



**Application No:** 146509

**Location:** Tregullon, High Street, Langham, Colchester

**Scale (approx):** 1:2500

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**Case Officer:** Mark Russell

**MINOR**

**Site:** Tregullon, High Street, Langham, Colchester

**Application No:** 146509

**Date Received:** 16 January 2015

**Agent:** Chris Exley

**Applicant:** Mr Jack Phillips

**Development:** New detached house, comprising two storey main house with two single storey wings (one called 'Annexe' although it shares access and core facilities and services with the house) and garages, forming an L- shaped building enclosing the front parking and turning courtyard. Existing hedges retained and strengthened, new western boundary hedge. Formation of a wildflower meadow/ butterfly reserve in the southern half of the existing two acre site

**Ward:** Dedham & Langham

**Summary of Recommendation:** Refusal

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application has been called in to the Planning Committee by Councillor Mark Cable for the following reasons:

*"I'm calling in due to this being a substantial development in an area which is outside of the village envelope. It is a large building aimed at providing a solution for several generations.*

*I would like the committee to review without dependence on the officer's recommendation. (I would like there to be no doubts surrounding the decision on this type of development)."*

## **2.0 Synopsis**

- 2.1 The key issues explored below are the principle of this proposal. It is explained that this is an unacceptable proposal, being in a relatively remote location far removed from any facilities and is, thus, unsustainable.
- 2.2 It is further explained that the design is inappropriate and that the Highway Authority also opposes the application.
- 2.3 Refusal is therefore recommended.

### **3.0 Site Description and Context**

- 3.1 The site is remotely located outside of the Langham Moor settlement limit. It comprises half of a field between another field/paddock and the house “Six Acres.”
- 3.2 Across the road is the house “Serenity” and land belonging to “Bardles Barn” (which is set back 100 metres from the road).
- 3.3 All about is open countryside, largely comprising agricultural land.
- 3.4 At its nearest point, the site is 75 metres outside of the Langham Moor settlement limit. However, this is a notional back garden-to-back garden scenario. In fact, a more logical way to interpret its position is to state that it is 180 metres along Langham High Street from the nearest dwelling within the settlement (Langham Cottage).

### **4.0 Description of the Proposal**

- 4.1 Whilst the proposal was originally described as “formation of a wildflower meadow/butterfly reserve in the southern half of the existing two acre site. New gardens and detached house, comprising two storey main house..” etc. It was quite clear that the main element was, indeed, a new dwelling. The description was, therefore, changed.
- 4.2 The application documents give many details about the low-energy credentials of the proposal as well as what is held to be an “innovative design.” These matters are discussed in the main report section.
- 4.3 The building itself is approximately 26 metres across and 12 metres deep. This comprises the main two-storey house and what has been described as an “annexe” at single storey to the side. In front (to the north) it is proposed to place garaging. All of these elements read as one continuous built form.
- 4.4 The main public aspect to the High Street (north) facing elevation would comprise a zinc roof, with glimpses of lime render and softwood horizontal boarding. The roofs of the single storey elements (annexe and garaging) are to be green.
- 4.5 Access is on the left-hand (eastern) side of the property.
- 4.6 At the rear of the residential half of the site is a garden with what is described as a “half-sized allotment.”
- 4.7 To accompany the built form aspect of the proposal, the application is offering what has been described as a “Wildflower Meadow/Butterfly Reserve”.
- 4.8 Details of this have not been provided, but in their supporting statement the applicants have stated that they will enter in to a Section 106 agreement to grant the land to “an appropriate nature conservation body that is agreed with the Borough Council.”

### **5.0 Land Use Allocation**

- 5.1 Unallocated

## **6.0 Relevant Planning History**

6.1 None

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
TA2 - Walking and Cycling  
TA5 - Parking  
ENV1 - Environment  
ENV2 - Rural Communities  
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP8 Agricultural Development and Diversification  
DP9 Employment Uses in the Countryside  
DP12 Dwelling Standards  
DP19 Parking Standards  
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

n/a

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Sustainable Construction  
The Essex Design Guide  
External Materials in New Developments  
Langham Village Design Statement

## 8.0 Consultations

- 8.1 Highway Authority: The proposal is outside the development boundary in an area where all trips will be by private vehicle.

The proposed access does not provide suitable vehicle visibility splays and as such will lead to additional conflict between vehicles in this narrow lane.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011;

- 8.2 Landscape Planner: was involved at pre-application and voiced concerns about the impact on the rural landscape.

- 8.3 Urban Designer: was involved at pre-application and stated:

*In my opinion I cannot see how this design could be related to the character of the area. The mass is overly large for a rural dwelling and the style is a confused blend of visually aggressive side elevations with more modest, unexceptional, front and rear. The annexe appears visually unbalanced in the composition, out of scale with the main house*

*My interpretation is that this is an imposition on the character of the area, unrelated in form and style and without any attempt to understand local distinctiveness and produce a sympathetic design. There is nothing exemplar about this design to justify a new dwelling in the countryside. It is contrary to policy.*

OFFICER COMMENT – The scheme has evolved a little since pre-application, but the fundamental issues, if improved upon, still remain.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## 9.0 Parish Council Response

- 9.1 Langham Parish Council has commented as follows:

*We note the following in relation to this application for a new property:*

- 1. It falls outside the village settlement boundary;*
- 2. The design is completely out of character with neighbouring properties;*
- 3. The property is totally out of keeping with the landscape context.*

*We also note that pre-application advice given to the applicant was that it was very unlikely that the application would be approved. Accordingly we cannot support this application for good material reasons.*

## **10.0 Representations**

10.1 Ten letters of objection were received, with the following points raised:

- Visually intrusive;
- Narrow road;
- Outside of the village envelope;
- Loss of farmland;
- Loss of wildlife;
- Would be a precedent;
- Unsafe access;
- Design out of keeping;
- Unsustainable
- More people should have been consulted;

OFFICER NOTE – On this last point all affected properties were consulted. As this is such a remote location there are not many neighbours to consult.

## **11.0 Parking Provision**

11.1 A parking area is shown to the front which indicates sufficient parking for several cars in compliance with adopted standards.

## **12.0 Open Space Provisions**

12.1 A wildlife meadow of 3,600 m<sup>2</sup> is being offered as part of the proposal.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

Principle:

15.1 Members will be aware that there is a *prima facie* reason for refusing this application. The site is remote from the Langham Moor settlement limit.

- 15.2 The supporting statement to the application seeks to deconstruct this remote status by claiming that the site is “only a short distance” from the settlement boundary “...and is “cut back at this point.” This is misleading on both fronts. The nearest part of the settlement limit is Langham Cottage, 180 metres from the site (rear gardens to Moor Road are 75 metres away from the southern part of the site, but would have to be accessed via woodland in third party ownership and obviously could not be so accessed as they are privately owned). The settlement limit is not “cut back” it is linear along Moor Road, Chapel Road and a small part of School Road, barely touching the High Street.

#### Sustainable Development:

- 15.3 In any event, a simple physical description of remoteness is not the full story. We are asked to consider the “golden thread” of sustainable development – environmental, social and economic. These are indivisible and need to be looked at as a totality. However, for clarification, the three strands can be examined separately.

#### Environmental

- 15.4 The application makes much of the low carbon credentials and “passivhaus” standard (i.e. level 5 or 6 of the Code for Sustainable Homes). Whilst the claims have not been analysed by your Officers in any great detail, they are taken on face value and the claimed credentials are not disputed here. This weighs in favour, to some extent, in terms of environmental considerations.
- 15.5 However, the same limitations apply here as to any isolated dwelling and relate to car use and distance from facilities. The submitted drawings show garaging for several cars, which shows an obvious intention to use them, although a bus service of reasonable regularity (8 or 9 per day) does run to both Colchester and Ipswich.
- 15.6 The distance from facilities is 250 metres to the Shepherd and Dog public house, 600 metres to the community shop and sportsfields and one kilometre to the local primary school. These are the only facilities within distances likely to be walked. The nearest secondary schools are The Gilberd and St. Helena several miles away and the community shop is limited in its offering.
- 15.7 There are no healthcare facilities in Langham, with the nearest doctor’s surgeries being in Colchester, East Bergholt or Nayland, dentists are in town or Dedham.
- 15.8 Employment opportunities do exist at School Farm (one kilometre away) and Park Farm (nearly 1.5 kilometres using a public footpath).
- 15.9 Given the limited offering of facilities within walking distance, it is highly likely that most off-site activities undertaken by occupiers of the house and annexe would be car-borne. This is environmentally unsustainable.
- 15.10 A further environmental consideration is the physical impact of the building. Whilst the applicants have made some attempts to keep the profile of the building low and to meld with the landscape, it does represent, nevertheless, a built form in what is currently field and pasture with a woodland backdrop. The design of the building itself is discussed below.

- 15.11 The application does carry the promise of some, vaguely-defined, environmental benefit in terms of some form of biodiversity. However, this has not been elaborated upon and in any event would appear to be a weak justification for relaxing policy.
- 15.12 In total, notwithstanding the passivhaus and biodiversity aims, the environmentally sustainable credentials weigh against the proposal.

### Social

- 15.13 In terms of being socially sustainable, the proposal would allow four generations of a family to live together. This is in favour of the application. However, the social benefits would be limited just to the occupiers. There would be no wider social benefit.

### Economic

- 15.14 Economically, the house-building phase would provide a temporary income stream for the builders (unknown) and the Cambridgeshire-based garden design consultancy. Beyond this there are no economic benefits from this proposal.
- 15.15 In total, the scheme is held to be unsustainable and should be refused for that reason alone. Members are advised of recent appeal decisions at Boxted and Eight Ash Green where proposed housing, nearer than this application to, but still outside of, settlement limits has been refused by Colchester Borough Council and both appeals were dismissed.

### Exceptions

- 15.16 A principal reason for allowing residential development outside of settlement limits is if it is low-cost for local people. This proposal is not.
- 15.17 Another reason is that a house is required for a rural worker. This argument has not been used, and it is clear that there is no functional justification for allowing a house so that a wildflower meadow/ butterfly reserve can be looked after (in fact the applicants make it clear they wish to divest themselves of the land) and it is inconceivable that a wildflower meadow/ butterfly reserve will be able to financially support the building of a house.

### NPPF

- 15.18 The applicants are, therefore, left with no policy justification other than citing NPPF paragraph 55 which states that isolated dwellings should not be permitted unless there are exceptional circumstances such as:

“Exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and



- be sensitive to the defining characteristics of the local area.”

- 15.19 Such a raft of considerations immediately opens up a subjective debate about what is and is not acceptable and whether or not a design can be described as exceptional and innovative.
- 15.20 To take the bullet points one-by-one. Is the design outstanding or innovative? Certainly it would stand out, but this is not the same thing. The chosen form of asymmetry (which would be read from east and west) and lack of roof form to the front (north) would visually disappoint in your Officer’s opinion. Placing an asymmetrical roof on a building is not a new design feature and is in no way innovative or outstanding.
- 15.21 The only positive slant that can be placed here, as above in the environmentally sustainable section, is the low carbon, passivhaus, offering, which in part informs the design (for example, south-facing windows). This, however, is insufficient to justify any claims of being outstanding or innovative.
- 15.22 Such a narrative immediately draws one to conclude that the architecture cannot be readily described as being of the highest standard. The definition of architecture is “the art or practice of designing and constructing buildings…… the complex or carefully designed structure of something.” It cannot be denied that several pages of justification have been given in the supporting documents to justify the chosen final product. However, this does not mean that the architecture reflects the highest standards.
- 15.23 The proposal is not held to “significantly enhance its immediate setting”, in fact the very opposite is true. At pre-application stage (when the applicants were given the advice not to proceed) our Landscape Planner clearly stated:
- The proposal should clearly identify how the change of use of land from agricultural pasture to domestic would conserve the mostly rural character of the area, particularly as the site appears reads as part of a historic open (possibly strip) field pattern, i.e. it has a clear agricultural character. The fragmentation of the plot through the introduction of the buildings & divisional planting and the swaling to the plot frontage would appear to run contrary to this open, relatively flat field character.*
- 15.24 Such analysis bleeds in to the consideration of “defining characteristics of the area” which are open and rural. That aside, if the concept of a dwelling is entertained, the prevailing pattern of built form requires analysis and should inform the design solution.
- 15.25 In this case, the application justifies the proposal at hand by stating that its proportions (width to depth of the plot being 1:3:5) and vague form (two-storey, detached with a projecting forward wing) comply with the prevailing form of development in the vicinity. There is some credence to this, but it must be recalled that there is a bungalow nearby. Beyond this, the comparison ends. The asymmetry (as discussed above) is an alien introduction to a rural landscape where one would expect traditional forms. The materials, similarly, would visually jar where one would expect a traditional palette of materials which melded better with the landscape. This is also contrary to the recommendations of the Langham Village Design Statement which states on page 12: “New housing development should be sympathetic in scale, design and materials to surrounding buildings.”

- 15.26 It is further of concern that the DAS states that this scheme is “potentially setting a low-density development and land-use template for the remaining un-developed areas of this Langham Block” thus suggesting a precedent. To describe unallocated countryside as a “block” because it happens to be between two arms of the settlement limit is to grossly undersell its rural credentials. It is also of concern that if this application is allowed it will act as a precedent for further infill development in the 5ha of land between Moor Road and Chapel Road. Members are asked to consider whether they would wish to see such a design replicated in surrounding and nearby plots of land and also in other remote locations near to or far from village settlement limits.
- 15.27 From the above it is clear that the proposal is unacceptable within the context of NPPF paragraph 55 and should not be permitted.

#### Other Matters

- 15.28 It is noted that the Highway Authority has also objected on the grounds of highway safety.

### **16.0 Conclusion**

- 16.1 The proposal is against policy and has advanced no cogent justification for an exception. It fails to meet any of the criteria for exception offered by the NPPF. The location is unsustainable, the design is incongruous and there are also issues of highway safety. For these reasons, the application is recommended for refusal.

### **17.0 Recommendation**

- 17.1 REFUSE planning permission for the reasons set out below.

### **18.0 Positivity Statement**

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

#### **1 – Non-Standard Refusal Reason**

The application is hereby refused for the following reasons:

- Outside of the settlement limit
- Unsustainable
- Unacceptable design
- Negative effect on landscape
- Highway safety issues
- Contrary to Langham Village Design Statement.

