
Appeal Decision

Site visit made on 24 October 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 11th December 2017.

Appeal Ref: APP/P1560/W/17/3179431

18 Coggeshall Road, Ardleigh, Essex CO7 7LP

- 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 Robert Auld against the decision of Tendring District Council.
 - The application Ref 17/00438/OUT, dated 14 March 2017, was refused by notice dated 21 June 2017.
 - The development proposed is an outline application for the erection of five detached dwellings, associated garaging and parking following demolition of commercial and agricultural buildings and cessation of non-conforming commercial uses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was made in outline. All matters are reserved for future consideration, but the application was accompanied by a drawing showing the proposed site access detail and an illustrative layout plan showing five detached dwellings. I have taken these into consideration in reaching my decision.
3. At the time the application was determined the Council stated it was able to demonstrate a five year supply of deliverable housing sites. Whilst this situation has changed during the duration of the appeal, the Council has recently advised¹ that it can demonstrate a 5.1 year housing supply. The appellant has been able to provide representations on this matter and I have taken these into account in determining the appeal.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area, including the effect on protected trees; and
 - Whether the development would have satisfactory access to shops and services.

¹ Updated Housing Land Supply Position and Housing Trajectory report to Local Plan Committee – 20 November 2017

Reasons

Character and Appearance

5. The appeal site is formed of the side garden to No 18 Coggeshall Road, a semi-detached house, and land currently occupied by buildings and a yard used for storage and parking of haulage vehicles. The site is part of the former Foxash Land Settlement Association established in the 1930s for resettling workers unemployed in the recession, but was subsequently sold to a storage and removal company.
6. The site is bordered by roads to the north and east, to the south by other land in the appellant's ownership including an existing access from Colchester Road, and to the west by open fields. There is some sporadic residential development in the locality, typically formed of detached or semi-detached properties set well back from the road within spacious plots, and some commercial development to the south off Home Farm Lane.
7. The proposal is for the demolition of most of the outbuildings within the site and the erection of five dwellings. The development would be accessed via Coggeshall Road, a quiet rural lane off Colchester Road, a principal route out of Colchester towards Harwich and Clacton.
8. The appellant has stated that the proposed built footprint would be the same as that of the buildings to be demolished. However, whilst there is land within the site that is currently occupied by buildings, they are grouped away from the edge of the site close to the host property, and the greater part of the site is open and laid to lawn, albeit currently screened by the boundary hedge. The development of five dwellings within the plot would therefore create a more concentrated suburban appearance that would be out of character with the more dispersed built form of the surrounding area.
9. In addition, due to the prominence of the site close to the junction with Colchester Road the dwellings would be seen in longer views, particularly when travelling in a westerly direction. Although there is an existing hedgerow which includes some individual trees the roof scape of the dwellings is likely to be visible, even if the dwellings would be single storey. Retention and enhancement of the existing boundary treatment would not be sufficient to overcome the visual impact of the proposal.
10. Further to the above, three mature Oak trees situated along the boundary of the appeal site are protected by Tree Preservation Order TPO/17/07. Although the appellant has questioned the value of the trees in comparison to more recent planting behind the existing hedge, they make a positive contribution to the rural character of the area.
11. Two of the three TPO trees and the boundary hedge along Coggeshall Road is proposed to be removed in order to create an adequate visibility splay for the new site access. Although the hedge could be replanted, the loss of the trees would have an adverse impact on the verdant character of the area, and the visual amenity benefit of any replacement tree and replanted hedge would not be apparent for a considerable number of years. This would further erode the rural character of the area.
12. The appellant has suggested that the number of dwellings could be reduced to four should five dwellings be found to be unacceptable and that this could be

secured by condition. However, there is no clear indication from the material submitted and my observations on site that a development of four dwellings would have any less impact on the character and appearance of the area than five dwellings, and thus I find that such a condition would not overcome the harm that would be caused by the proposal.

13. The appellant has referred to 'small residential development' permitted by the Council on 2 other ex-estate properties, including a scheme for 4 detached dwellings on land near to Cherry Tree Farm, to the east of the appeal site, which the Council found would not be out of keeping with the prevailing pattern of development. However, the illustrative layout plan suggests that the latter development would have a narrower site frontage and a greater site depth, with a more informal site layout. I acknowledge that the current appeal is in outline only and the precise layout is yet to be determined, but nonetheless given the greater prominence of the appeal site within the street scene I am satisfied that the particular circumstances of the present appeal are sufficiently different to the development referred to by the appellant. In any case, each case falls to be determined on its own merits and I have determined the appeal accordingly.
14. I conclude that the development would be harmful to the character and appearance of the surrounding area, and would thus be contrary to saved Policies QL9 and EN1 of the Tendring District Local Plan (LP) (2007). These policies require developments to make a positive contribution to the quality of the local environment and to protect and enhance local character.

Access to shops and services

15. Saved LP Policy QL1 states that development should be focussed towards the larger urban areas, with only limited development permitted in smaller towns and villages. Beyond development boundaries as defined in the LP, only development that would be consistent with the plan's countryside policies would be permitted. The proposal does not fall into any of the categories set out in the plan for such development, and as the site lies outside the defined settlement boundary of Ardleigh the development would be within the open countryside, and therefore the proposal would be contrary to LP Policy QL1.
16. Ardleigh is identified as a village within the adopted LP. It has a relatively limited range of services reflecting its position in the settlement hierarchy, including a post office and convenience store, doctors' surgery, pubs, church, primary school, and a service station. In terms of pedestrian access, there is a continuous footpath along the A137 to the village, about half a mile away, with street lighting along some of the route.
17. The National Planning Policy Framework (the Framework) recognises at paragraph 29 that levels of public transport access will vary between urban and rural locations. Bus services would be available from either Glebe Corner just to the south of the site, or from the Coggeshall Road/Harwich Road junction approximately 100 metres away, providing access to Colchester, Manningtree and Harwich, and rail stations at Colchester and Manningtree with direct services to London. In addition, Ardleigh would be within easy cycling distance and the centre of Colchester would be less than 4 miles from the site. Consequently future occupiers of the dwellings would have a reasonable access to public transport, in the context of a predominantly rural district, and thus would have a realistic alternative to the private car.

18. The Council has also referred to policy SPL3 of the emerging local plan, which designates Ardleigh as a "smaller rural settlement". I give this only limited weight as the plan has yet to be examined, but in any case my assessment of the proposal against that policy would not result in any different overall conclusion on this main issue.
19. Taking all of the above into account, I conclude that whilst there would be a conflict with LP Policy QL1 in terms of the location of the development, future occupiers would have satisfactory access to services and facilities.

Conclusion

20. I have found that although there would be a conflict with the development plan by virtue of the site's location outside any designated settlement, future occupants of the proposed dwellings would have satisfactory access to shops and facilities. However the proposal would harm the character and appearance of the surrounding area, and this would also be contrary to the development plan. I attach substantial weight to this harm.
21. The provision of five additional dwellings would provide a modest benefit in boosting the supply of housing, but it would not be of such a scale as to significantly boost supply. There would be some economic benefits in the short and longer term arising from the construction stage and to the local economy from household spending. There would also be some limited environmental benefit from approximately 4 HGVs per day no longer entering and leaving the site if it were developed for housing, but the cited benefit of the site being cleaned up is somewhat overstated as the existing buildings are low rise and in reasonable condition, and a significant proportion of the site is lawned.
22. The parties dispute the housing land supply position in the District. However, even if I were to accept the appellant's case, and the provisions of paragraph 14 of the Framework apply, I consider that the adverse effects that would arise from the harm to the character and appearance of the surrounding area would significantly and demonstrably outweigh the modest benefits of the scheme.
23. For the reasons I have set out above the proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework. I therefore dismiss the appeal.

Claire Victory

INSPECTOR