for a single small house, which limits the impact.

¹ Colchester Borough Local Plan 2017 - 2033 Section 2

² See the National Design Guide

9. In conclusion, the proposal when considered in the round would result in some residual harm due to its position relative to services and facilities. It would therefore be at odds with Policy SG1.

The effect on the character and appearance of the area

10. The appeal site encompasses a meadow located on the corner of the B1023 and Kelvedon Road. It is enclosed by a mature, well-formed hedge. The presence of around half a dozen fruit trees suggest that the meadow was once an orchard. The appeal site is located on the edge of a cluster of buildings arranged in depth to the north and a large, detached property to the south which is on the opposite side of the road. The site has a verdant semi-rural character.
11. The appeal scheme is for the erection of a detached house towards the centre of the meadow. The proposal would erode the verdant character of the meadow, especially as a large hardstanding would be constructed. Access to the property would be gained from Kelvedon Road and this would require a substantial section of hedgerow to be removed to create both the opening and provide visibility splays. Breaching the hedge would have a significant adverse effect on the visual amenity of the area. It would also expose the proposed building to view. In this respect the Council are concerned that the building would lack architectural quality and I tend to agree given the wide bulky span. It would not convincingly appear as a converted farm building that could otherwise sit comfortably in the semi-rural setting. The proposal would harm the character and appearance of the area.
12. The proposed dwelling would be modest with a low profile. It would therefore sit below the hedge line and thus be quite a subtle addition in views from the B1023. The bungalow would also be read as an extension of the existing cluster of buildings to the north and would be in line with the houses to the north and south. I am also satisfied that there would be sufficient distance between the proposed dwelling and the Oak tree to the south to enable the impact on this tree to be addressed via a condition which requires an arboricultural method statement and tree protection fencing. These factors reduce the net impact of the scheme.
13. In conclusion, the proposal would have a moderate adverse effect on the character and appearance of the area. Breaching the hedgerow would be a notable component of this harm. The appeal scheme would therefore be contrary to Policy SP7, OV2, ENV1 and DM15 of the Section 2 Plan, which seek to secure quality development that respects the character and appearance of the area.

The effect of the proposed development on infrastructure

14. To adhere to Policy SP6 of the Section 1 Local Plan, the Council submit that the proposal must make a financial contribution towards sport, open space and recreational facilities and community facilities. The extent of the contributions are calculated with reference to the relevant Supplementary Planning Documents. The Council considers the contributions meet the relevant tests in Paragraph 58 of the National Planning Policy Framework because they would be used to mitigate the additional pressure placed on existing infrastructure caused by the occupation of the appeal scheme. The appellant has not disputed these points.

15. It would be unreasonable to positively require the payment of a financial contribution through the imposition of a condition³. A legal agreement would be necessary to secure the financial contribution but one has not been submitted. There are no exceptional circumstances⁴ in this case which would justify preventing occupation through a condition until a legal agreement has been entered into.
16. In conclusion, the evidence before me indicates financial contributions are necessary but there is no reasonable mechanism before me to secure them. Accordingly, the proposal's effect on infrastructure would be unmitigated and therefore a conflict with Policy SP6 of the Section 1 Plan and Policy PP1 of the Section 2 Plan would occur.

The effect on biodiversity

17. Paragraph 192 of the Framework provides a link to Circular 06/2005, which in turn explains that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. It goes on to explain that surveys should only be undertaken when protected species are likely to be present and affected by the proposal.
18. As previously mentioned, the appeal site is a grass meadow broadly enclosed by a mature hedgerow. There are further meadows to the east which adjoin a stream and riparian tree belt about 200m from the site. The site also includes several semi mature fruit trees. Traditional orchards⁵ are a habitat of principal importance.
19. The Planning Practice Guide⁶ includes a link to standing advice prepared by Natural England. The standing advice includes a table which explains which protected species are likely to be present in which habitats. It states that meadows, grassland, parkland and pasture may have bats, badgers, wild birds, great crested newts, invertebrates, reptiles and protected plants, fungi and lichens present. In addition, land within 500m of slow-flowing water and linked by semi-natural habitat could also be suitable for great crested newts amongst other species.
20. Given the foregoing, it is likely that the appeal site could have protected species present and they could be affected by the development as the hedge would be breached and the meadow reduced in size and managed differently as residential garden. A preliminary ecological assessment (PEA) should have been undertaken to consider the value of the site to biodiversity and identify any further surveys and mitigation that may be necessary.
21. In conclusion, the failure to provide a PEA places the scheme at odds with Policy ENV1 of the Section 2 Plan, which seeks to secure development that conserves the natural environment including biodiversity. In arriving at this view, I have had regard to Section 40 of the Natural Environment and Rural Communities Act 2006.

The effect on highway safety

22. The appeal scheme has been submitted without a plan detailing any visibility splays at the proposed site access. Such splays are necessary to ensure vehicles exiting

³ Planning Practice Guide - Paragraph: 005 Reference ID: 21a-005-20190723

⁴ Planning Practice Guide - Paragraph: 010 Reference ID: 21a-010-20190723

⁵ Generally defined as sites with at least five trees, with crown edges no more than 20m apart. They often include fruit trees managed in a traditional way with little mowing and little or no chemical input.

⁶ Paragraph: 016 Reference ID: 8-016-20190721, which links through to the standing advice

the site can see other motorists and these other motorists can see the emerging vehicles. It is likely that splays can be provided to some extent, although the impact on the roadside hedge would likely be severe. Nevertheless, without a plan it is unclear whether the splays would be long enough, how the splays would interact with the highway boundary and whether they would be clear of the junction with the B1023. It would be unreasonable to impose a condition requiring the provision of splays as it is unclear if the terms of that condition could be met. Without adequate splays the proposal would present a hazard to highway safety as vehicles could collide. The Local Highway Authority has objected on this basis. The proposal would therefore be at odds with Policy DM21 of the Section 2 Plan, which seeks to secure development that is safe for all highway users.

Other Considerations

23. The proposal is advanced as a self-build scheme, which is a type of housing specially supported by the National Planning Policy Framework. However, evidence has not been provided to indicate there is a shortfall in this type of housing and, in any event, a planning obligation is not before me to secure the proposal as a self-build scheme. A planning obligation is the most appropriate vehicle for securing the self-build nature of the scheme. This is because a condition requiring the building to be occupied by the person who built it could be unreasonable. Accordingly, this benefit carries limited weight in the absence of a mechanism to secure the proposed dwelling as a self-build property. There would also be some minor economic benefits from building the house and a new home would provide a limited boost to the supply of housing in the City Council's area.
24. I understand the proposed dwelling would be for the appellant, her daughter and partner. I understand that they currently live in an annex. I observed that the annex seems to have some structural issues and the accommodation is small. I understand why it would be in their best interests to move into more suitable accommodation. However, permission runs with the land and therefore it would be highly problematic to impose a personal occupancy condition on a permanent building⁷, as the structure may need to be demolished when the personal need is no longer extant. Furthermore, the evidence before me does not demonstrate the appellant and her family are out of accommodation options. It may be desirable to live on site, but it has not been demonstrated to be essential. These personal circumstances carry limited weight. Moreover, evidence has not been provided to demonstrate it is essential to the proper functioning of the business on site for someone to permanently live near it. Overall, the adverse impacts of the proposal would outweigh the benefits. The appeal site is located within a zone of influence placed around the Essex Coast European Sites. As I am not minded to allow the appeal, there is no need to consider this matter further.

Conclusion

25. The appeal scheme would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain,
INSPECTOR

⁷ Planning Practice Guide - Paragraph: 015 Reference ID: 21a-015-20140306