



Appeal Decision

Site visit made on 28 November 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 21 December 2017

Appeal Ref: APP/P1560/W/17/3181635

Land adjacent to 113 Holland Road, Little Clacton, Essex CO16 9RU

- 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 and Mrs Hawkins against the decision of Tendring District Council.
 - The application Ref 17/00766/FUL, dated 10 May 2017, was refused by notice dated 14 July 2017.
 - The development proposed is change of use of land from agricultural to residential, the erection of a detached dwelling and associated garage and new vehicle access.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted a revised site location plan as part of the appeal. This appears to show the appeal site reduced in size from that shown on the site location plan submitted with the original application. Whilst the appeal process is not intended to bypass the democratic planning process, the revised plan does not fundamentally change the proposal. I am therefore satisfied that my acceptance of it would not compromise or prejudice the interests of the Council or any interested parties. I have therefore considered the appeal on the basis of the revised site location plan.
3. The Council cites a number of draft planning policies of the emerging Tendring District Local Plan (emerging Local Plan) on its decision notice. However, whilst it has now reached the publication draft stage, the emerging Local Plan has not yet been examined and found to be sound. Thus, it could be subject to change. Therefore, having regard to Paragraph 216 of the National Planning Policy Framework (the Framework), I afford the emerging Local Plan and its draft policies limited weight at this time.
4. On 14 November 2017, the Council submitted an updated position statement on its five year housing land supply. The appellants have been given the opportunity to comment on it and I have taken their comments into account. Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five year supply of housing land. The fourth bullet point of Paragraph 14 of the Framework states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies of the Framework as a whole. There is dispute between the main parties as to whether or not the Council can demonstrate a five year supply of housing land. Nonetheless, for the following reasons, I do not consider that this materially changes the way that the appeal should be dealt with in terms of planning policy.

5. Saved Policy QL1 of the Tendring District Local Plan 2007 (Local Plan), as cited on the Council's decision notice, sets out a spatial strategy for new development within the District. It requires development to be located within settlement boundaries. It seeks to direct most new development to the larger urban areas of Clacton and Harwich but also allows limited development in smaller towns and villages. Little Clacton is identified as a village within saved Policy QL1 of the Local Plan. The proposal would be located outside the settlement boundary of Little Clacton and would therefore appear to conflict with saved Policy QL1 of the Local Plan. However, saved Policy QL1 of the Local Plan makes specific reference to the spatial strategy for Tendring to 2011. This policy is therefore time expired and out of date. As such, the fourth bullet point of Paragraph 14 of the Framework is engaged in this appeal whether or not the Council can demonstrate a five year housing land supply. I have considered the appeal on this basis.

Main issues

6. The main issues are the effect of the proposal on the character and appearance of the area; and whether the location of the proposal would be acceptable having regard to access to local services and facilities for any future occupiers.

Reasons

Character and appearance

7. The appeal site comprises part of a wider agricultural field. It is located at the entrance to the village and fronts onto on the northern side of Holland Road, which is characterised by a linear form of residential development. The northern and eastern boundaries of the appeal site are undefined. The appeal site adjoins the boundary of 113 Holland Road to the west, a detached single storey dwelling, which was recently granted planning permission¹ along with three other detached single storey dwellings, Nos 111, 109 and 107. These are set back from the road by a generous degree and along with other dwellings on this side of the road, display a largely consistent building line. The modest height and scale of these dwellings and their setback from the road affords a strong spatial quality to this part of the road and provides an appropriate and gentle transition to the open countryside beyond the village entrance. This contributes positively to the character and appearance of the area.
8. The proposal seeks to introduce a detached dwelling of a traditional appearance onto the appeal site with an associated detached garage and vehicular access. The proposed dwelling would be 1.5 storeys in height and would incorporate some dormer windows within the roofslope. I acknowledge that the proposed dwelling would be of a similar height and scale to that of a dwelling sited opposite the appeal site on the southern side of Holland Road. I also recognise that it would not extend development along Holland Road any further to the east than this dwelling.

¹ Ref 16/01132/FUL

9. However, the proposed dwelling would sit noticeably forward of the prevailing building line of the dwellings to the west of the appeal site. It would also be substantially greater in height and scale than these dwellings. I observed that the dwelling opposite the appeal site is set in a generous degree from its front and side boundaries. This gives it a spacious setting. Conversely, the proposed dwelling and its associated garage would display little side spacing and would thus not reflect the spacious setting of the dwelling opposite. Furthermore, the dwelling opposite has mature vegetation along its eastern boundary which provides a verdant and soft edge to its plot which assimilates it well into its surroundings and considerably filters views of this dwelling on the approach into the village. Given the close proximity of the proposed dwelling to its eastern boundary, there would not be much scope for any meaningful planting along this boundary to achieve a similar effect. Whilst the appellant suggests that the eastern boundary could be relocated to provide more space for planting, I must determine the appeal on the basis of the plans before me.
10. Thus, by virtue of its excessive height and scale, in combination with the limited degree of setback from its front and side boundaries, the proposal would result in an overly prominent form of development that would appear cramped within its plot and out of keeping with the pattern of development along Holland Road. This would erode the spatial quality of this part of the road and would fail to provide an appropriate transition to the open countryside beyond the appeal site and village entrance. Consequently, it would result in significant harm to the character and appearance of the area.
11. This would be contrary to the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. It would also be contrary to saved Policies QL9, EN1 and HG14 of the Local Plan. These policies require, amongst other things, development to make a positive contribution to the local environment, to protect, maintain or enhance local character and distinctiveness, to relate well to its surroundings, to conserve the setting and character of settlements and to retain appropriate side spacing to avoid a cramped appearance. These policies are consistent with the broad aims and objectives of the Framework and as such, I afford such conflict substantial weight.

Access to local services and facilities

12. The Framework sets out the national planning policy context in relation to housing. Paragraph 55 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also sets out that isolated homes in the countryside should be avoided unless there are special circumstances.
13. From my understanding of the evidence, it is the Council's view that by virtue of the appeal site's location outside of the settlement boundary for Little Clacton, the proposal would not occupy a 'sustainable' location. This seems to me to translate to a consideration as to whether any future occupiers would have a reasonable level of access to local services and facilities to cater for their daily needs.
14. The proposal would be located close to the village and to other recently constructed dwellings. Access to local services and facilities was likely to have been a consideration by the Council when approving planning permission for

the recently constructed dwellings to the west of the appeal site and found them to be acceptable in this respect. Whilst I note that any future occupiers of the proposal would be required to walk along the road to reach the nearest footpath, at a point where the speed limit changes from 30 miles per hour to the national speed limit, the distance would be very short and there is good visibility both ways along Holland Road. In addition, at the time of my site visit, which occurred early in the morning, this road was not particularly busy and there is no substantive evidence before me to demonstrate that this is likely to significantly change during other times of the day. Thus, the opportunity to access local services and facilities would not be materially different for any future occupiers of the proposal compared to any occupiers of the recently constructed dwellings.

15. Given its close proximity to the village and to other recently constructed dwellings, the proposal would not represent an isolated home in the countryside and would therefore not conflict with Paragraph 55 of the Framework. I therefore conclude that in accessibility terms, the location of the proposal for a single dwelling would be acceptable.
16. Whilst it would conflict with saved Policy QL1 of the Local Plan in terms of its requirement to locate development within settlement boundaries, this policy, as set out above, is out of date and accordingly I afford any conflict within it limited weight. Furthermore, I do not consider that a single dwelling in this location would materially affect the Council's ability to actively manage patterns of growth into the future, in either Little Clacton or within the District as a whole. As such, it would not prejudice the opportunities for any future housing development through the emerging Local Plan process.

Other matters

17. I have had regard to the appellants' desire to build a family home that would, according to the evidence, meet their current and future family needs and would allow them to remain living in the local area. Nonetheless, the personal needs of the appellants are not a material planning consideration to which I can afford any significant weight. Moreover, there is no substantive evidence to demonstrate that there are no other suitable properties in the area which could adequately provide for any of their current and future family needs. In addition, there is no guarantee that the proposed dwelling would be built and occupied by the appellants in any case.

Planning balance and conclusion

18. Paragraph 7 of the Framework sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve it.
19. The proposal would make a contribution, albeit a limited one, to housing supply within the District. It would provide some short term construction jobs. In addition, any future occupiers would increase, to a slight degree, local spending in the area. This would assist with supporting local services and facilities and the vitality of rural communities. These benefits weigh modestly in favour of the proposal and go some way to fulfilling the social and economic roles of sustainable development.

20. However, the proposal, by virtue of the considerable harm that would arise to the character and appearance of the area, would fail to fulfil the environmental role of sustainable development. This would be an adverse impact that would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. This would be the case even if the Council cannot currently demonstrate a five year housing land supply. Consequently, the proposal would not constitute sustainable development.
21. Accordingly, for the reasons set out above and having regard to all other matters, including highway safety, green gaps, pressure on services and infrastructure and loss of agricultural land, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR