



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: 4th December 2017

Appeal Ref: APP/P1560/W/17/3180690

Site adjacent to Lilac Cottage, Heath Road, Tendring, Clacton-on-Sea, Essex CO16 0DA

- 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 and Mrs Balfour against the decision of Tendring District Council.
 - The application Ref 17/00848/OUT, dated 20 May 2017, was refused by notice dated 12 July 2017.
 - The development proposed is detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application sought permission for a detached house and was submitted in outline form, with access being for approval. Matters relating to appearance, landscaping, layout and scale have been reserved for future consideration.
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 (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. The appellants have been given an opportunity to make representations on the HLS report and I have taken account of the comments they have submitted.
4. Reference has been made to the Council's emerging replacement Local Plan and although it has reached the publication draft stage it 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 should be attached to the emerging Local Plan for the purposes of the determination of this appeal.
5. The parties have referred to an appeal being allowed in March 2017 concerning an application (16/01044/OUT) for five houses on land opposite the appeal site. However, neither party included a copy of this appeal decision with their cases. However, I have recently seen a copy of that appeal decision¹ in connection with another appeal before me and I have

¹ APP/P1560/W/16/3165144 which has a site address of 'Stones Green Road'

therefore taken account of it. Hereafter I shall refer to this neighbouring development as the Stones Green Road permission.

Main Issues

6. 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 a house, having regard to the accessibility to everyday local facilities and services by a range of modes of transport.

Reasons

Character and Appearance

7. The site would occupy part of an irregular shaped open field. Part of the site is used as a smallholding and there are some small scale buildings, associated with the smallholding, and a hardstanding/parking area within the site. The site lies immediately to the west of Lilac Cottage, a two storey detached house, and a haulage depot and is at the western extremity of the ribbon development that comprises Tendring Green. The Oaktree Manor and Tendring Meadows residential institution complex represents large scale development in this locality and the area surrounding Tendring Green is generally characterised by open farmland.
8. I consider that on the southern side of Heath Road Lilac Cottage and the haulage depot represent a clear boundary between the built up part of Tendring Green and the open countryside. While there are some buildings that have been erected in association with the smallholding they have a very low key appearance and I found them to be compatible with the area's character, most particularly the rest of the field to the west. Constructing a house within the site would appreciably change the open character of the eastern end of the field and I consider it would take on a much more urban appearance, when compared with the prevailing situation, which would be harmful to the area.
9. While permissions have been granted for a total of four houses within the vicinity of the vacant Fat Goose public house, with some of those houses currently being built, I consider the siting of that development is not directly comparable with the proposal before me. That is because the new houses to the east of the Fat Goose will be infilling development between the public house and a pair of other houses. By contrast the appeal development would be a westward extension of built development into the countryside on the southern side of Heath Road.
10. The houses subject to the Stones Green Road permission would occupy much of a field that is enclosed by hedging. That development would therefore be quite self-contained and it would lie to the east of the house and buildings at Knights Farm. The appeal development by contrast would involve the partial subdivision of a field and its southern and western boundaries would follow no natural or manmade features. I therefore consider that in character and appearance terms a distinction can be drawn between the Stones Green Road permission and the development before me and that the former does not justify the latter. I also consider that the haulage depot does not provide a justification for the appeal development because visually, from what I was

able to see, the depot forms part of the ribbon of development that continues onto the Fat Goose.

11. On this issue 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 of 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 house would be in the countryside and there would therefore be some conflict with Policy QL1. 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 Tendring Heath offers limited employment opportunities and lacks facilities such as a primary school, a doctors' surgery or any shops and the site lies at some distance from a village or town centre.
14. Public transport is available on a limited basis and I consider that everyday local facilities and services are located in excess of what would be a comfortable walking distance. It is therefore likely that amongst the occupiers of the house there would be a high level of private motor vehicle dependency. In transportation terms the vehicular activity associated with this development would not be particularly sustainable. However, permissions have quite recently been granted for a total of nine 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 these 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 Stones Green Road permission and the refusal of the appealed application before me, in terms of differences in the HLS position at the relevant times. Given the comparatively small number of houses subject to the Stones Green Road permission and the development before me, irrespective of whether there is or is not an HLS, I am not persuaded that in accessibility terms a material difference would exist between five new houses on the north side of Heath Road and one new house directly opposite. In the context of this main issue I am of the opinion that the Stones Green Road permission and the permissions concerning the four houses in and around the Fat Goose 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 only weighs to a limited degree against the development. Accordingly, while the development would be contrary to Policy QL1 of the Local Plan, I consider that the conflict with this policy would not be of such significance as to warrant the withholding of permission on this issue. That is because the development would be of a very modest scale and it would share the accessibility characteristics of the houses subject to the extant nearby permissions. I therefore conclude that this would be an appropriate location for a house in accessibility terms.

Other Matters

17. I am mindful of the appellants' desire to build their own home and vacate Lilac Cottage so that it could potentially be occupied more affordably by a local family seeking accommodation. However, I do not consider the appellants' desire to be a matter that outweighs the harm to the character and appearance of the area that I have identified.
18. While no objections have been raised by third parties that does not persuade me that this development would be an appropriate one in character and appearance terms.

Conclusions

19. I have found that while the occupiers of the house would have a poor level of accessibility to everyday local facilities and services that is a factor that should not be treated as being an impediment 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.
20. The development would make a very small contribution 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.
21. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR