



Appeal Decision

Site visit made on 7 November 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 30th November 2017

Appeal Ref: APP/P1560/W/17/3179991

Land to south of Bromley Road, Crockleford Heath, Colchester CO7 7SF

- 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 Allens Farm Properties Limited against the decision of Tendring District Council.
 - The application Ref 17/00362/OUT, dated 6 March 2017, was refused by notice dated 20 June 2017.
 - The development proposed is described as 'outline planning application for 5 detached two storey dwellings.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form and sought permission for five, two storey, detached houses. Matters relating to access, appearance, landscaping, layout and scale having been reserved for future consideration. The application was, however, accompanied by an indicative block plan (drawing wwa_1724_LL_101 revision P00) and as part of the appeal a 'strategic planting plan' (drawing wwa_1724_LL_301 revision P00) has been submitted showing details for some possible tree planting. As the planting shown on the strategic planting plan only augments the details shown on the originally submitted block plan I consider I can take account of it without causing prejudice to any party.
3. On 14 November 2017 the Council submitted an updated position statement on the availability of a five year supply of deliverable housing land sites in Tendring, ie the current housing land supply (HLS). That position statement taking the form of a committee report (the HLS report) which was due to be presented to its Local Plan Committee on 20 November. The appellant has been given an opportunity to make representations on the HLS report and I have taken account of the comments it has made on the Council's report.
4. Reference has been made to the Council's emerging replacement Local Plan, which, although it has reached the stage of being published as a consultation draft, remains to be examined. The emerging Local Plan as part of its examination could be subject to change. I therefore consider, having regard to paragraph 216 of the National Planning Policy Framework (the Framework), that very little weight can be attached to emerging Local Plan for the purposes of the determination of this appeal.

Main Issues

5. The main issues are: the development's effect on the character and appearance of the area; and whether the site would be an appropriate location for housing having regard to the accessibility to everyday local facilities and services by a range of modes of transport.

Reasons

Character and Appearance

6. The houses would occupy part of a substantial agricultural field. Crockleford Heath is characterised by quite loose ribbon residential development on both sides of Bromley Road, with the outskirts of Colchester's built up area being around 900 metres to the west¹. Built development within the immediate vicinity of the site is therefore quite sporadic and the proposed houses would be an obvious eastern extension of Crockleford Heath.
7. While the details shown on the submitted block are purely illustrative, they nevertheless give an indication of how a development of five houses, with associated garages and a shared access, might be accommodated. The indicative layout suggests that the houses would follow a linear layout, with the spaces between the individual dwellings for the most part being infilled by garages. It would seem likely that a development of this site would have a quite intense appearance, which I consider would be more akin to that characterising urban or suburban areas rather than this rural location, where fields with minimal subdivision are the norm. While the site's roadside boundary is marked by an established hedgerow I consider that it would only provide partial screening for the development, not least because one or more breaks in the hedgerow would be necessary to facilitate access to the houses.
8. The site's rear and side boundaries would follow no natural or man-made features. In that regard the rear boundaries for the houses would project around 19 metres² beyond those of the immediately adjoining houses to the south west at 37 and 38 Bromley Road (Nos 37 and 38), as well as those of the pair of houses currently being built in what previously formed part of No 37's side garden³. I therefore consider that the development would represent an unacceptable incursion into the agricultural field and that it would be uncharacteristic of its surroundings.
9. I recognise that there would be scope to undertake soft landscaping, although any new planting would take a considerable period of time to mature. However, I consider that any significant new planting would serve to accentuate the uncharacteristic nature of the field subdivision that would result from this development. The indicative block plan suggests that a considerable amount of hard landscaping would be required and I consider that would diminish the value of any soft landscaping undertaken.
10. Reference has been to a development for four houses around 100 metres to the west of the site, on land opposite The Old Mission, which benefits from several planning permissions⁴. While that development would occupy part of

¹ As stated in the appellant's appeal statement

² Based on the dimension quoted in the Council's officer report

³ A development benefitting from the planning permission granted under file reference 16/00846/FUL on 21 July 2016

⁴ As recorded in the officer report for application 17/00271/OUT appended to the appellant's appeal statement

a field it would be opposite some quite extensive built development. I therefore consider that appeal development would not be directly comparable with the development opposite The Old Mission.

11. While the site is not subject to any special landscape designations I consider that the available evidence has not demonstrated that the site could accommodate five houses in a manner that would be compatible with the site's surroundings. I therefore conclude that the development would be harmful to the character and appearance of the area. The development would therefore be contrary to saved Policies QL9 and EN1 of the Tendring District Local Plan 2007 (the Local Plan) and paragraph 17 (the fifth core planning principle) of the Framework. That is because the development would not make a positive contribution to the quality of the local environment and it would neither protect nor enhance local character.

Accessibility

12. Saved Policy QL1 of the Local Plan identifies a spatial strategy for new development within the Council's area. The spatial strategy, as stated in Policy QL1, seeks to direct the majority of new development to Clacton and Harwich, as larger urban areas, with limited development being permitted in smaller towns and villages when it would be consistent with local community needs. Policy QL1 further states that beyond defined settlement boundaries for the towns and villages only development that is consistent with the Local Plan's countryside policies will be permitted.
13. For the purposes of Policy QL1 the development would be in the countryside and there would therefore be some conflict with this Local Plan policy. Putting aside the development's effect on the character and appearance of the countryside, which I have considered in the preceding main issue, it appears that the Council objects to this development because its occupiers would have limited accessibility to everyday local facilities and services by a range of modes of transport. That is because the site lies at some distance from Ardleigh, the closest village, and Colchester's town centre.
14. The limited availability of public transport and the walking distances to the Colchester and Ardleigh would mean that there is a likelihood of a high level of private motor vehicle dependency amongst the occupiers of this development. In transportation terms the vehicular activity associated with this development would not be particularly sustainable. However, the Council has recently granted permissions, for a total of six houses (referred to above), in very close proximity to the appeal site. I consider that when the appeal scheme is compared with those other housing developments then all of the occupiers of the houses would have a comparable level of accessibility to everyday local facilities and services.
15. The Council has sought to draw a distinction between the circumstances that gave rise to the granting of the extant permissions and the refusal of the appealed application, respectively on the basis of there being no HLS and there being an HLS. Given the comparatively small number of houses relating to both the extant permissions and the appeal scheme, irrespective of whether there is or is not an HLS, I am not persuaded that in accessibility terms a logical distinction can be drawn between these various developments. In the context of this main issue I am of the opinion that the nearby permissions are significant material considerations.

16. For the reasons given above I consider that the relatively poor level of accessibility to everyday local facilities and services by a range of modes of transport weighs to a limited degree against the development. Accordingly, while the development would be contrary to the spatial strategy stated in Policy QL1 of the Local Plan, I consider that the conflict with that policy would not be of such significance as to warrant the withholding of permission on this issue, given the scale of the development and the similarities between it and the houses subject to the extant nearby permissions. I therefore conclude in accessibility terms that this would be an appropriate location for housing of the scale envisaged.

Conclusions

17. I have found that while the occupiers of the development would have a poor level of accessibility to everyday local facilities and services that is a factor that should not be a bar to this development. However, I have concluded that the development would be harmful to the character and appearance of the area and I attach great weight to that harm.
18. Notwithstanding the submission of the HLS report there remains disagreement between the parties as to whether the Council can currently demonstrate the availability of an HLS. The development would contribute to the HLS and there would therefore be some limited social and economic benefits arising from this scheme. The scale of this development would, however, mean that it would not significantly boost the supply of housing in the area. Even if I were to conclude that there is a shortfall in the HLS and that the relevant policies for the supply of housing should not be considered as being up-to-date, I consider that the adverse impacts of granting permission, ie the harm to the character and appearance of the area, would significantly and demonstrably outweigh this development's modest housing supply benefits. The harm that I have identified gives rise to conflict with both local and national policy and I therefore consider this would be an unsustainable form of development.
19. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR