
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/17/3176579

48A Harwich Road, Lawford, Manningtree, Essex CO11 2LS

- 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 Jon Bodsworth against the decision of Tendring District Council.
 - The application Ref 16/02095/OUT, dated 22 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is outline application for 1 No new four bedroomed, two storey family home with a detached double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved. I have dealt with the appeal on this basis and taken the details provided of access, appearance, layout and scale as indicative only.

Main Issues

3. The main issues are whether the proposal would comprise sustainable development with regard to access to basic services and to its effect on the character and appearance of the area.

Reasons

Access to basic services

4. The proposal relates to a vacant site, referred to as 48a Harwich Road in the application, which was previously used to grow Christmas Trees. The land fronts onto the Harwich Road at a point roughly equidistant from the villages of Lawford and Ardleigh. The development pattern here is mainly one of widely spaced semi-detached houses facing onto the road, provided originally with quite substantial associated land holdings.
5. The proposal is adjacent to the semi-detached houses at Nos 47 and 48 which comprise a part of the established settlement pattern. This pattern of housing derives from its origins as a Land Settlement Association (LSA) development and some of the associated holdings remain in their original horticultural use whilst others accommodate different sorts of business.

6. The nearest main villages of Lawford and Ardleigh are both over 1.5 miles distance away with no street lighting or footpaths along the main road sections leading in these directions. Whilst there are a range of different businesses along this stretch of road there is little by the way of basic services near to the appeal site, such as a village shop, school or medical centre. There is a half hourly bus service in either direction to Colchester and Manningtree.
7. The current development plan is the Tendring District Local Plan 2007 (LP). More recent Government policy was published in 2012 with the National Planning Policy Framework (the Framework). Through paragraph 215 of the Framework weight may be given to these earlier LP policies relative to their degree of consistency with this national guidance.
8. An emerging Tendring District Local Plan¹ (ELP) is being prepared to eventually replace the LP. An ELP Publication Draft was produced for consultation in June 2017 and will later be submitted for Examination prior to eventual adoption. Although the ELP is at a quite advanced stage it could be subject still to change. Through paragraph 216 of the Framework weight may be given to the emerging ELP policies but currently this would be limited.
9. The settlement hierarchies in LP Policy QL1 and ELP Policy SPL1 both seek to direct the majority of new housing growth to those centres with a good range of services and facilities. Both plans define Settlement Development Boundaries (SDB) within which development might be most appropriately located to access these. The appeal site lies a significant distance outside the SDB for Lawford as defined in both the LP and ELP.
10. The appeal is located on vacant land within the widely spaced plots established through the LSA. Whilst a variety of businesses have become established the character of this location remains essentially that of countryside situated a significant distance outside the Lawford SDB and away from the basic services available there. Despite a bus stop within about 300m of the appeal site the lack of street lighting and of a footpath along this road and the distances to the nearest village centres would encourage a reliance on private car use to conveniently meet day-to-day needs.
11. The appellant's point about the increasing levels of car ownership is not disputed. However, the purpose of the development plan policy is to encourage sustainable development with most new housing focussed in places where services are well provided for and close at hand, thereby offering the choice not to rely on private car journeys and thus reducing the overall amount of travel undertaken by this means.
12. For this reason, the proposal would not comprise a sustainable location for a new house and therefore be in clear conflict with the aims of LP Policy QL1 and ELP Policy SPL1. Both these current and emerging policies are consistent with the core principle in the Framework for planning 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. Accordingly the conflict found with these policies is afforded significant weight in this decision.

¹ Tendring District Local Plan 2013-2033 and Beyond

Character and appearance

13. I have considered the appellant's photographic evidence of the alterations and extensions already carried out to other LSA properties in this area and viewed these at my site visit. However, I do not consider that these changes amount to a substantial dilution to the housing character in this location which, despite the non-agricultural businesses that have emerged, mainly retains its original LSA settlement character of similar, widely spaced semi-detached houses.
14. Whilst the indicative scale, design and layout proposed might intrinsically be acceptable, compared to the surrounding development the dwelling would appear incongruous and out of keeping with the surrounding pattern of regularly and well-spaced dwellings and where there would appear to be little by the way of precedents for infill developments of a similar kind.
15. The Council's decision does not refer to any development plan policy in regard to this issue but, from those supplied, the proposal would clearly conflict with LP Policy QL11 which requires all new development to be compatible with surrounding land uses and be of a nature appropriate to the locality.
16. It is a core principle in paragraph 17 of the Framework for planning to take account of the different roles and character of different areas and paragraph 58 requires that decisions should aim to ensure that developments respond to local character and reflect the identity of local surroundings. LP Policy QL11 is consistent with the Framework in these respects and significant weight must be given to the conflict found with this proposal.

Planning Balance

17. 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.
18. 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 appellant has not challenged the housing supply position. However, the appeal does not provide the appropriate vehicle to test the veracity of the Council's current five year housing supply position and which has yet to be examined independently. Nevertheless, there is no evidence the Council intends to allocate land in this particular area for future residential development or that this would be necessary to meet longer term housing need.
19. Were it to be demonstrated that the Council's estimated 5 year housing supply was not achievable then relevant development plan policies 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.
20. 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.

21. Although the appellant currently lives about a mile away in Lawford this dwelling would provide accommodation next door to allow closer supervision of aging parents and of the running of the family horticultural and floristry business. However, the business and family needs are insufficient to justify a new dwelling as an essential requirement and so these factors can attract only a limited amount of weight.
22. 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 house and through the expenditure of future occupiers. However, with a single dwelling, these social and economic benefits would be small.
23. I am not in a position to reach any conclusion regarding the concerns raised over the impartiality of the Parish Council and its comments must be taken as submitted. Notwithstanding these concerns this proposal remains contrary to local and national planning policies aimed at achieving sustainable development by locating new housing where there would not be a high dependency on private car use to access basic services and where it would be compatible with the character of its surroundings. I must give significant weight to the environmental harm arising from the proposal for these reasons.
24. Were it to be concluded that, despite the Council's latest update, there remained a shortfall in the required five year supply of housing and that relevant policies should not be considered up-to-date, these adverse environmental impacts would significantly and demonstrably outweigh the personal needs and limited social and economic benefits identified. Therefore the presumption favour of sustainable development contained in paragraph 14 of the Framework would not apply to this proposal.

Conclusion

25. Because future occupiers would be highly reliant on private car use to access their basic needs and the dwelling would be of material harm to the character and appearance of the area the proposal would not comprise the sustainable development sought by local and national planning policies. I conclude therefore that the appeal should be dismissed.

Jonathan Price

INSPECTOR