
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/16/3163506

Site adj. Springwood, Bromley Road, Crockleford, Ardleigh, Colchester, Essex CO7 7SG

- 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 and Mrs Moorcroft against the decision of Tendring District Council.
 - The application Ref 16/00861/OUT, dated 26 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the erection of two detached dwellings.
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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 accordingly. I have treated the appeal drawings as an illustration of how the development could proceed rather than 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 and its effect on the character and appearance of the countryside; and 3) Whether 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. Saved Policy QL1 of the Tendring District Local Plan 2007 (LP) directs new development to sites within defined settlement development boundaries. The supporting text to saved Policy QL1 explains that the policy aims to protect the countryside from encroachment and to reduce car-borne journeys.
 5. It is common ground between the appellants and Council that the appeal site is located outside of a settlement development boundary and is in the countryside. In this respect the appeal scheme would be contrary to saved Policy QL1 and
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would undermine the broad strategy for housing and the protection of the countryside contained in the Development Plan.

6. 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.
7. Nevertheless, saved Policy QL1 relates to the supply of housing as it aims to generally restrict the construction of new homes outside of the defined settlement boundaries. This is significant as the Council cannot currently demonstrate a five year housing land supply as required by Paragraph 47 of the Framework. In effect, the Council's housing settlement policies are failing to provide an adequate supply of housing. As a consequence, the policies relating to the supply of housing in the development plan, including saved Policy QL1, are currently out of date and should therefore carry only limited weight. The Council's emerging policies are not at an advanced stage of preparation and cannot be afforded any meaningful weight.
8. I therefore conclude that the effectiveness of rural settlement policy in the district is already undermined by reason of an undersupply of housing. The implications for the appeal scheme being 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.

Whether the appeal site would be a suitable location for housing with particular reference to its accessibility to services and facilities and its effect on the character and appearance of the countryside

9. Paragraph 55 of the Framework specifically 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, in my experience, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.
10. The appeal site is part of a paddock located to the south of Willowall and has a frontage onto Bromley Road. Whilst there is some irregular development along Bromley Road, including housing next to and opposite the site, the appeal site remains undeveloped and the surrounding area is dominated by fields and hedges. This affords the site and its environs a rural character. The undeveloped nature of the site contributes positively to the character and appearance of the area.
11. The existing development in the vicinity of the appeal site is sporadic in nature and is not arranged in a discernable grouping. Consequently, the appeal scheme would not be 'read' as being part of a settlement. Instead, it would be viewed as

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

a harmful and discordant incursion into the countryside. The proposal would also result in new hardened accesses across a grass verge and through a hedgerow. This, along with the physical presence of the dwellings within the site and the associated domestic paraphernalia, would urbanise the site and significantly harm its rural character and that of its surroundings, especially when viewed from Bromley Road and Springvalley Lane. This would undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside.

12. In arriving at this finding, I note that views of the proposed development would be filtered by boundary planting and two oak trees could be retained. This would soften the urbanising impact of the appeal scheme but not wholly remove it. Furthermore, landscaping cannot be relied upon as long term mitigation to screen an otherwise unacceptable development as it may be removed or fail in the future.
13. I have not been directed to any everyday services within a comfortable walking distance of the appeal site. The nearest services appear to be in Colchester but this would require a walk along Bromley Road, which is devoid of pavements and is reasonably straight with apparently high vehicle speeds. As such, it is not a route along which pedestrians should be encouraged to travel frequently.
14. The distance and unappealing walking environment is likely to deter future residents from walking to local facilities. This would be especially so for the more vulnerable pedestrians such as parents with young children. Given the distance and inconvenient walking environment, I consider it highly likely that future residents would be predisposed to rely on a private car to access everyday services and facilities. Cycling 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 an alternative to a private car.
15. There is a bus stop near to the appeal site and the Council suggest that there is an hourly service between Colchester and Frinton on-Sea. Nevertheless, I am not satisfied that a bus service mitigates for the absence of facilities within a comfortable walk of the appeal site, as the timings of the bus service may not always be convenient for future occupants of the appeal scheme, especially if they have needs arising at short notice. As such, the proposed development would be a functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities.
16. In this instance, the isolation would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwellings largely reliant on private vehicles with limited travel choices. It would also 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.
17. In considering any special circumstances that would justify the isolated location of the appeal scheme, 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 appellants. I therefore conclude that as isolated dwellings that would be harmful to the rural character of the countryside, the proposed development would be contrary to the Framework, Paragraphs 17 and 55 in particular.

Whether any adverse impacts of the proposal would significantly and demonstrably outweigh any benefits

18. The proposal is residential development in the countryside and therefore runs 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 dwellings outside of a settlement boundary is not the determinative matter.
19. However, the appeal scheme would result in two dwellings that would be isolated from services with an adverse impact upon the rural character of the countryside. This would be contrary to the Framework. I have found that this social and environmental harm would be significant and thus afford it substantial weight.
20. The construction of the proposed dwellings would provide some economic benefits 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 from the spending power of future occupants is unlikely to be significant. In any event, such a contribution could be made by dwellings constructed closer to local facilities. The proposal would also boost housing supply, but only in a modest way. I therefore afford the economic and social benefits limited 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 be dismissed.

Other Matters

22. My attention has been directed by the appellants to a number of developments they consider to be comparable to the appeal scheme. As such, they consider these schemes to be precedents that should justify the proposal. It is an established principle of the planning system that like applications should be considered in a like manner and the Council has not provided any evidence to explain what the differences are between the appeal scheme and these developments. Nevertheless, the appellants have not provided the full details of the schemes listed and therefore I am unable to gauge to what extent they are comparable to the development before me. I have therefore considered the appeal scheme on its own merits and have found that it would be harmful and contrary to local and national planning policy.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR