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The Planning Officer
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<Date here>

Dear Case Officer,

Planning Application ref: 201363: conversion of existing Nissen Hut to private residential dwelling Parkhurst Green Farm CO6 2BL

This submission is an **objection** to the above planning application for conversion of existing Nissen Hut currently used as storage unit with B8 approval to private residential dwelling by a collective of the community local to the site. The signatories are from some XX dwellings that would be impacted by this application. Whilst we have not formally taken professional advice in connection with this matter, one of the signatories of this letter is a Planning QC and she has reviewed and contributed to the submissions we make.

1. Historical context

The extended curtilage was originally just Sturgeons Farm on the corner of Middle Green and Parkhurst Green Lane. As shown on the Existing Site Location plan submitted with the planning application there are two 'Nissen Hut' buildings in close proximity on site and this application refers to the larger.

Planning permission was granted retrospectively some 12 plus years ago on the application of the then owners of Sturgeons Farm for a change of use of this larger Hut to B8 storage. The smaller separate metal 'Nissen' type building is adjacent to the larger 'Nissen Hut' does not have B8 storage approval and is not part of this application although it is currently being used to store business materials. More recently (planning ref 160333, 2016) approval was given on the application of subsequent owners for conversion of a former barn to residential accommodation which was again within the curtilage of the original (Sturgeons) farm.

Following approval (planning application 160333, 2016) for the barn conversion, the original Sturgeons site was split to create a separate entity which was sold with the benefit of planning permission 160333. Now that the barn conversion has been completed by the new owner and occupied as a residential dwelling since October 2019, the current application relates to this recently formed planning unit, 'Parkhurst Green Farm', Parkhurst Green Lane. The planning history is significant, for reasons which we shall explain below.

2. Initial Observations

We have viewed the planning application materials online, comprising the application form, Location Plan, (minimal) Design and Access Statement ("DAS") and relevant drawings for proposed elevations together with supporting photos. There are in addition comments from Highways, Cadent Gas, HSE, a Bat & Bird Survey (dated 2015), and a Land Contamination Report. We write on the basis that this is the only documentation comprising the application. If we have missed something, please let us know and provide us with a link to it. We would also like to be informed as soon as the officer's report is available. We do not know whether it is proposed that this should be at a live Committee meeting or whether the Council intends to use the 'remote' procedure under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Please will you let us know the arrangements for determination when you are in a position to do so, including what opportunities there will be for public participation?

Assuming that we have seen everything that there is to be seen, we comment firstly that although there are supporting documents, the application itself is sketchy in the extreme. There is no consideration of the application's relationship to sustainable housing development plan. There is no justification attempted for re-use of an extant farm building. We note that there has been no recorded consultation either with the local community or with officers of the Local Planning Authority via a pre-application process.

There is no justification for seeking to develop and create a large dwelling on the edge of a small rural village totally out of character with the area, presumably because there is no justification for this proposal.

For reasons which we shall set out, we believe the proposal to be contrary to sustainable housing development plan and national policy and unsustainable. It should be **refused**.

The Development Plan and other Material Considerations for Housing Development

Colchester's Housing Strategy 2015-20 has been developed by the Housing Strategy Partnership which includes Colchester Borough Council and its Partner Organisations.

The Colchester's Housing Strategy 2015-20 is set within the Government's National Planning Policy Framework for Housing and sets out the Council's ambitions for housing in Colchester. The Strategy will achieve its aims and objectives through the implementation of the Delivery Plan by working closely with a wide range of partners to achieve the vision for housing in Colchester.

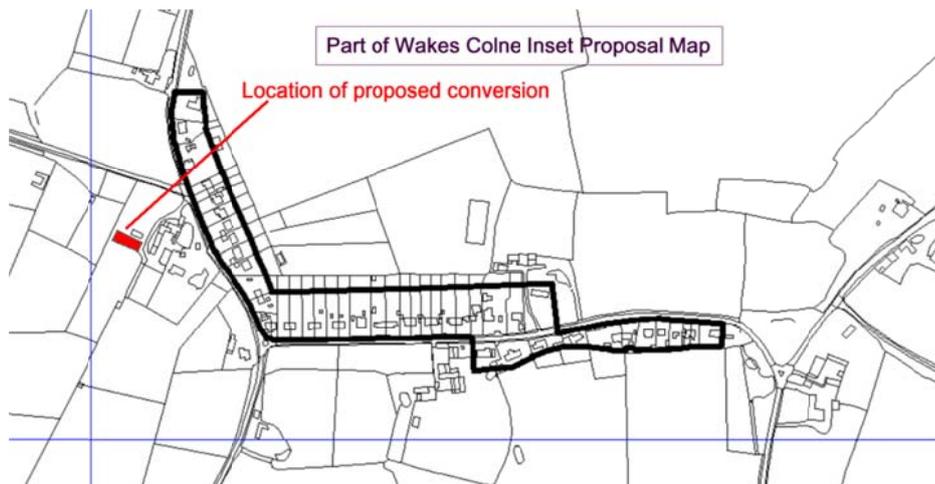
Key priorities for the strategy include:

- To maximise the supply of housing to meet local needs
- To create communities which are economically, environmentally and socially healthy and resilient
- To improve the life chances of Colchester's residents including their Health and Wellbeing
- To ensure that existing and new homes are healthy, safe and energy efficient

Reference to Government policy and site-specific local development plan policy states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Wakes Colne Green is a small rural community and the proposal is in total contrast in style, nature and form to the established housing stock. It is out of keeping with the village's strong historic character - no other dwelling in the village has a balcony, for instance. And size and location is such that it is readily visible from several angles. While design issues might be solved by conditions or revised proposals, these could not remedy the siting problem.

Furthermore, there is virtually no need for this kind of open market housing in the village. Post Code CO6 and wider already has enough large houses: the Housing Strategy 2015-20's identified need is for affordable housing for residents who work locally which is promulgated further in the Delivery Plan.

The Delivery Plan for the Strategy clearly shows the 'village envelope'. The proposal is outside the defined envelope and no justification is attempted in the application.



As the application site lies outside the village boundary of Wakes Colne as depicted on the Proposals Map, therefore the proposal is inconsistent with the first paragraph of Core Policy Policy ENV 2 – Rural Communities, which generally supports the enhancement of the vitality of rural communities by way of “*appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages.*” (Emphasis added). The second paragraph deals with rural areas outside village boundaries; it is more limited and specific in the support which it gives, by providing that:

“Development outside but contiguous to village settlement boundaries may be supported, primarily where it constitutes an exception to meet identified local affordable housing needs.”

There is no evidence or submission to demonstrate that the proposed development to a dwelling house satisfies a local need or to delineate exceptional circumstances.

3. Rural Diversification

It should be noted that the word ‘farm’ in the name of both Sturgeons Farm and Parkhurst Green Farm is historical. There has been no farming activity per se from the site(s) for nearly forty years and the applicants do not argue that the proposals are justified under policies supportive of the use or re-use of existing agricultural buildings – ie. the Adopted Development Policies DPD, or more generally under the National Planning Policy Framework para 83b. The criteria set out in these policies have not been addressed in the application and are clearly not met.

NPPF paragraph 83

- the proposed use is unconnected to agriculture and not land based;

Therefore the proposal derives no support from the specific policy of the NPPF for re-use of existing agricultural buildings.

Policy DP8: Agricultural Development and Diversification

- there is no existing agricultural use in practical terms and this is not a farm diversification or sustainability proposal;

The basic requirements of the policy are, therefore, absent.

- There is an additional consideration (a) under the Policy which is pertinent to the antiquated hut which is proposed to convert; the required evidence has not been submitted to demonstrate its structural soundness, nor is it desirable in principle to retain such utilitarian wartime/post war. Furthermore, unlike the previously approved barn conversion within the same curtilage (planning ref 160333, 2016), there is no heritage value in preserving such a building that has no architectural merit.

This analysis demonstrates that the application is not in accordance with Colchester's Housing Strategy 2015-20. Therefore it should be **refused**, unless other material considerations indicate otherwise. No such material considerations have been put forward by the applicant or his agent. Therefore the application should be **refused** as a matter of principle.

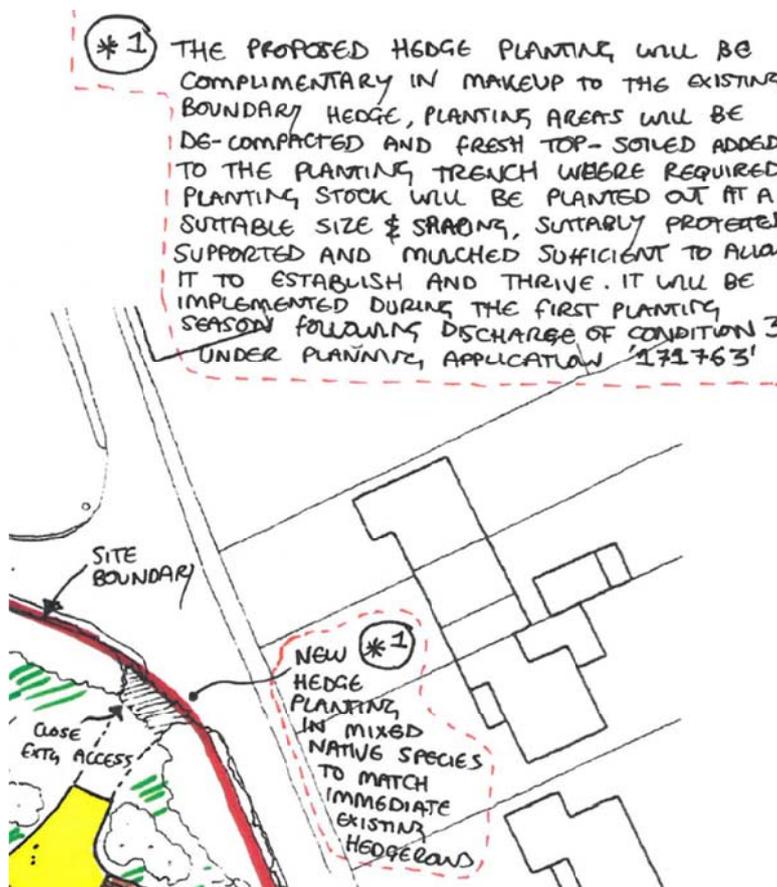
As mentioned above, however, local residents also **oppose** the proposed development on the basis of its likely environmental impacts and its effect on the rural character of the area.

4. Environment and Rural Character of the Area

4.1 Access and traffic

We note with surprise and concern that the Highways Authority has not raised any objection to this proposal.

There appears, for many years, to have been a common recognition over the inadequacy of the old farmyard access on the blind corner of Parkhurst Green Lane and Middle Green. The most recent application for barn conversion to a residence, which was granted full planning permission in 2016, included formation of a new access from Parkhurst Green Lane and the **closure** of the existing corner entrance. The full planning permission (no.160333) included condition 2 which required development to be carried out in accordance with the details shown on numbered Drawings, including 1084/07 Rev.A. This approved Drawing is attached to this letter. It includes a "new access with improved visibility splay" on Parkhurst Green Lane and, importantly, also shows the "existing access closed with new native hedge to match existing" on the corner of Parkhurst Green Lane and Middle Green. Condition 3 of planning permission 160333 required a landscaping scheme to be submitted and approved in writing prior to works taking place. After an initial, failed attempt to discharge condition 3¹, Condition 3 was discharged on 24.8.2017 (ref.172018). The image above is reproduced from the approved landscaping drawing upon which basis condition 3 of planning permission 160333 was discharged. It is consistent with the layout Drawing 1084/07 Rev.A conditioned into the full planning permission. Importantly, both drawings show the southern access on the corner closed. This full permission, dated 2016, postdates the introduction of the NPPF "severe impact" test (paragraph 32 of the 2012 version then in force, now paragraph 109 in the 2019 version) and therefore reflects modern policy. The prevailing access layout and general highway conditions, which we describe below, make this corner access plainly hazardous.



The site plan submitted as part of the current application does not show the corner access as closed. It also inaccurately omits to show the new access in the single carriageway of Parkhurst Green Lane. There is inconsistency between this plan and the photographs Fig 6 and Fig 7 included in the proposal which are taken in Parkhurst Green Lane.

Several residents have doubt that this incorrect site plan is simply an administrative oversight on the part of the Applicant as the failure to comply with the closure and to update the site location plan has been reported and published previously in comments to Planning ref: 200725, 2020 and believe it is an attempt to maintain the original access from Middle Green contrary to conditions approving (planning ref 160333, 2016) . Maintaining such access would separate access from the intended conversion from the now completed barn conversion whilst retaining the hazardous nature of this entrance.

¹ Ref. 171763

This matter is important for two reasons:

- i) the application wholly omits to deal with the detail of the proposed access clearly so there can be no certainty that the Highways Authority have had the chance to consider it properly;
- ii) the application assumes non compliance with condition 2 on planning permission 160333 insofar as it appears to propose continued use of the corner access for the new development. As a matter of fact, the residential conversion development has taken place without the corner access being closed.

Clearly, enforcement of the planning condition in the light of the apparent breach which has occurred is a separate matter, but the Local Planning Authority needs to consider very carefully any departure from the approach taken in such a recent planning permission on the basis of the principle enunciated in case law that there should be consistency in planning decisions. The Council properly approved and required adherence to plans which have the effect of preventing its future use and there is no obvious reason for allowing it to be used now.

As noted above, the site plan accompanying the current planning application is inaccurate as it continues to show the original access from Middle Green (which as above should have been closed and planted by now) and does not show the active new entrance in Parkhurst Green Lane. It is clear that the County Council (Highways) have not been provided with the full information and should alert the Local Planning Authority to the need for enforcement in connection with the development which has already been carried out.

4.2 Concerns about loss of privacy

The owners of the land immediately adjacent to the west of the site (named and known as 'Leverets'), with front age along Parkhurst Green Lane have enjoyed using their land for stabling, grazing, exercising and riding their horses for over 30 years. The proposed dwelling house has multiple windows and a first floor balcony directly overlooking this area and would seriously impact on their privacy and enjoyment of this land. And

We refer to the responsibilities of the council under the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. This therefore applies directly to the land used for equestrian purposes that would be overlooked by the proposed development exacerbated by first floor balcony. The photo shows how close and intrusive and dominant the proposed dwelling house would be.



5. Summary

The proposed development does not accord with the Colchester's Housing development plan or national policies for retaining the character of rural settlements and is outside the village envelope. It does not respect local context in particular would be entirely out of character with the area, to the detriment of the local environment and enjoyment of the existing residents. This would be contrary to Policy DP1 of the Development Policies Document.

The proposal is likely to harm the quiet and safe residential rural character of the area. Planning decisions should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole.

Conclusion

Government Planning Policy Statement PPS3: Housing, Paragraphs 13-14: Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

We formally request the Council take our objections into consideration when deciding the application. We extend an invitation for a representative of the planning department to meet (e.g. virtually Zoom etc.) some of our collective of residents to illustrate our objections at first hand.

In conclusion we would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours. The residents have suffered noise and other nuisance (especially smoke from fires originally burning construction refuse and subsequently refuse from business activity) over the last three years from this site.

Yours sincerely

Prof. Dr. Peter Woolliams

Note: Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

(Signatures overleaf)