

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/16/3166120

Appletree Cottage, Hunters Chase, Ardleigh CO7 7LN

- 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 Higginbottom against the decision of Tendring District Council.
 - The application Ref 16/01246/OUT, dated 5 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is construction of single dwelling with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. A plan was submitted with the application which shows a layout and elevations for indicative purposes only. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for new housing having regard to reliance on private car.

Reasons

Planning Policy Context

4. 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. Outside of these, it only allows for housing development which is consistent with countryside policies. There is no evidence to suggest that the proposal would be consistent with any such policies. The appeal site is located outside of any defined settlement development boundary. Thus, the proposal would conflict with LP Policy QL1.
 5. 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 Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites. As such, LP Policy QL1 should not be considered up-to-date.
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6. Paragraph 14 of *the Framework* sets out the presumption in favour of sustainable development as: where the development plan is absent, silent, or, as in this case, 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.
7. Whilst this does not change the statutory function of the development plan, *the Framework* is an important consideration. I must, therefore, consider whether or not any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Location

8. Paragraph 17 of *the Framework* sets out that one core planning principle which underpins decision taking is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Whilst recognising opportunities to maximise sustainable transport solutions will vary from urban to rural areas, Paragraph 29 of *the Framework* nevertheless states that the transport system needs to be balanced in favour of sustainable transport modes to give people a real choice about how they travel.
9. The Council refer to a *Local Plan Settlement Hierarchy Document 2016* which identifies Ardleigh as a smaller rural settlement with no GP, defined village centre or employment area. However, I have not been provided with a copy of the document and therefore I am unable to offer it more than limited weight. In any case, whilst Ardleigh is spread over a wide area with a loose grain of development, I was able to see from my site visit that there is a cluster of small convenience shops, a post office, village hall, doctors surgery and other facilities in the area around St Mary the Virgin Church in what could reasonably be considered as the village centre. The appellant also points to other employment and leisure facilities in the area. The centre of the village would, in my view, provide sufficient services and facilities for day-to-day living.
10. The appeal site is located on a narrow rural lane which serves a small ribbon of development around 1.9km (1.2 miles) to the north of the village centre. The appellant indicates that there is a public footpath network in the area which includes a path to the village centre directly opposite the appeal site. I was able to see from my site visit that a public bridleway opposite the appeal site crosses the large expanse of agricultural land between the appeal site and the centre of Ardleigh. Whilst I have no reason to believe such footpaths are not kept clear and are well used, and undoubtedly they are attractive for recreational walking and cycling, they would not be practical for everyday trips on foot, when carrying shopping for example, particularly during the hours of darkness or periods of inclement weather.
11. The appellant indicates that local bus services depart from two locations within a 10 minute walk of the appeal site, with bus services on the A137 accessible within 15 minutes. These services offer access to services, facilities and wider connections in Colchester and Mainningtree.
12. However, in order to access the closest bus stops, future residents would likely be required to negotiate Hunters Chase which is a narrow rural lane without footpaths or lighting. They would then be required to travel along Ardleigh Road or Coggeshall Road which carry regular flows of traffic and are also largely unlit without footpaths. Use of the local footpath network to reach the

bus stops would also require negotiation of unlit, rural bridleways. Whilst I note that rural communities are often unable to support the level of public transport opportunities typically found in urban areas, the lack of safe or accessible means to walk to the bus stops would likely be a deterrent to their use by future residents, particular during the evenings or periods of inclement weather.

13. Whilst there is a vehicle servicing business on Hunters Chase and the opportunity to purchase local produce at the campsite at the corner of Hunters Chase and Coggeshall Road, I consider that such facilities would not be sufficient to support the day-to-day needs of future residents. As a result, I find future residents would not have adequate opportunities to make the fullest possible use of public transport, walking and cycling and would be reliant on private car in order to access the necessary services and facilities for everyday living.
14. I recognise that all settlements can play a role in delivering sustainable development in rural areas and that restricting all new housing in rural areas would result in unbalanced growth in conflict with the aims of *the Framework*. However, as with all cases, this appeal must be determined on its own merits and I have found in this instance that the proposal would fail to contribute towards managing patterns of growth in the interests of promoting sustainable transport. Moreover, the appellant considers the site would benefit from good road connections and could be efficiently accessed by motor vehicle or by supermarket delivery services. That would, in my view, only serve to increase the reliance of future residents on the use of private cars.
15. I conclude, therefore, that the proposal would not be a suitable location for new housing having regard to reliance on private car. It would, therefore, conflict with Paragraph 17 and Paragraph 29 of *the Framework*.

Planning Balance and Conclusion

16. Paragraphs 47-55 of *the Framework* require local planning authorities to meet the full objectively assessed need for market and affordable housing in the area. Paragraph 55 of *the Framework* encourages new housing where it will enhance or maintain the vitality of rural communities.
17. The proposal would make a contribution towards of the supply of housing in the District of one additional home. In the context of the Council's lack of 5 year housing land supply, that is a matter of some importance and is a factor that would contribute towards the social role of sustainability. Nevertheless, that contribution would be modest in its extent.
18. There would also be important economic benefits as the development would support jobs during the construction phase. There would also be benefits from the spending of future residents in local economy which would help maintain the vitality of the community.
19. However, I have found that considerable adverse impacts would arise as the appeal site would not be a suitable location for new housing having regard to reliance on private car and would therefore fail to contribute towards the social and environmental roles of sustainability.
20. Having assessed the development proposal 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.

21. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR