



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/16/3162850

Land adjacent to Maryland Close, Ipswich Road, Ardleigh, Colchester, Essex CO7 7QW

- 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 Russell Smith against the decision of Tendring District Council.
 - The application Ref 16/00972/OUT, dated 23 June 2016, was refused by notice dated 9 September 2016.
 - The development proposed is two three bedroom detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for two three bedroom detached dwellings at Land adjacent to Maryland Close, Ipswich Road, Ardleigh, Colchester, Essex CO7 7QW, in accordance with the terms of the application, Ref: 16/00972/OUT, dated 23 June 2016, subject to the conditions in the attached schedule.

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 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 the larger urban areas. It also permits some limited development in the smaller towns and villages within the district where this is consistent with local community needs. This policy also sets settlement development boundaries and confirms that countryside policies will apply outside

these areas. The supporting text to saved Policy QL1 explains that the aims of the policy are to protect the countryside from encroachment and to reduce car-borne journeys.

5. It is common ground between the appellant and Council that the appeal site is located outside of a settlement development boundary and is in the countryside. The proposal would thus, in a modest way, urbanise the countryside. In this respect the appeal scheme would be contrary to saved Policy QL1 and 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 National Planning Policy Framework (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 when relevant policies are out of date 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

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 encompasses a small and overgrown parcel of land on the edge of Colchester and in the vicinity of the A12/A120 road junction. The appeal site has a frontage onto Turnpike Close and is situated within a small cluster of houses including dwellings on either side. The Council have not suggested that the appeal

¹ See Paragraphs 17, 29, 30 and 55 of the National Planning Policy Framework.

scheme would appear physically isolated and thus a harmful incursion into the countryside. This is a conclusion I share given the presence and extent of nearby development.

11. The appeal site is located on the northern side of the A12 and A120 with Colchester located on the southern side. Future occupants of the appeal site would need to cross these roads to access the facilities in Colchester. As such, the noisy and busy roads would be a notable barrier for future occupants of the appeal scheme if they wanted to walk to the facilities, services and employment opportunities in the Severall's Industrial Estate including the bus stop along the A1232. This would be especially so for more vulnerable pedestrians such as parents with pushchairs, younger children and those with mobility, visual and aural impairments. The unattractiveness of the pedestrian environment and its lack of inclusiveness are limitations that weigh against the appeal scheme and place it in conflict with some of the aims and objectives of Paragraphs 29, 30 and 55 of the Framework.
12. Nevertheless, these limitations are tempered by the presence of pavements between the appeal site and the A1232 from both Turnpike Close and Old Ipswich Road. These routes are broken by the need to cross the busy A12 and A120 and are thus constrained. However, formal crossings with dropped kerbs are provided. With a reasonable degree of caution it would be safe for future occupants to access the facilities and employment opportunities in the Severall's Industrial Estate as well as the bus stop along the A1232.
13. Furthermore, there are some facilities located on the northern side of the A12 and A120 including the Lodge Lane, Crown and Apex 12 Business Parks. There is also The Crown Public House. These sites are reasonably close, can be accessed safely on foot without needing to cross busy trunk roads and could provide employment opportunities for future occupants of the appeal scheme.
14. Furthermore, the bus timetables provided by the appellant suggest that an hourly bus service between Colchester and Ipswich is available from the bus stop on the A1232. This would afford future occupants of the appeal scheme the opportunity to access two town centres, with the everyday services available therein. The close proximity of the appeal site to numerous employment opportunities would enable cycling to be a realistic travel to work option for some future residents of the appeal scheme. Although I acknowledge it would not be for all, depending on mobility and proficiency. Nevertheless, the accessibility of the site to services, facilities and employment opportunities by bus and cycling weighs in favour of the proposal.
15. In conclusion, there are some notable limitations in respect of the appeal site's accessibility to services and facilities due to the barrier posed by the A12 and A120. This would result in some harm that would be contrary to the objectives of the Framework. I would not however, categorise the level of harm as being anything more than limited. This is because there are some employment opportunities within walking distance of the appeal site on the northern side of the A12 and A120, along with a constrained pedestrian route to facilities and a bus stop on the southern side of the A12 and A120. As such, future occupants of the appeal scheme would have some modest travel choices and would not be wholly car dependant. Overall, the appeal scheme would not be isolated and would thus adhere to the broad aims of Paragraph 55 of the Framework.

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

16. 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 dwelling outside of a settlement boundary is not the determinative matter. However, there would be some limited harm as the site is not within walking distance of many services and the A12 and A120 would be notable barriers for many pedestrians. I have afforded this harm only limited weight for the reasons already given.
17. Weighed against the above is that the proposal would, in a modest way, support the rural economy through construction jobs and the circulation of funds as well as through the local spend of future occupants. The proposal would also boost housing supply and enable a situation whereby future occupants could support local facilities, thereby assisting the vitality of the local community. As only two dwellings are proposed the benefits are limited.
18. Nevertheless, I do not consider the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits. I therefore find the proposal to be sustainable development for which the Framework carries a presumption in favour. Therefore, whilst the proposal would conflict with the development plan I have identified material considerations, namely the requirements of the Framework, which would outweigh this conflict. Accordingly, the appeal should be allowed.

Other Matters

19. I have had regard to the concerns raised by an interested party that the proposal would exacerbate existing surface water flooding. However, I have not been presented with any evidence that the appeal scheme would result in a harmful level of surface water flooding. As such, my overall findings are unchanged.

Conditions and Conclusion

20. I have had regard to the advice in the Planning Practice Guide and the list of conditions suggested by the Council. It is necessary to require the submission of reserved matters prior to the commencement of development in the interests of safeguarding the character and appearance of the area, highway safety and the living conditions of neighbours. For similar reasons, it is necessary to secure the submission of a construction method statement before works commence and the provision of boundary treatment and vehicular accesses before occupation. The details of which will be approved as part of the submission of 'landscaping' as a reserved matter. It is unnecessary to impose conditions seeking details of the highway and parking arrangements as 'access' and 'layout' are reserved matters.
21. For the reasons given above I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- 2) The application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) Details, plans and particulars of 'access' 'scale', 'layout', 'landscaping' and 'appearance' (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the approved details.
- 4) The boundary treatment approved pursuant to the submission of reserved matters required under Condition 2-3 of this permission shall be planted/installed/erected before the dwellings hereby approved are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) The vehicular accesses from the highway approved pursuant to the submission of reserved matters required under Condition 2-3 of this permission shall be constructed before the dwellings hereby approved are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 6) No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. Wheel and under body washing facilities

End of schedule