
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/17/3172332

**Land adjacent Strangers Home Field, The Street, Bradfield, Essex
CO11 2US**

- 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 D McNair Ltd against the decision of Tendring District Council.
 - The application Ref 17/00064/OUT, dated 13 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is an outline planning application with all matters reserved for the residential development of 0.32 ha of land to create five detached dwellings.
-

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.
3. Drawings have been submitted outlining the possible layout, scale and appearance of the proposed dwellings, the landscaping of the site and a means of access. The drawings have not been annotated as illustrative or indicative but the appellant has suggested they are an indication of how the proposal could be conceived and arranged. I have considered the drawings in this context.
4. 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.
5. The site address on the application form refers to 'The Street' but the site appears to have a frontage onto the B1352 'Station Road'. I have considered the proposal with this in mind.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the countryside.

Reasons

7. The appeal site encompasses the south eastern corner of a larger field currently set to rough grass. It is open and undeveloped. The openness of the

appeal site facilitates extensive views across it towards a belt of woodland to the west and the wooded northern bank of the River Stour. The appeal site is therefore a visual bridge between the village and the wider countryside and assists in providing the northern part of the village with a rural context.

8. Opposite the appeal site is a row of residential properties set within plots of varying shapes and sizes. They are generally extensively landscaped and this affords development on the eastern side of Station Road a verdant appearance and a pleasing sense of it tapering off into the countryside.
9. The appeal scheme would involve the construction of five dwellings. Whilst matters of detail are reserved for future consideration the indicative drawings demonstrate that the properties would probably be detached and would incorporate garages, gardens and driveways served off a small estate road. As a result, the appeal scheme would urbanise the appeal site. Its existing open and undeveloped character would be eroded, being replaced by housing and its associated paraphernalia that would seriously disrupt and harm the existing views of the open countryside beyond the confines of the village. Particularly the views of the woodland to the west of the appeal site and towards the River Stour and rolling countryside to the north. The outward facing design concept of the development would not mitigate for this inherent limitation.
10. The development would also lack the verdant character and arrangement evident in the development on the eastern side of Station Road. In this respect the development would be a stark addition that would be unduly apparent on the approach into the village from the north. Landscaping could soften the development but this would take time to mature and its effectiveness could be hampered by layout considerations such as visibility splays.
11. Given the scale of the development and its distance from the Stour Valley System Landscape Character Area (LCA) it is unlikely the proposed development would be particularly prominent in views from this direction. However, a landscape and visual impact assessment has not been submitted by the appellant. This is a failing that means I cannot be wholly satisfied the proposal would not have some impact in longer distance views towards the village from the north. In this respect the appeal site is within the 'Coastal Protection Belt', a valued local landscape, and this is a point of note. The appellant has undertaken a visual assessment but this has not been to any recognised methodology¹.
12. I accept that the topography and the disposition of nearby built and natural features would screen the development from the southern shore of the River Stour and from the nearby public footpaths. These are matters in favour of the appeal scheme but they are not of sufficient force to outweigh the harm that would materialise to the existing views from Station Road were the scheme to proceed.
13. The appeal site adjoins a caravan site and this has planning permission to station up to 50 caravans at any one time. However, the caravan site is well screened from Station Road. Thus, it is not a visual detractor that justifies the presence of the appeal scheme, which would be highly prominent from Station Road.

¹ For example, the viewpoints considered have not been identified and photographs have not been provided

14. The appeal site is within the 'Candidate Area' for inclusion within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). However, the appellant suggests this has been the case for around 24 years. The Council have not disputed this or explained whether progress has been made towards formal AONB status. As such, the weight to be attached to this matter as a material consideration weighing against development in the candidate area diminishes with time. As such, this is a matter of only moderate weight against the appeal scheme in the absence of an update.
15. Nevertheless, my conclusion on this main issue is that the proposal would significantly harm the character and appearance of the countryside and this would be contrary to saved Policies QL1, QL9, EN1 and EN3 of the Tendring District Local Plan 2007 (LP). These policies are broadly consistent with Paragraphs 17, 58 and 109 of the National Planning Policy Framework (the 'Framework'), which recognises the intrinsic character and beauty of the countryside. Thus, in the context of Paragraph 216 of the Framework, saved Policy QL1 can be afforded significant weight.

Other Matters

16. Saved Policy QL1 of LP directs new development to sites within 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. It is not a matter in dispute that the appeal site is located outside of a settlement development boundary and is in the countryside. Thus, the proposal would be contrary to the planned strategy for housing in the development plan.
17. Nevertheless, it is a point of agreement between the Council and appellant that the appeal scheme would be well placed to enable future residents to use local services and facilities. Be this as it may, this benefit, which is to be expected from new development unless there are special circumstances, would not mitigate for the harm to the countryside and the overall conflict between the appeal scheme and saved Policy QL1 of the LP.
18. 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 current supply ensures 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.
19. Notwithstanding the above, it is still necessary to consider the benefits of the proposal as material considerations that may outweigh the conflict with the development plan that I have previously identified. As a benefit, the proposal would be a windfall development that would support the local economy through construction jobs and the circulation of funds. The proposal would also boost housing supply and support the vitality of the rural community. However, as only five dwellings are proposed these benefits are of a limited scale and are thus of limited weight. The appellant has also suggested the houses may be available to self-builders but there is nothing before me that would secure this.

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 favour of sustainable development. As a material consideration the benefits of the scheme are of limited weight and do not indicate planning permission should be forthcoming in spite of the conflict with the development plan.
21. My attention has been drawn to other recent developments in the village, including an approval of nine homes². The benefits outlined above need to be considered in this context. In this respect, I have not been presented with substantive evidence to suggest it is necessary to release further land in the countryside for residential development to support services and facilities in the village and the vibrancy of the rural community.
22. Reference has been made to an appeal decision³ elsewhere in the district but the scale of development is not similar to what is before me and the decision was made when the Council were in the position where they were unable to demonstrate a five year housing land supply. As such, it is a matter of very limited weight.

Conclusion

23. 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. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

² Granted following appeal APP/P1560/W/16/3144053

³ APP/P1560/W/16/3156070