



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/17/3180509

Lamberts, Chapel Lane, Ardleigh CO7 7BJ

- 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 Alex Northcott against the decision of Tendring District Council.
 - The application Ref 17/00457/FUL, dated 17 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is erection of dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling house at Lamberts, Chapel Lane, Ardleigh CO7 7BJ in accordance with the terms of the application, Ref 17/00457/FUL, dated 17 March 2017, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. 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 (the 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, and which stated that an HLS is now available. The Council therefore contends that there has been a positive change in the HLS's position in the period since the appealed application's determination. The appellant has been given an opportunity to make representations on the HLS report.
3. 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 the emerging Local Plan for the purposes of the determination of this appeal.

Main Issue

4. The main issue is whether the site would be an appropriate location for a dwelling having regard to the accessibility to everyday local facilities and services by a range of modes of transport.

Reasons

5. The development would involve the construction of a three bedroom chalet bungalow. The plot for the dwelling would occupy the north eastern corner of a quite extensive paddock area. The paddock being sited to the north of Lamberts, a grade II listed cottage dating from the eighteen century.
6. To the south of the site on Chapel Lane there are around fifteen dwellings, including a new bungalow approximately 200 metres away, which is in the final stages of being built. The appellant has stated that the new bungalow was granted planning permission under file reference 17/00494/FUL on 17 May 2017¹, as a revision for a bungalow that was granted permission on an earlier date. Hereafter I shall refer to this dwelling as the new bungalow.
7. Chapel Lane is situated in a rural area, with the nearest village being Ardleigh, which the Council has estimated is around 2 miles away. The nearest town is Colchester and its centre is around 4 miles away, with the neighbourhood of Greenstead being around 1.6 miles away, on the appellant's estimates.
8. Saved Policy QL1 of the Tendring District Local Plan 2007 (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. Ardleigh is listed as being a village for the purposes of Policy QL1, albeit that the Council has referred to it now being considered as a 'smaller rural settlement', given its size and the range of local services available in it.
9. For the purposes of Policy QL1 the development would be in the countryside and there would therefore be conflict with this policy. The Council has objected to the development on the grounds that the dwelling's occupiers would have limited accessibility to everyday local facilities and services by a range of modes of transport, given the distances to Ardleigh, Colchester and Greenstead and the limitations on the availability of both public transport and walking routes.
10. I recognise that it is likely that there would be a high level of private motor vehicle dependency amongst the occupiers of the proposed dwelling. In transportation terms the vehicular activity associated with this development would not be particularly sustainable. However, I consider that the limited level of accessibility to everyday local facilities and services for the occupiers of the development would be directly comparable with that of the occupiers of the new bungalow. Given the appeal development and the new bungalow would afford their occupiers with the same levels of accessibility to everyday local facilities and services, I am not persuaded that in accessibility terms a logical distinction can be drawn between these developments.
11. In the absence of any other concerns about the development having been raised by the Council I am of the opinion that the permission that has been

¹ Twelve days after the appeal development was refused permission by the Council

granted for the new bungalow is a significant material consideration for the purposes of the determination of this appeal.

12. 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 in this instance, given the modest scale of the development and the accessibility similarities between it and the new bungalow. I therefore conclude in accessibility terms that this would be an appropriate location for a dwelling.
13. Given the weight that I have attached to the recently granted permission for the new bungalow I am of the opinion that whether there is or is not a HLS to be of no particular bearing on the outcome of this appeal.

Other Matter

14. The dwelling would come within the setting of Lamberts. The setting to the north of this listed building is characterised by the openness of the paddock and that openness would be unaffected given the modest size of the chalet bungalow and the limited extent of what would be its grounds. I therefore consider that the development would preserve the listed building's setting.

Conditions

15. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the National Planning Policy Framework and the Planning Practice Guidance.
16. Apart from the standard time limit condition, I find it necessary that the development should be implemented to accord with the submitted plans for certainty. In order to safeguard the appearance of the area it is necessary that a condition relating to the approval of soft and hard landscaping should be imposed. I consider that the landscaping scheme's details should be approved prior to the commencement of the development because it could have implications for the retention of the existing trees and hedgerows. It is therefore necessary that as part of the landscaping scheme the trees and hedging to be retained, together with the means for their protection during the building works, are identified prior to the development's commencement.
17. In the interests of the efficient operation of the highway it is necessary that the parking and vehicle manoeuvring areas shown on drawing SP01 are available for use prior to the first occupation of the development. It is also necessary that the access to the development is surfaced with bound materials within six metres of the public highway in the interests of safety. I have therefore imposed conditions to that effect. However, I consider it unnecessary for conditions to be imposed precluding the installation of any entrance gates or specifying the size of the parking spaces. That is because Chapel Lane is not a heavily trafficked road and thus the opening or closing of gates would not create conditions that would have a significant effect on the operation of the highway and there is sufficient space within the site to accommodate parking spaces of an appropriate size. I am also of the opinion that there is no need to impose a sight line condition, given the lightly trafficked nature of Chapel Lane, with it appearing in any event that the

northern sight line would extend across land that would not be under the control of the occupiers of the development.

Conclusion

18. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: SP01 – Site and Location Plan; and ARCH/PP01/2017 – Plans, Elevations and Section.
- 3) The development shall not be commenced until hard and soft landscaping details have been submitted to and approved in writing by the local planning authority. The details to be submitted for approval shall include: existing and proposed ground levels; the identification of the spread, girth and species of all existing trees and hedgerows to be retained; the measures for the protection of the retained trees and hedgerows during the construction phase of the development, which shall comply with the recommendations set out in British Standards Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction; and a programme for the implementation of any new soft landscaping.

The development shall not be commenced until the approved measures for the protection of the retained trees and hedgerows during the construction phase of the development have been installed and thereafter the protection measures shall be retained for the duration of the construction works. The development shall be implemented in accordance with the approved hard and soft landscaping details.

- 4) The areas shown for vehicle parking and manoeuvring on drawing SP01 shall be provided and made available for such use prior to the first occupation of the development. Thereafter the vehicle parking and manoeuvring areas shall be retained and shall not be used for purposes other than the parking and manoeuvring of vehicles.
- 5) The access to the development for the first 6.0 metres from the back edge of the public highway shall only be surfaced with a bound surface treatment.