
Appeal Decision

Site visit made on 13 March 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/P1560/W/16/3164931

1 Model Cottages, Primrose Lane, Ramsey, Essex CO12 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Macauley against the decision of Tendring District Council.
 - The application Ref 16/01508/FUL, dated 23 June 2016, was refused by notice dated 5 December 2016.
 - The development proposed is the demolition of two existing cottages being replaced with 4x new cottages with associated garages and gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the location of the housing would provide future occupiers with reasonable access to services and facilities.
 - The effect the replacement of two dwellings with four new cottages would have on the character and appearance of the area.

Reasons

Access to services and facilities

3. The existing semi-detached dwellings are situated in a relatively isolated location along Primrose Lane, a minor road that runs north from the A120, and surrounded by farmland. The nearest small settlement appears to be Wrabness which is well over a mile to the north and reached by quite narrow unlit rural roads without footpaths. The villages of Ramsey and Wix are further away, to the east and west respectively and accessed via the A120, a busy trunk road which is unsafe to walk alongside. The A120 ends at Harwich, which is the nearest town some 4 miles to the east.
 4. The current development plan comprises the saved policies of the Tendring District Local Plan (TDLP) which was adopted in 2007. The Council is preparing a new TDLP but, as this is at a relatively early stage, is currently placing greater weight on the current plan in planning decisions. TDLP Policy QL1 establishes the spatial strategy to focus most development in the urban areas of Harwich and Clacton, to allow limited development to meet community needs within the settlement development boundaries of the smaller towns and
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villages and to restrict development outside of these areas unless this requires a countryside location.

5. The objectives of TDLP Policy QL1 include directing development to places easily accessible by a choice of means of transport and with a mix of uses, including jobs, shops and other facilities, to reduce the need to travel. Whilst appreciating the case made by the appellant that this places a restriction on people's wish to live in the countryside and might increase the unsustainability of such locations, this strategy is generally consistent with the objectives in the National Planning Policy Framework (the Framework).
6. It is a core planning principle of the Framework that decisions actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Paragraph 55 of the Framework goes on to say that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
7. The proposal is to replace a semi-detached pair of dwellings, which do not meet modern standards of insulation and damp proofing, with four new houses. The economic viability case for two additional dwellings would not provide the special circumstances to permit further housing in a location where occupiers would be dependent on private car use to reach regularly required services. This location is outside of, and a significant distance from, any settlement boundary and so this scheme would clearly conflict with the aims of TDLP Policy QL1 and those of the Framework.

Character and appearance of the area

8. Although the existing cottages are in poor condition materially, and do not meet modern standards of insulation and damp proofing, they largely retain their original character and, set back from and facing onto the road, respond well to their location. The existing semi-detached pair is sited centrally in a lenticular-shaped plot. Whilst the four detached dwellings proposed are each of an identical and quite pleasing traditional cottage design, the layout would be somewhat cramped and contrived due to the limitations of the site.
9. The proposal would avoid encroaching into farmland and be confined to the existing residential site and be satisfactory in respect of providing adequate accesses and retaining the hedge along the front boundary. Notwithstanding the individually attractive Essex design guide cottages, the layout and extent of new development would appear incongruous and be harmful to the rural character of this largely undeveloped area of countryside. As a consequence, the scheme would conflict with the aims of TDLP Policy QL9 in failing to relate well to its site and surroundings and those of TDLP Policy EN1 in harming the traditional character of this rural lane.
10. These policies are generally consistent with the core principles of the Framework to always seek to secure high quality design, taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside.

Balance and conclusions

11. The Council confirms that current development plan policy does not provide the five year supply of housing land required under paragraph 47 of the Framework. Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
12. TDLP policies QL1, QL9 and EN1 all influence where development might be allowed and so are relevant to the supply of housing and are therefore not up-to-date. However, this does not mean these policies should be disregarded and carry no weight. Instead, the weight attached to them will rest with this decision. Where relevant development plan policies are out-of-date the presumption in favour of sustainable development set out in paragraph 14 of the Framework applies. This would mean granting permission 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.
13. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
14. The development would provide social benefits by contributing to the supply of housing in the District, but I am not persuaded these would meet an identified need for rural housing here as claimed. There would be economic benefits also, both from the construction of the houses and the future support provided by future occupiers to local shops and services.
15. However, with the number of dwellings proposed these benefits would be small. The harm arising from further housing in this location, where occupiers would be dependent on private car use and the development would detract from the character and appearance of the countryside, would significantly and demonstrably outweigh these benefits. As a consequence, this scheme would not be the sustainable development supported by the Framework and, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR