
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/17/3175859

Land to north of Morton House, Station Road, Thorrington, Essex CO7 8JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr McCormick (M Scott Properties Limited) against the decision of Tendring District Council.
 - The application Ref 17/00090/FUL, dated 19 January 2017, was refused by notice dated 21 April 2017.
 - The development proposed is construction of 10 No bungalows with associated access roads and improvements to footway.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 10 No bungalows with associated access roads and improvements to footway at land to the north of Morton House, Station Road, Thorrington, Essex CO7 8JA in accordance with the terms of the application, Ref 17/00090/FUL, dated 19 January 2017, subject to the conditions set out in the Schedule attached to the decision.

Preliminary Matters

2. The Council has withdrawn its second reason for refusal over the absence of means to secure a financial contribution towards the provision of new or improved off-site open space facilities. Therefore the main issue in the appeal relates solely to the Council's first reason for refusing planning permission.

Main Issue

3. This main issue is whether, in the context of local and national planning policy, the proposal would comprise sustainable development.

Reasons

4. 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 National Planning Policy Framework (the Framework). With this appeal the Council has submitted an updated housing supply position. This demonstrates provision for a 5.1 year housing land supply as of the end of May 2017.
5. The appellant has stated that he is not in a position to contest in detail the Council's latest housing supply position and neither is this feasible through this

appeal. I have had regard to the recent appeal decision¹ made on 21 July 2017 supplied by the Council where the Inspector considered the housing supply update meant that relevant development plan policies were up-to-date and that therefore the tilted balanced for decision-making, required by the fourth bullet point in paragraph 14 of the Framework, was not engaged.

6. My approach is consistent with this recent appeal. It is required that I assess whether material considerations indicate this proposal should be determined other than in accordance with the development plan. However, in carrying out this balance, it is not necessary that any adverse impacts found should significantly and demonstrably outweigh any benefits.
7. The ten bungalows proposed would be served by a single new access but would broadly comprise an infill of the two existing sections of frontage housing along Station Road. This existing frontage housing falls outside the settlement development boundary (SDB) defined for Thorrington in both the current Tendring District Local Plan 2007 (LP) and the emerging Tendring District Local Plan: 2013-2033 and Beyond Publication Draft 2017 (ELP).
8. Although the ELP is reaching a quite advanced stage it remains subject to Examination before final adoption which is estimated to be at around September 2018. This means I can only give limited weight to the ELP policies as these may yet be the subject of change and so the greater weight in this decision is given to the saved LP policies.
9. LP Policy QL1 provides a spatial strategy to focus most development in the larger urban areas, where there is good access by a choice of means to employment and other services and the largest amount of previously-developed land. In the smaller towns and villages limited development consistent with local community needs will be permitted and concentrated within the defined SDBs. This proposal would be quite clearly contrary to LP Policy QL1 whereby outside of SDBs, and other specific land allocations, only development consistent with countryside policies will be permitted.
10. LP Policy QL1 is generally consistent with the purpose of planning to contribute to the achievement of sustainable development established by the Framework. It would accord with the Framework principles 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 whilst recognising the intrinsic character and beauty of the countryside. LP Policy QL1 can therefore be given significant weight in adhering closely to the aims of the Framework in this respect. ELP Policy SPL2 promotes a similar hierarchical approach to the location of new development and attracts some limited weight in the same regard.
11. Weighing against the conflict found with the principles of LP Policy QL1 and ELP Policy SPL2 for development outside of SDBs is that this scheme fills a single gap within a substantial frontage of ribbon housing development whereby the roadside trees and vegetation would mostly be retained. The development would not extend into open countryside and not result in any material harm to the character and appearance of the area.

¹ APP/P1560/W/17/3172332

12. The proposal would consolidate an existing residential part of the village which, whilst outside the SDB, remains within walking distance to the main part of the village via a cross field or roadside footpath, where there is a shop, post office, village hall and public house. The road footpath would lead to a bus stop around 200m away from the site providing public transport access to larger service centres.
13. The Council's housing land supply provides for only slightly over the 5 years required through the Framework and remains to be tested on Examination of the ELP. This supply is dependent upon a significant amount of unallocated, windfall housing development and this proposal would make a readily-available contribution to this. Notwithstanding the Council's current 5 year situation the proposal would still make a quite modest but not insignificant contribution to the general aim to significantly boost housing supply as sought by paragraph 47 of the Framework. The Council has not disputed the need for accommodation suitable for older households and moderate weight is given to the bungalows helping deliver the wide choice of high quality homes sought in Framework paragraph 50.
14. Whilst contrary to Policy QL1 the Council acknowledges that the LP was only designed to cover the period up to 2011. The proposal would contribute to meeting the currently estimated 5.1 year supply of housing. This conflict with development plan policy has been balanced against how this proposal performs when assessed against the three roles of sustainable development.
15. The scheme would provide modest economic benefits through the construction and ongoing servicing of the dwellings. Future occupiers would not be unduly dependent upon private car use to access basic needs and there would be moderate social and economic benefits in the support given to local village services and through providing housing suitable to meet the needs of older people. The development would be infill in housing along the road frontage and not cause ribbon development to encroach further into open countryside. Existing roadside trees and hedging would be largely retained and the single storey dwellings would be well screened in the street scene and result in little environmental harm through visual intrusion.
16. The proposed ten bungalows would be the limited development consistent with community needs permissible in villages under LP Policy QL1. The proposal would comply with paragraph 55 of the Framework whereby to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In the overall balance the benefits of the scheme would be a material consideration that in this case would outweigh the conflict found with LP Policy QL1 and ELP Policy SPL2 in respect of the development falling outside of the SDB defined for Thorrington. Therefore, in the context of local and national planning policy, this proposal would comprise sustainable development.

Other Matters

17. I have had regard to the further concerns raised by interested parties at both the application and appeal stage, including those made by the Parish Council. The local planning authority has not raised any objections in regard to highway safety or due to flooding and I find there to be no evidence to substantiate the proposal being unacceptable for either of these reasons.

Conditions

18. I have considered the conditions suggested by the Council against the tests set out in paragraph 206 of the Framework. I have included those considered necessary with amendments made where required in the interests of conciseness, enforceability or to reflect standard versions used by the Inspectorate.
19. In addition to the standard time limit for commencement (1) it is necessary, in the interests of certainty, that a condition (2) specifies the plans to which the development shall accord. In the interests of highway safety conditions require an adequate junction to the highway at the site access (3), sufficient parking space (4), proper construction of the estate road (5), wheel washing measures (6), footpath widening along Station Road (7) and retained garaging space (8).
20. To encourage travel by sustainable means a condition requires that future occupiers be provided with Travel Packs (9). Further conditions seek to secure adequate surface water drainage (10), tree protection (11) and broadband provision (12).

Conclusion

21. For the reasons set out above, having taken into consideration all other matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the Schedule below.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/P1560/W/17/3175859
Land to north of Morton House, Station Road, Thorrington, Essex CO7 8JA

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 811/01 J, 811/06, 811/07, 811/08, 811/09, 811/10, 811/LOC.
- 3) Development shall not take place until details of the junction between the proposed service road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 4) No dwelling shall be occupied until spaces has been laid out within the site in accordance with drawing no. 811/01 J for cars to be parked and these spaces shall thereafter be kept available at all times for the parking of vehicles.
- 5) No development shall take place until details of the standards to which the estate roads serving the development are to be constructed shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the roads have been constructed in accordance with the approved details.
- 6) Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- 7) Prior to occupation of any dwelling a footway shall be provided along the Station Road frontage measuring no less than 2m in width in accordance with details first submitted to and approved in writing by the local planning authority.
- 8) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 9) Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 10) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system,

having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 11) No development shall commence until details of tree protection measures, including during the construction phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.
- 12) No dwelling shall be occupied until a broadband connection has been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

---End of Conditions---