

Appeal Decision

Site visit made on 14 March 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 31st March 2017

Appeal Ref: APP/P1560/W/16/3164433

Land to the North of Bromley Road, Elmstead, Essex CO7 7BX

- 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 A Massink against the decision of Tendring District Council.
 - The application Ref 16/01063/OUT, dated 6 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is the residential development of 0.4ha of land to create up to 5 detached dwellings with associated garaging and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address used in the banner heading above is taken from the appeal form as it is a more accurate description of the site's location than that given on the original application form.
3. The application was submitted in outline with all matters reserved for future consideration. A site plan was submitted with the application for indicative purposes only. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Saved Policy QL1 of the '*Tendring District Local Plan 2007*' (LP) states that development will be focussed towards larger urban areas, towns, villages and within Settlement Development Boundaries (SDB). Outside of these, it only allows for housing development which is consistent with countryside policies. The appeal site lies outside of the SDB. It is proposed to construct 5 dwellings on the site and there is no indication that the proposal would be consistent with the countryside policies of the LP in line with Policy QL1. As such, the proposal would conflict with LP Policy QL1.
 6. However, Paragraph 49 of the '*National Planning Policy Framework*' (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if a Council cannot demonstrate a 5 year supply of deliverable housing sites. LP Policy QL1 seeks to control the location of housing and is, therefore, a relevant policy for the supply of housing. The
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Council accepts it is unable to demonstrate a 5 year supply of deliverable housing sites. Policy QL1 should not therefore be considered up-to-date.

7. Paragraph 14 of *the Framework* sets out the presumption in favour of sustainable development as where the development plan is absent, silent, or, as is the case here, relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
8. The appeal site comprises part of a large, broadly flat and open area of agricultural field on the north side of Bromley Road and to the east of the tightly knit, urban grain of Elmstead Market. The landscape beyond is generally characterised by an undulating, rural plateau largely free from built form. The site is bound to the front by sparse vegetation. This allows views of the landscape beyond. There is a loose knit pattern of development on the south side of Bromley Road. This generally gives way to woodland directly opposite the appeal site. Though there are dwellings further east on the south side of the road, these are noticeably separated from the built-up area of the settlement.
9. The appeal site lies within the large expanse of generally open and flat farmland on the north side of the road. Upon approaching the site from the settlement, the character of the area is clearly rural. Indeed, it is one of having already transitioned from the urban into the rural. As such, the appeal site is more closely related in character to the expanse of rural land to the north than the built-up area of the settlement or indeed the loose knit development on the south side of Bromley Road.
10. Moreover, the open space to the front of the adjacent reservoir site means the appeal site appears physically and functionally disparate from the settlement. Given the adjacent open space, the proposed development would not be viewed in the context of a continuous frontage of development along the north side of the road and would not continue the existing linear development pattern of the settlement. Rather, it would appear distinctly detached from it. The appellant indicates that the adjacent land would be capable of a similar frontage development, however, there is no evidence of any such proposal before me.
11. Furthermore, the site has no natural boundaries or demarcation to separate it from the larger fields of which it forms a part of. Even with a relatively low density of around 15 dwellings per hectare, the proposal would consequently appear as an obtrusive and somewhat discordant element of urban form within an otherwise unfettered part of the landscape.
12. Whilst I note the recent approval for 1 dwelling at Evergreens to the east, the dwelling would be adjacent to existing properties. That is not the case here. I also note that the indicative layout shows that a single access would be within the 30mph area and that landscape screening would reflect the loose knit development on the south side of the road. However, the introduction of a landscaped boundary would only augment the presence of built form and make apparent the erosion of the land's open character. As a result, I find the proposal would erode the prevailing landscape character of the rural area which encompasses Elmstead Market.

13. My attention has been drawn to recent appeals for 3 dwellings at Blue Barn Farm, Clacton Road¹ and 6 dwellings on land adjacent to public car park Clacton Road². However, in those cases the Inspector found no harm in respect of character and appearance in contrast to my findings in respect of the appeal site here. In any event I have considered this appeal on its own merits.
14. I conclude, therefore, that the proposal would have a harmful, adverse effect on the character and appearance of the area. Although limited weight is to be afforded to LP Policy QL1, the proposal would nevertheless conflict with it. It would also conflict with Paragraph 17 of *the Framework* which sets out that a core planning principle, amongst other things, is to recognise the intrinsic character and beauty of the countryside.

Planning Balance

15. The proposal would contribute towards maintain the vitality of the local community through the increased spending of future residents. It would also contribute towards the economic role of sustainability by supporting jobs through the construction phase. However, whilst these are important benefits, the quantity and longevity of those jobs would be limited given the scale of the proposal and the temporary nature of construction works. Socially, the proposal would make contribution towards boosting significantly the supply of housing in the District. In the context of the lack of a 5 year housing supply, that is a matter of some importance although the scale of the development is such that its contribution would be relatively limited.
16. Environmentally, the parties agree that the proposal is within a suitable location with regard to access to services, facilities and employment opportunities within Elmstead Market and beyond, such that future residents would not be wholly reliant on private car travel. I have no reason to disagree. In addition, there are no substantive concerns in respect of highway safety, flooding or ecology. Again, I have no reason to disagree.
17. However, I have found that the proposal would have a harmful, adverse effect on the character and appearance of the area and as such, it would fail to fulfil the environmental role of sustainability. The proposal would conflict with the aims of *the Framework* to contribute to and enhance the natural environment. That conflict is a matter of considerable weight.
18. Consequently, having assessed the development against the policies in the Framework taken as a whole, I find that the extent of the harm is such that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development. In the context of Paragraph 14 of the Framework, the proposed development would not, therefore, constitute sustainable development for which there is a presumption in favour of.

Conclusion

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

Jason Whitfield

INSPECTOR

¹ APP/P1560/W/15/3028070

² APP/P1560/W/15/3132382