



Appeal Decision

Site visit made on 17 July 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/P1560/W/17/3173478

Site adj Hunters Moon, Chequers Road, Little Bromley, Manningtree, Essex CO11 2QU

- 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 P.H & R.D Herring against the decision of Tendring District Council.
 - The application Ref 16/02129/OUT, dated 22 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is described as 'proposed detached houses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters of detail reserved for future consideration. I have considered the appeal on this basis. Drawings have been submitted detailing a possible layout of four dwellings and a means of access to them, along with an signal of their scale and appearance. The drawings are annotated as being indicative and therefore I have not considered them as a firm proposal but rather a suggestion as to how the development could proceed.

Main Issues

3. Saved Policy QL1 of the Tendring District Local Plan 2007 (LP)¹ directs new development to sites within the defined settlement development boundaries. The supporting text to saved Policy QL1 explains that the policy aims to protect the countryside from encroachment and to reduce car-borne journeys. The appeal site is located outside of a settlement development boundary and is therefore in the countryside². Consequently, the main issues in this appeal are whether the appeal site is an appropriate location for housing having particular regard to 1) The accessibility of services and facilities; and 2) The effect on the character and appearance of the countryside³.

¹ The emerging policies in the draft Tendring District Local Plan have been referred to but these are at a formative stage and are still the subject of public consultation. I have therefore afforded them limited weight as they may be the subject of revisions.

² There is nothing before me to suggest the appeal scheme would adhere to the countryside policies of the development plan or would meet the special circumstances listed in Paragraph 55 of the Framework.

³ The Council did not specifically raise this as an objection but I have included it as a main issue in light of the concerns of interested parties, which the appellants commented upon in their submissions.

Reasons

The accessibility of services and facilities

4. The nearest settlement to the appeal site is Little Bromley but there is a very limited array of everyday facilities available there. The nearest notable collection of everyday services and facilities can be found at Lawford and Manningtree. This conurbation is located around two miles to the north and includes education, retail, leisure and employment opportunities.
5. To access the facilities in Little Bromley, Lawford and Manningtree on foot would require future occupants of the appeal scheme to negotiate apparently busy and unlit rural roads, which for long sections are devoid of pavements. As such, they are not routes along which pedestrians should be encouraged to travel frequently, particularly in inclement weather or after dark. There is a public footpath adjacent to the appeal site but this is unsurfaced. The distance and unappealing walking environment would deter future residents from walking to the facilities in the nearest settlements.
6. Given the distance and inconvenient walking environment, it would be highly likely that future residents of the appeal scheme would be predisposed to rely on a private car to access everyday services and facilities. Cycling could be an option available to some future residents as an alternative to walking, but not all, depending on mobility and proficiency. Cycling would have similar limitations to walking as the winding rural roads and speed of traffic outside Little Bromley would discourage many future residents of the appeal scheme.
7. There is a bus stop within Little Bromley and this is served by the number 2 bus between Manningtree and Clacton. It provides a reasonably quick connection, with only a six minute journey to the rail station at Manningtree. However, the bus service appears to have some significant gaps in its timetable with the service being every two hours during the day with no service in the evening and at weekends. Moreover, the bus stop is situated a notable walking distance from the appeal site and there is no intervening pavement.
8. I am advised that the buses will informally stop at the entrance to Chequers Road but it is unclear how much reliance I can place on this informal arrangement into the long term. Consequently, an intermittent bus service would not mitigate for the absence of facilities within a comfortable walk or cycle of the appeal site. The private mini bus service appears to be akin to a taxi and thus it is unlikely this would be a viable regular form of travel for most of the future residents of the appeal scheme.
9. As there are very few facilities close to the appeal site there would be limited opportunities for future residents to support them without being reliant on private motorised transport. Consequently, it would be more advantageous to locate new dwellings, such as those proposed, closer to the services that the future occupants would use and where they can be accessed by various modes of transport. The proximity of residents to these facilities would also make the use of local services and facilities more convenient and therefore more likely. This would better support the viability of the rural economy and is the aim of saved Policy QL1 of the LP.
10. I therefore conclude that, notwithstanding the appellant's past experience, the appeal scheme would provide homes that would be remote from services and facilities. In this instance, the remoteness of the appeal site would result in

significant social and environmental harm as it would leave future occupants of the proposed dwellings largely reliant on private vehicles with limited travel choices. The proposal would therefore undermine, and thus harm, the strategy for the location of housing in the district. Thus, it would be contrary to saved Policy QL1 of the LP, which is broadly consistent with the National Planning Policy Framework (the Framework)⁴. Policy QL1, and the conflict with it that I have identified, can therefore be afforded significant weight.

The effect on the character and appearance of the countryside

11. The appeal site encompasses a small part of a much larger arable field. The southern boundary of the appeal site is delineated by Chequers Road, the eastern boundary by a footpath and the western boundary by the end most property in a short row of ribbon development. The appeal site is generally flat and there are extensive views across it of the open rural landscape beyond. There are few landscape features within the appeal site but its open and undeveloped appearance adds to the rural character of the locality and contributes positively to the visual amenity of the area.
12. Whilst matters of detail are reserved for future consideration the indicative drawings demonstrate that the appeal scheme would probably involve the erection of four houses with garages, gardens and driveways. Thus, the appeal scheme would result in a notable urbanisation of the appeal site. Its existing open and undeveloped character would be eroded, being replaced by housing and its associated paraphernalia. The new houses would be visible from the section of Chequers Road immediately south of the appeal site, from the adjoining public right of way and in views from Chequers Road from the north east looking south west back towards the appeal site. The indicative height of the proposed dwellings suggests they would be particularly prominent and stark. I share the view of the Council's Tree and Landscape Officer that the appeal scheme would have an undesirable impact.
13. In addition, the appeal scheme would appear as a discordant intrusion into the countryside due to its suburban and linear character, which would appear as a form of ribbon development intruding into open countryside and away from the settlement of Little Bromley. This harmful impact is not alleviated by the historic presence of dwellings at the appeal site, which are now long gone with the land having returned to agriculture.
14. Moreover, the approval of two houses to the east of Rose Farm does not justify the appeal scheme as these were permitted some time ago and involved a replacement dwelling and a new dwelling which the Planning Inspector at the time found to be an enhancement of the area when she considered the facts of the case. Alternatively, I do not consider the appeal scheme now before me would enhance the area for the reasons already given and therefore there is no inconsistency between my findings and those of the previous Inspector.
15. I therefore conclude that the appeal scheme would significantly harm the character and appearance of the countryside and this would also be contrary to saved Policy QL1 of the LP. This policy is consistent with Paragraph 17 of the Framework,

⁴ The Framework seeks to encourage development that supports the vitality of rural areas whilst recognising the need to promote travel choices as a means of contributing towards sustainability and health objectives, including a reduction in greenhouse gas emissions – see Paragraphs 17, 29, 30 and 55 of the Framework. The Framework also recognises that opportunities to maximise sustainable transport will vary from urban to rural locations but it does not advocate car dependency in rural areas, which will be the case for the occupants of the appeal scheme were it to proceed.

which requires recognition to be given to the intrinsic character and beauty of the countryside. Policy QL1, and the subsequent conflict with it, can therefore be afforded significant weight in the context of this main issue.

Other Matters

16. When the Council issued its formal decision it was unable to demonstrate a five year housing land supply. It has since stated in its submissions that it is now able to demonstrate an adequate housing supply of 5.1 years. The appellant has not disputed this. The supply is only just over the 5 year threshold but is sufficient to ensure the Council's policies for the supply of housing are not out of date. As a consequence, the tilted balance in Paragraph 14 of Framework is not engaged as an important material consideration. Thus, it is unnecessary for the Council to demonstrate that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
17. Moreover, the Council's ability to demonstrate a five year housing land supply is a material change in circumstances that limits the relevance and materiality of the appeal decisions referred to in Section 8 of the appellants' statement, as these schemes were approved following the application of the tilted balance.
18. Nevertheless it is necessary to consider the benefits of the proposal as material considerations that may outweigh the conflict with the development plan I have identified in the preceding paragraphs. As a benefit, the proposal would, in a modest way, be a windfall development that would support the local economy through construction jobs, perhaps for a smaller building firm, and the circulation of funds. The proposal would also boost housing supply and provide some support to the vitality of the rural community and local bus services. These are objective set out in local and national policy including the Housing White Paper 'Fixing our Broken Housing Market' 2017. However, as only four dwellings are proposed these benefits are of a limited scale and are thus of limited weight. This is especially so given the Council's current housing land supply.
19. Various concerns have been raised by interested parties, which I have noted. However, given my findings above it has not been necessary for me to address these in detail as they would not alter the outcome of the appeal.
20. The proposal is contrary to the policies of the development plan, which are not out of date, and therefore it cannot benefit from the presumption in favour of sustainable development in the Framework. As a material consideration, the benefits of the scheme are of limited weight and do not outweigh the significant harm I have identified and the subsequent conflict with the development plan. Accordingly, the appeal should fail.

Conclusion

21. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Thus, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR