
Appeal Decision

Site visit made on 13 February 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 20th February 2017

Appeal Ref: APP/P1560/W/16/3163353

Land adjacent Chapel House, Ardleigh Road, Great Bromley, Essex CO7 7TL

- 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 R Steward against the decision of Tendring District Council.
 - The application Ref 15/01935/OUT, dated 22 December 2015, was refused by notice dated 24 May 2016.
 - The development proposed is 5 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for subsequent approval. I have considered the appeal on this basis and have treated the appeal drawings as being an illustration of how the development could proceed rather than as a firm proposal.

Main Issues

3. The main issues in this appeal are: 1) The effectiveness of local settlement policy and its implications for the proposal; 2) Whether the appeal site would be a suitable location for housing with particular reference to its accessibility to services and facilities; 3) The effect of the proposed development on the character and appearance of the area; and 4) Whether, in a planning balance, any adverse impacts of the proposal would significantly and demonstrably outweigh any benefits.

Reasons

The effectiveness of local settlement policy and its implications for the proposal

4. It is a point of agreement that the appeal site is located outside of a settlement development boundary (SDB) and is in the countryside. In this respect the appeal scheme would be contrary to Saved Policy QL1 of the Tendring District SDBs to protect the countryside from encroachment and to reduce car-borne journeys. Saved Policy QL1 is broadly consistent with the National Planning Policy Framework (the Framework), which seeks to encourage development that supports the vitality of rural areas whilst recognising the intrinsic character and beauty of the countryside and the need to promote travel choices as a means of contributing
-

towards sustainability and health objectives, including a reduction in greenhouse gas emissions¹.

5. Nevertheless, saved Policy QL1 relates to the supply of housing as it aims to generally restrict the construction of new homes outside SDBs. This is significant as the Council cannot currently demonstrate a five year housing land supply as required by the Framework. In accordance with Paragraph 47 of the Framework, saved Policy QL1, which relates to the supply of housing, is currently out of date and carries only limited weight. The Council's emerging settlement policies are not at an advanced stage of preparation and cannot be afforded any meaningful weight either. The implications of this for the appeal scheme is that in such circumstances, Paragraph 14 of the Framework directs that planning 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. I have determined this appeal accordingly.

The accessibility of the site to services and facilities

6. Paragraph 55 of the Framework addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated' and there is no up to date local interpretation. Nevertheless, when considering 'isolation', it is necessary to evaluate a site's functional connectivity to services.
7. The nearest service centres to the appeal site, which include education, retail, leisure and employment opportunities, appear to be Ardleigh and Colchester. To access these facilities on foot would require future occupants of the appeal scheme to negotiate busy rural roads, which for long sections are devoid of pavements. As such, they are not routes along which pedestrians should be encouraged to travel frequently. The distance and unappealing walking environment would deter future residents from walking to these local facilities.
8. Accessing these services by bicycle could be an option for some future residents, but not all, depending on mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as a genuine alternative to a private car. As such, the appeal site could reasonably be described as being isolated from everyday services and facilities.
9. Nevertheless, a public house and bus stop are located within a comfortable walk and safe of the appeal site. The public house is a community enterprise operated by local people. The bus stop provides a service to nearby towns and villages and is described by the appellant as a frequent service. The Council have not disputed this. Nevertheless, the timetable demonstrates there are some significant gaps in the service, which would limit opportunities to travel to work by bus. However, these factors go a little way in offsetting the appeal site's isolation from facilities.
10. A settlement boundary was placed around Bromley Cross, in part, due to the presence of the bus service and public house, which once included a post office. Because of this, the Council have recently approved the erection of houses in Colchester Road west of The Cross Inn as well as east of Morants Lodge. Houses have also been approved south of Camelot and north of the Cross Inn.

¹ See Paragraphs 17, 29, 30 and 55 of the Framework

11. However, it appears that the post office has closed and the pub, which is due to reopen soon, will operate on reduced hours. The already limited array of facilities has therefore been curtailed further. This is a material change since the recent housing approvals in Bromley Cross. Therefore, I am reluctant to draw a similar conclusion to the Council's Planning Officers who, when considering the previous housing developments referred to above, concluded that there would be a neutral outcome in terms of social sustainability².
12. Instead, the loss of the post office and the limited service provided by the public house would result in an outcome below neutral. In effect, some moderate harm as future occupants of the appeal scheme would be largely reliant on private vehicles with limited travel choices. This would undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and promoting sustainable transport as a means of reducing greenhouse gas emissions. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural locations. However, when read as a whole, I do not consider the Framework is advocating car dependency in rural areas, which will be the case with the occupants of the appeal scheme.
13. I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met and no other special circumstances have been advanced by the appellant that could otherwise justify the isolated position of the appeal scheme. I therefore conclude that the appeals scheme would have a degree of isolation that would result in some moderate harm, contrary to the objectives of the Framework I have outlined.

The effect on the character and appearance of the area

14. The appeal site encompasses part of a larger field with the southern boundary delineated by Chapel House and the northern boundary by Mill Lane. The roadside hedge along the appeal site's western boundary is a notable landscape feature. The site has an undeveloped and rural character which contributes positively to the visual amenity of the area.
15. Whilst matters of detail are reserved for future consideration, the indicative drawings demonstrate that the appeal scheme would involve the erection of five houses with double garages and the boundary hedge would be breached by a hardened access. Thus, the appeal scheme would result in a harmful urbanisation of the appeal site with its existing open and undeveloped character, when viewed from the B1029 and Mill Lane, replaced by housing and its associated paraphernalia. The retention of most of the existing frontage hedge would not mitigate this adverse impact as the houses and garages would be visible over this hedge and any screening would be notably diminished in the winter.
16. Moreover, the appeal scheme would appear as a discordant intrusion into the countryside due to its suburban and linear character, which would appear as a form of ribbon development intruding into open countryside and away from the natural boundary of the hamlet marked by Chapel House. As such, it would not consolidate the built form of Bromley Cross in the same way the recent infill development along Colchester Road has or will. Instead, the appeal scheme would appear as an incongruous adjunct to the hamlet.

² In this context the reference relates to access to local facilities – see officer reports for applications 14/00792/OUT and 15/00358/FUL

17. Taking these points together, I conclude that the appeal scheme would significantly harm the rural character and appearance of the area contrary to saved Policies EN1, QL11 and QL9 of the Tendring District Local Plan 2007, which seek to secure developments which are well designed and protect the existing local character. I have afforded these policies significant weight as they are consistent with Paragraphs 17, 58 and 60 of the Framework.

Planning Balance

18. As residential development outside a SDB, the appeal scheme would be contrary to the broad aims of the development plan. An application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the lack of a five year housing land supply is a significant material consideration that renders the relevant policies in the development plan relating to the supply of housing as out of date and thus of limited weight. As such, the proposed siting of the dwelling outside of a settlement boundary is not the determinative matter.
19. However, the appeal scheme would result in five dwellings that would have a degree of isolation from services that would result in some moderate harm to the social and environmental objectives of the Framework. The proposal would also have a significant and harmful impact upon the character and appearances of the area. This would also be contrary to the Framework. Overall, I afford these harmful adverse impacts substantial weight.
20. The construction of the proposed dwelling would provide some economic benefits to the construction industry but these would be modest in scale and for a limited time. Given the small scale of the development the contribution to the local economy, including to the local community pub, from the spending power of future occupants is unlikely to be significant and therefore any benefits to the vitality of the rural community would be limited. The proposal would also boost housing supply, but only in a modest way. I afford these economic and social benefits moderate weight.
21. Consequently, the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. I therefore conclude that the proposal would not be sustainable development for which the Framework carries a presumption in favour. Accordingly, the appeal should fail.

Other Matters

22. A suggestion has been made that the site is too small to be viably farmed but I have seen no substantive evidence to support this proposition. In any event, this is not a matter which would mitigate the significant harm I have identified. My attention has been drawn to an appeal decision (APP/P1560/W/15/3133238) at Tendring Heath but the Inspector found no harm to the character and appearance of the area in this appeal and thus it is of limited relevance.

Conclusion

23. For the reasons given above I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR