
Appeal Decision

Site visit made on 18 October 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 9th November 2016

Appeal Ref: APP/P1560/W/16/3151649

The Haywain, Bentley Road, Little Bromley, Essex CO11 2PL

- 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 Mr Andrew Newton against the decision of Tendring District Council.
 - The application Ref 15/01817/OUT, dated 27 November 2015, was refused by notice dated 8 February 2016.
 - The development proposed is 2 x 3 bedroom semi-detached houses and 1 x 4 bedroom detached house, all new homes to have cart lodges.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form and the application form makes it clear that no matters are reserved for future consideration. I have determined the appeal on this basis.
3. The Council's third reason for refusal relates to the lack of an obligation to secure contributions to public open space. However, the Council has subsequently confirmed that following recent changes to the Planning Practice Guidance that this no longer required and the Council no longer wishes to pursue this matter. I have not therefore considered it any further.

Main Issues

4. The main issues are:
 - Whether the proposal would provide a suitable site for housing, having regard to the proximity of services and reliance on car based journeys.
 - The effect on highway safety.

Reasons

Policy context

5. Policy QL1 of the Tendring District Local Plan 2007 ('LP') sets out a 'Spatial Strategy' for the period up to 2011. It requires that most new development be concentrated at the larger urban areas of Clacton and Harwich and development to be concentrated within the settlement development boundaries, as defined on the proposals maps. Outside these boundaries, only
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development which is consistent with countryside policies will be permitted. The proposal falls outside of such boundaries and in this respect there would be conflict with the LP.

6. However, the policy seeks to restrict development in the countryside and forms part of the Council's strategic approach to the distribution and location of housing. It is a relevant policy for the supply of housing and given the Council has confirmed that it does not have a five year supply of housing land it cannot be regarded as being up to date.
7. In such cases paragraph 14 of the National Planning Policy Framework ('the Framework') states (unless material considerations indicate otherwise) that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. I have determined the appeal on this basis.
8. I have also been referred to Policies SD5, SD8 and SD9 of the Tendring District Local Plan Proposed Submission Draft 2012, as amended by the Tendring District Local Plan Pre-Submission Focussed Changes 2014 ('ELP'). However, I have no information to suggest the plan is likely to be adopted in the near future and as the Inspector has not yet delivered their findings and the policies do not form part of the development plan I have given them only limited weight in my decision.

Suitable location

9. The proposal would add to an existing group of houses which sit alongside Bentley Road. However, on the evidence before me, there appeared to be very limited services within Little Bromley and the surrounding rural locality and I am mindful that Little Bromley is one of the District's lowest scoring settlements in terms of sustainability credentials, a point which is not disputed by the appellant.
10. In my view, the site is remote from local services and future residents would not be able to access a range of services and facilities on foot. Moreover, access to would be along an unlit and busy rural road with no footway for a considerable distance. This would not be perceived as an attractive route for cyclists or pedestrians. Whilst the appellant refers to an existing bus route I have no substantive evidence that the service is a regular or frequent one.
11. I am mindful that the site is close to the A120 and that the Framework advises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, the likely trips generated would not be insignificant and residents would have little choice other than to be heavily reliant on car based journeys rather than more sustainable modes of transport for trips to and from shops, school, work, health, leisure and other day to day services and facilities further afield.
12. Furthermore, I have no meaningful evidence to suggest that the proposal would enhance or maintain the vitality of rural communities. In my judgement, the dwellings would be in a functionally isolated location and there is no suggestion from either of the parties that the proposal would fulfil one of the special circumstances set out in paragraph 55 of the Framework.

13. For these reasons, the site would not be a suitable site for housing having regard to the proximity of services and facilities and reliance on car based journeys. It would conflict with the relevant objectives of the Framework, including the principle (included in paragraph 17) of actively managing patterns of growth to make the fullest use of public transport, walking and cycling and avoiding isolated homes and locating housing where it will enhance or maintain the vitality of rural communities.

Highway safety

14. There is some dispute regarding the floor area used for the purposes of assessing the required provision under the Council's vehicle parking standards. There would be a shortfall of either 35 or 45 spaces depending on the parties' calculations of floor area although on the evidence before me I cannot be conclusive. I also have no substantive evidence that the current car park is disproportionate to the number of customers frequenting the premises.
15. Either way given my findings in relation to the site's location and even taking the lower figure, the parking provision would not be adequate for both staff and customers given the pub's size, location, the fact that it serves food and that it is highly likely to attract customers from the surrounding rural area who will be reliant on private motor vehicles.
16. Given the site's location on a busy rural road and the limited opportunities for safe parking of vehicles on the highway, the overall parking provision for the public house would not be adequate and would be likely to lead to on-street parking that would harm the free flow of traffic and highway safety. The lack of apparent sufficient space for manoeuvring and turning for service and delivery vehicles only adds to these concerns.
17. For these reasons, the proposal would fail to provide an appropriate car parking provision and would cause harm to highway safety. Accordingly, it would conflict with Policies TR7, TR1a and QL10 of the LP which, amongst other things, seek to reduce and prevent hazards and inconvenience to traffic, require provision for functional needs in terms of car parking and only allows variations outside town centres where local circumstances suggest this is appropriate.

Other Matters

18. The Council refers to the absence of a detailed Tree Report and Survey and that as a consequence the proposal does not demonstrate that it would not harm mature trees present around the boundaries of the site. Given my findings in relation to the main issues, the appeal does not turn on such matters and furthermore, the Council's evidence provides little clarification as to why this is necessary. I have not therefore considered the matter any further.

Planning balance and overall conclusions

19. The Framework at paragraph 7 defines there to be three dimensions to sustainable development, expressed as a need for the planning system to perform an economic, social, and environmental role. These roles are highlighted as mutually dependent and not to be undertaken in isolation.

20. The construction of the development on 'previously developed land' would bring some limited economic and social benefits. Three houses would also provide a limited contribution to the supply of housing in an area with an acknowledged under supply. However, I have found that the proposal would be contrary to the LP in terms of its location, albeit that Policy QL1 carries reduced weight, in this particular case. Furthermore, the proposal would not be in a suitable location in terms of access to services and facilities and residents would be heavily reliant on car based journeys. I have also found harm to highway safety. Overall, the proposal would not fulfil the social and environmental dimensions of sustainable development.
21. Taking everything into account, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.
22. For the above reasons, the proposal would conflict with the development plan, when read as a whole and the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR