
Appeal Decision

Site visit made on 13 June 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/P1560/W/17/3169159

Site adjacent Willowell, Spring Valley Lane, Ardleigh, Colchester, Essex CO7 7SD

- 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 16/00859/OUT, dated 26 May 2016, was refused by notice dated 26 August 2016.
 - The development proposed is erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all detailed matters reserved for later consideration. I have dealt with the appeal on the same basis and taken the 1:500 block plan submitted as an indicative layout.

Main Issues

3. 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 three detached dwellings would have on the character and appearance of the area.

Reasons

Access to services and facilities

4. The proposal relates to an area of paddock associated with and immediately to the north of the detached bungalow Willowell. This property is in a relatively isolated position within and surrounded by open countryside to the east of Colchester and just to the south-west of the A120. Development in the immediate vicinity is sporadic and the site is well-separated from the main village of Ardleigh which is a significant distance away to the north-east and beyond the A120.
5. The nearest services, such as schools, medical centres and foodstores, are within the nearest built suburbs of Colchester to the west. These are

accessible via the Bromley Road, just to the south of Spring Valley Lane, but are a significant distance away along an unlit country lane initially without footways and lacking an adjacent cycle path, which would not be a convenient walking distance from the appeal site. The Council refers to nearby bus stops providing an hourly service between Frinton and Colchester whereby access to the nearest services in the latter would appear to be the most convenient to any future occupiers of the dwellings proposed here.

6. However, despite the availability of a bus service, this would be a location for new housing where future occupiers would generally find it more convenient to use a private car to reach regularly required services, such as shops, schools and employment.
7. The appellant has provided a series of recent planning permissions in Tendring which are cited as precedents for the Council having permitted housing outside of settlement boundaries in more exposed rural settings than this, without pedestrian footpaths and at some distance from local facilities. However, no detailed case has been provided to show how the Council's basis for arriving at the decisions in these other locations might support this proposal. Whilst the background documentation might be available on the Council's website this decision has to be based on the evidence submitted with the appeal. Therefore, a list of other planning decisions in the area lends little support for this proposal which necessarily must be assessed on its own individual merits.
8. Policy QL1 of the Tendring District Local Plan 2007 (LP) provides a spatial strategy which adheres to the principles of sustainability by directing the majority of new development, including housing, to main centres. Such locations are easily accessible by a choice of means of transport and provide accommodation closer to jobs, shops and other facilities so as to reduce the need to travel.
9. Policy QL1 is consistent with the core principle in paragraph 17 of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This policy also reflects the advice in paragraph 55 of the Framework that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities but that that new isolated homes in the countryside should be avoided unless there are special circumstances. No special circumstances are advanced in support of this proposal. Consequently, the conflict with Policy QL1 should be afforded significant weight.

Character and appearance of the area

10. Under Policy QL1 development is to be concentrated in defined settlement boundaries and outside of these, as in this case, only development consistent with countryside policies will be permitted. Thereby this policy seeks to prevent sporadic and ribbon development outside of settlement boundaries and to conserve and enhance the countryside for its own sake.
11. The application was made in outline although the dimensions of the site and the presence of protected trees along the boundaries would likely dictate an arrangement similar to that shown in the indicative layout. This provides for a single point of access from the highway through a modification to the existing

entrance to Willowell with a private drive running north serving the three dwellings aligned in a consecutive series.

12. Regarding the boundary trees I have considered the submitted Arboricultural Impact Assessment¹. This has categorised the trees in accordance with BS 5837:2012² and found these to be generally in good condition and to favour the aged/mature range with high wildlife and landscape value. The report sets out the mixture of tree works, design modification and special construction techniques through which it should be possible to retain all of the Category A trees and the majority of Category B trees. The Council has served a Tree Preservation Order dated 23 August 2016 which covers thirteen oak trees along the roadside and rear boundary of the appeal site.
13. Assuming the details of the development and the construction methods allow for the protection of these surrounding trees, and their protected status permits the Council to resist any demands for future thinning or felling consequent to occupation, then it is accepted the development of this site for three dwellings could remain well screened, at least in the summer months.
14. However, this would not alter my view that the three dwellings would be an incursion of residential development into an area that is mainly open countryside and of an undeveloped rural character. Notwithstanding the examples of permissions granted elsewhere in this locality, this proposal would quite clearly constitute a harmful encroachment of development into the relatively unspoilt countryside.
15. As a consequence, I find that this proposal would be in conflict with LP Policy QL9 in that, although the eventual design might be able to incorporate the most important feature of the site which is the boundary trees, the resulting housing in the undeveloped countryside would fail to make a positive contribution to the quality of the local environment or protect or enhance its local character.
16. The prevailing landscape character of this area is predominantly that of undeveloped countryside. Consequently there would be clear conflict also with the aims of LP Policy ENV1 which seeks to protect, and where possible enhance, the quality of the district's landscape and its distinctive local character. Both LP policies QL9 and ENV1 are consistent with the core planning principle in the Framework to recognise the intrinsic character and beauty of the countryside and are afforded significant weight.

Planning Balance

17. 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. The most recent evidence provided is that the Council can demonstrate a 4.4 year supply. 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.

¹ Arboricultural Impact Assessment for land adjacent Willowell, Spring Valley Lane, Crockleford Heath, Essex produced by Tree Planning Solutions and dated 17 July 2016

² BSI Standards Publication BS 5837:2012 *Trees in relation to design, demolition and construction*.

18. 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.
19. 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.
20. The Council's decision refers in error to two dwellings not the three proposed. The 4.4 year supply of housing land supply is not a substantial shortfall from the requirement for five years. However, just three dwellings would make only a very modest contribution towards addressing this. On the same basis although the development would engender social and economic benefits, by creating jobs during the construction phase, providing a further three dwellings to the local housing stock and contributing positively to the local rural economy, these would be commensurately quite small. That the dwellings might be of an intrinsically satisfactory design and give rise to no material highway objections would be neutral factors in the planning balance.
21. The adverse environmental impacts resulting from three dwellings proposed in a relatively isolated rural location, thereby encouraging residential occupation overly reliant on private car use to access regularly required services and causing harm to the largely undeveloped character of this rural area, would significantly and demonstrably outweigh these limited benefits. Consequently, the proposal would not comprise sustainable development nor benefit from the presumption in favour of this established by the Framework.

Conclusion

22. For the reasons set out above, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR