
Appeal Decision

Site visit made on 27 September 2016

by K H Child BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2016

Appeal Ref: APP/P1560/W/16/3153554

Blue Barn Farm, Clacton Road, Elmstead, Essex CO7 7DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hills Group against the decision of Tendring District Council.
 - The application Ref 15/01874/OUT, dated 11 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is erection of seven detached dwellings and associated garaging served by new vehicular and pedestrian access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters reserved, although the appellant has indicated that access will be sought via a crossover approved under a previous application. A 'sketch proposal site layout plan' was submitted (Drawing Number 2238_2/sk10B) but the appellants have made it clear this is for illustrative purposes only.
3. There is a discrepancy between the appellant and applicant names, as recorded on the appeal form and application form. However, the same company name appears on both, and I have therefore referred to this in the banner heading above.
4. The appeal documentation refers to the Tendring Local Plan Proposed Submission Draft 2012 as amended, and a further preferred options document. However, as the Plan is at an early stage of preparation and has not yet been submitted for examination, I have attached limited weight to it in reaching my decision.
5. The Council's reasons for refusal pertaining to developer contributions and the submission of a badger survey and bat roost assessment have been withdrawn since the appeal was submitted.

Main Issues

6. The main issues are:
 - The effect of the proposal on the character and appearance of the area.

- Whether the proposal would be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

7. The appeal site is located in the countryside, to the east of the village of Elmstead Market. The site adjoins the A133 and contains a detached bungalow and a barn. Part of the site frontage is in use for car sales, whilst the south-east section of the site is open grassland.
8. The site is located in attractive rolling countryside with a mixture of fields and tree belts. There are two dwellings immediately to the south of the site, but overall, despite the presence of some sporadic development, the surrounding area has a predominantly open and rural character.
9. The site is located outside the defined settlement boundaries established in the saved Tendring District Local Plan (2007). Policy QL1 confirms that development outside boundaries, and therefore in the countryside, will be strictly controlled in order to protect the countryside for its own sake. This approach broadly accords with paragraph 55 in the Framework which indicates that isolated new homes in the countryside should be avoided, unless there are special circumstances.
10. The Council, however, has indicated that it is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework states that, in such circumstances, an authority's policies for the supply of housing should no longer be considered up to date. In this context a presumption in favour of development, as defined in paragraph 14 of the Framework, would apply, whereby permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.
11. The site is located at a distance from Elmstead Market, but is connected to the settlement by a footpath alongside the A133. As such I consider that there would be reasonable access by foot to the services available in the village, and in this regard the location is sustainable. In reaching this position I have had regard to and concur with the conclusions on this issue reached by the Inspector who dealt with a previous appeal on the site (APP/P1560/W/15/3028070).
12. I note that the above appeal for three dwellings was allowed, and furthermore that the Council has granted approval for five dwellings on the site since the current appeal was submitted. In both cases it was concluded that the proposal would not significantly harm the character and appearance of the locality. The current appeal scheme is outline with matters reserved, including layout, design and landscaping. However, a scheme of seven detached dwellings and garaging would represent an intensified use of the site, and could potentially require additional land-take closer to the site frontage or in the open south-east section of the site. The south-east section is attractive open grassland, partly bounded by mature trees and vegetation. It is highly visible when approaching the site from along the A133, being slightly elevated above part of the road, and contributes to the rural character of the locality as described above. Although provided for illustrative purposes only, the sketch layout plan submitted with the application shows several dwellings and curtilage located in this part of the site.

13. Overall, having regard to the number of detached dwellings proposed, plus associated garaging and potential curtilage and hard surfacing, I consider that the scheme would have an urbanising effect in a rural setting, and would detract from the character and appearance of the locality. As identified in the appellant's updated Landscape and Visual Impact Assessment, some mitigation may be possible, particularly in terms of additional landscaping. Nonetheless, given the visibility of the open south-east section of the site and its contribution to the rural character of the area I consider that this would be insufficient to outweigh harm. Furthermore, although the proposal would involve the removal of the car sales, I consider this visual benefit and any biodiversity gains arising would not be sufficient to outweigh the negative visual effects arising from the scheme as a whole.
14. The proposed scheme would provide seven additional dwellings, which would provide a modest but useful social benefit, particularly given the absence of a five year supply of deliverable housing sites. There could also be some benefits to the local economy, arising from construction and sales, and additional spending by new residents on local services and facilities. These are all benefits that I consider would weigh in favour of this proposal.
15. Overall, however, I consider that the adverse effects of the proposal, as identified above, would significantly and demonstrably outweigh the benefits found. Accordingly, the scheme would fail to represent sustainable development for which there is a presumption in favour. I therefore conclude that the proposal would not be consistent with the principles of sustainable development having regard to the development plan and the Framework.
16. On the basis that the scheme would harm the character and appearance of the local area, I conclude it would also be contrary to saved Policy EN1 in the Tendring District Local Plan (2007), insofar as it seeks to protect the quality of the district's landscapes and local character.

Other Matters

17. A nearby neighbour has indicated that in respect of their property, the proposed scheme could help to provide safer access and new connections to drainage and other infrastructure. However, no substantive evidence has been submitted in relation to existing problems or potential benefits in this regard. Accordingly, I have attached little weight to these issues in my determination of this appeal.

Conclusion

18. For the reasons given above and having regard to all other matters raised, including letters of support and objection, I conclude that the appeal should be dismissed.

Katie Child

INSPECTOR