
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/17/3173200

Cartref, Straight Road, Bradfield, Essex CO11 2RA

- 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 R Dennis against the decision of Tendring District Council.
 - The application Ref 16/01850/OUT, dated 11 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is construction of 3 No dwellings, the demolition of an existing house and its replacement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all detailed matters reserved. A block plan is provided which shows the position, width and visibility at the junction onto Straight Road of the proposed access and the layout of four dwellings this serves. This layout comprises a house at the front of the site located adjacent to and replacing the existing house, Cartref, which is to be demolished to provide space for the access into the site. The layout shows a chalet bungalow to the rear of Cartref and beyond an adjacent pair of bungalows towards the rear of the site which face towards the turning head at the end of the access.
3. Whilst indicative only, this block plan has been considered in comparison with an earlier outline proposal for four dwellings on this site which included the retention of Cartref, the host house. This earlier proposal had been the subject of an appeal¹ dismissed on 8 August 2016 and this is a material consideration to which regard has been given.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Cartref is a detached house at the end of a stretch of frontage development comprising quite evenly and closely spaced dwellings sited towards the road in particularly elongated plots with long rear gardens. As with the previous appeal scheme the proposal includes the entire plot of Cartref and the rear part of the garden to Ormesby, the next door house.

¹ APP/P1560/W/16/3147512

6. Unlike the earlier scheme it is proposed to demolish Cartref to provide the space for a single access to serve a total of four rather than five dwellings. Whilst this might provide for a better spaced arrangement of housing than previously the indicative layout would still be constrained by the restricted width of the plots. It would still result in a rather cramped and uncharacteristic form of backland development out of character with the prevailing pattern of frontage housing with long rear gardens along this road.
7. The current development plan is the Tendring District Local Plan 2007 (LP) and Policy HG13 addresses backland residential development. This proposal would conflict with part (i) of this policy through falling outside the settlement development boundary defined in the LP for Bradfield.
8. In the previous appeal the Inspector appreciated the Council's concerns that the proposal would set a precedent for similar back garden development along Straight Road. In the same respect I also find this proposal would be in conflict with part (vii) of LP Policy HG13 in being both out of character with the housing development in the area and setting a harmful precedent for similar back garden developments to its south.
9. The estate of dwellings permitted to the rear of Heath Farm in Windmill Road, which extends to the rear boundaries of the plots along Straight Road, is not a comparable form of backland development. That development involves the comprehensive development of a significantly larger parcel of land located beyond the rear boundaries of the residential plots along Windmill Road. Therefore this housing lends little weight to the more piecemeal and confined back garden development proposed here.
10. Although the proposed dwellings would be screened by the substantial block of woodland to the north and by the existing frontage development along Straight Road there would be views from the site access and from along the adjacent footpath running alongside Cartref. In any event any limited degree of visibility would not alter the fact that this proposal would be out of keeping with the pattern of frontage housing in this location and harmful to the character and appearance of this part of the village.
11. The conflict found with LP Policy HG13 must attract significant weight as this is consistent with the aims of the National Planning Policy Framework (the Framework), as set out in paragraphs 58 and 60, that development should respond to local character and promote and reinforce local distinctiveness.

Planning Balance

12. 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. 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 provides evidence of a 5.1 year supply within the District as of the end of May 2017.
13. The Council's recent housing supply update was sent to the Inspectorate on 2 August 2017. This evidence was not before me when the appeal decision²

² APP/P1560/W/17/3169862

concerning Homefield, Church Road, Brightlingsea was made on 3 July 2017 and to which the appellant has referred. Whilst there might be some similarities between these two proposals they are in separate locations and it remains a basic planning tenet that each be decided on its own individual merits.

14. The appeal does not provide the appropriate vehicle to test the veracity of the Council's current position of meeting a five year housing supply or to explore fully the appellant's concerns that the future yield of windfall housing sites and the delivery of consented schemes are overly optimistic. 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 HG13, 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 the contribution made to boosting the supply of housing and in supporting local services and helping to maintain the vitality of the village community. There would be benefits to the local economy deriving both from the construction and the ongoing servicing of the dwellings.
16. Future occupiers of the proposed dwellings would have reasonable access to the services and facilities within the village, which include a school, shop and public house, and there would be accessibility by bus to Colchester and Harwich to reach the wider range offered in these larger centres. Therefore the dwellings would not result in an over dependency on private car use to access basic needs or be likely lead to a material increase in travel by this mode, thereby satisfying the environmental role of sustainable development in this respect.
17. However, the economic and social benefits of the additional three dwellings would be limited. Were it to be concluded that there remained a shortfall in the five year supply of housing and that relevant policies should therefore not be considered up-to-date, the adverse impacts found to the character and appearance of the area as a consequence of the development proposed would significantly and demonstrably outweigh these benefits. Therefore the presumption favour of sustainable development contained in paragraph 14 of the Framework would not apply.

Conclusion

18. The proposal would be of material harm to the character and appearance of this part of the village and as a consequence conflict with local and national planning policy. Having taken into consideration all other matters raised I conclude therefore that the appeal should be dismissed.

Jonathan Price

INSPECTOR