The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th September 2017

Appeal Ref: APP/P1560/W/17/3176773
Land south of Heath Road, St Osyth, Essex CO16 9BS

- 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 R Gibson and Sons against the decision of Tendring District Council.
- The application Ref 17/00357/OUT, dated 6 March 2017, was refused by notice dated 2 May 2017.
- The development proposed is three detached dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for future determination and I have dealt with the appeal on this basis. The plan showing a layout of the development and its access has been considered for illustrative purposes only.

Main Issue

3. The main issue is whether the proposal would constitute sustainable development, with particular regard to access to regularly required services and facilities.

Reasons

4. The appeal relates to around two thirds of a parcel of land used for keeping horses fronting Heath Road in St Osyth Heath. The character of the immediate surroundings is rural with only a quite loose scatter of a small number of existing dwellings, interspersed within farm land and areas containing agricultural buildings. I would describe St Osyth Heath as little more than a small hamlet.

5. Within a circumference of substantially over one mile of this site the nature of the surrounding area is almost entirely that of countryside, containing farmland, woodland and only sporadic dwellings and farmsteads, and is traversed by rural roads mainly lacking footpaths and street lighting.

6. The evidence is that services close by to the appeal site comprise a bus stop 165m to the west, where a morning and an afternoon service on weekdays to Colchester can be caught, and the Blue Sari Restaurant and takeaway on the opposite side of the road. Apart from these virtually all the other services and

facilities referred to appear to be at least around two miles away in the surrounding larger centres.

7. The current development plan comprises the saved policies of the Tendring District Local Plan 2007 (LP). The spatial strategy in saved LP Policy QL1 seeks to concentrate most development in larger urban areas, where there is accessibility to a good range of services by a choice of means of transport, and to permit a limited amount in the smaller centres consistent with local community needs. The policy refers to the settlement development boundaries (SDBs) defined around the main towns and villages.

8. St Osyth Heath falls outside of any SDB, with that defined around the main settlement of St Osyth being some 1.5 miles away. The SDBs of the other surrounding centres of Aingers Green, Weeley Heath, Little Clacton and Clacton are a similar distance away. This proposal would be contrary to LP Policy QL1 whereby outside of SDBs, and other specific LP land allocations, only development consistent with countryside policies will be permitted. No case is made for this development requiring a countryside location.

9. For the same reason the Council's decision finds the proposal contrary to the housing provision made in LP Policy HG1 and to Policy SPL2 of the emerging Tendring District Local Plan[1] (ELP); published for consultation on 16 June 2017. However, as the time period for LP Policy HG1 of 1 April 1996 to 31 March 2011 has long expired and the ELP has yet to undergo Examination, and might therefore be subject to change, my considerations are based on the conflict found with LP Policy QL1.

10. The LP as a whole is time expired and the ELP has yet to reach a sufficiently advanced stage for its policies to be afforded anything other than limited weight. However I find LP Policy QL1 to be generally consistent with the aims of the National Planning Policy Framework (the Framework) regarding the achievement of sustainable development.

11. The aim of LP Policy QL1 to limit housing in the countryside is supported by the Framework principles to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Therefore, despite the fact the LP has exceeded its time frame the conflict found with Policy QL1 is given moderate weight in this decision due to its consistency with the Framework.

Planning Balance

12. At the time of its decision the Council was unable to demonstrate a supply of specific deliverable sites sufficient to provide five years' worth of housing, as required by paragraph 47 of the Framework. With this appeal the Council has submitted an updated housing position which demonstrates a 5.1 year supply as of the end of May 2017.

13. Paragraph 49 of the Framework states 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. The Council's recent housing supply update was sent to the Inspectorate on

[1] Tendring District Local Plan 2013-2033 and Beyond – Publication Draft 16 June 2017.

2 August 2017. This evidence was not before me when the appeal decision[2] concerning Homefield, Church Road, Brightlingsea was made on 3 July 2017 and to which the appellant has referred.

14. However, the current appeal does not provide the appropriate vehicle to test the veracity of the Council's current position in respect of meeting a five year housing supply and which is yet to be independently tested. Were it to be demonstrated that the Council's estimated 5 year housing supply was not achievable then relevant development plan policies, such as LP Policy QL1, would remain out-of-date and the presumption in favour of sustainable development set out in paragraph 14 of the Framework would continue to apply. 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.

15. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based on performing economic, social and environmental roles which should be sought jointly and simultaneously. The proposal would provide social benefits through generally helping to boost housing supply. There would be benefits to the local economy through the construction and ongoing servicing of the houses and through the expenditure of future occupiers.

16. However the dwellings would be relatively remote from a full range of daily required services and facilities and the level of public transport and the distances to the nearest centres would mean that future occupiers would be highly reliant on private car use to meet their basic needs. This would be of significant disbenefit to the environmental role of sustainable development which would outweigh the quite limited social and environmental benefits provided by just three dwellings.

17. Were it to be concluded that, despite the Council's latest update figures, there remained a shortfall in the five year supply of housing and that relevant policies should not be considered up-to-date, the adverse environmental impacts found as a consequence of the development proposed would significantly and demonstrably outweigh these benefits. Therefore the presumption favour of sustainable development would not apply.

Conclusion

18. The proposal would provide three dwellings in a relatively remote rural location lacking a good range of basic services nearby which would mean occupiers depending on private car journeys to meet daily needs. This would impact negatively in respect of the proposal fulfilling an environmental role, significantly and demonstrably outweighing any modest social and economic benefits. As a consequence I conclude that the three houses would not constitute sustainable development and that the appeal should be dismissed.

Jonathan Price

INSPECTOR

[2] APP/P1560/W/17/3169862