



Appeal Decision

Site visit made on 3 May 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/P1560/W/18/3216163

Sambeck Caravans, Woodlands Business Park, Tenpenny Hill, Thorrington CO7 8JD

- 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 Sambeck Caravans against the decision of Tendring District Council.
 - The application Ref 18/00466/OUT, dated 8 March 2018, was refused by notice dated 15 May 2018.
 - The development proposed is two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for two dwellings at Sambeck Caravans, Woodlands Business Park, Tenpenny Hill, Thorrington CO7 8JD in accordance with the terms of the application, Ref 18/00466/OUT, dated 8 March 2018, and the plan submitted with it, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Procedural Matters

2. This is an outline application with all matters reserved.
3. An emerging plan, the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.

Main Issues

4. The main issues in this appeal are:

- whether the proposed development would be suitably located; and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. The proposed dwellings would be located on land within the Woodlands Business Park, the site of former gravel workings, which includes a range of built form to the west of Brightlingsea Road. The Council acknowledges that the new dwellings would not constitute isolated homes in the countryside for the purposes of the Framework, or indeed that the land is open countryside.
6. The appeal site is around 0.4 miles from the Thorrington settlement and its associated services and facilities which include a public house, a community hall, two children's play areas and a convenience store and post office. This distance is not far and within reasonable walking distance. From the appeal site it is around 1 mile to Brightlingsea, with a large range of amenities, which although a longer walk is within a reasonable distance for pedestrians and cyclists. In any event, buses to Brightlingsea as well as to Colchester and Clacton-on-Sea can be accessed from bus stops close-by at the front of the Business Park.
7. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport will vary from urban areas to rural areas. In the location of the appeal site I consider some reliance on car use acceptable, in combination with forms of sustainable travel such as on foot, by cycle and by bus which would be reasonably practicable in this case.
8. For the reasons I have given, there would be no harm caused through the location of the proposed dwellings. The proposal, being situated outside defined settlement development boundaries would be in conflict with Saved Policy QL1 of the Tendring District Local Plan 2007 (LP) which sets out the spatial strategy for Tendring to 2011. However, this policy is several years beyond its defined period of implementation and out-of-date. There would also be no harm caused by reason of the proposal's location. Therefore, I give the proposal's conflict with this policy very limited weight.

Character and appearance

9. Development along Brightlingsea Road has a strong linear pattern, where a ribbon of development extends along the west side of the highway. However, to the rear of this ribbon, the Woodlands Business Park on the former gravel workings includes a range of built form in a non-linear arrangement. The Park includes two-storey office accommodation for Sambeck Caravans, other structures and approximately 150 caravans displayed for sale. The new dwellings would be situated to the south of the caravans operation on unrestored scrubland and would not appear incongruous within this varied local context.

10. Further, the new dwellings would be situated on land which is approximately 8 metres lower than the dwellings on Brightlingsea Road with a buffer created by an escarpment and significant screening by trees and hedgerows. As there would be very limited views of the new dwellings from outside of the Business Park, there would be very limited visual connection between the development and the pattern of linear development on the highway.
11. Accordingly, for the above reasons, there would be no harm to the character and appearance of the area. As there would be no harm, and as in any respect each proposal must be considered on its own merits, then no harmful precedent would be set in allowing this appeal. The proposed development would not be in conflict with Saved Policies QL9, QL10 and Q11 of the LP which together seek to protect the character and appearance of places.

Other Matters

12. Occupiers of dwellings on Brightlingsea Road have raised concerns that the new dwellings would be built too close to their homes or to the raised bank to their rear, and also concern about possible use of a strip of land next to 'Vernon' to gain access to Brightlingsea Road. However, as layout and access are reserved matters these concerns can be addressed during the consideration of details submitted at that stage. I have seen no substantive evidence to lead me to conclude that the site is not in principle large enough, or is otherwise unsuitable, for 2 dwellings to be appropriately sited and accessed without causing unacceptable harm.
13. The appeal site lies within the Zone of Influence of the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site which has been identified for its importance as a habitat supporting certain protected species. Within the Zone of Influence, an assessment has concluded that visitor pressure associated from new housing development is likely to have a significant effect (either alone or in combination with other schemes) on the SPA/Ramsar site unless it is properly mitigated. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) has identified a series of habitat management measures and advises that a tariff of £122.30 per dwelling would fund these measures.
14. A signed and dated unilateral undertaking has been submitted offering these contributions. Even the visits generated by one dwelling would be likely to have an incremental impact on the SPA/Ramsar site and in these circumstances the contribution would be necessary, directly related to the development and fair and reasonable in scale and kind. The mitigation strategy does not comprise the provision of infrastructure and the contributions do not therefore conflict with the limit of five or more obligations towards an infrastructure project. I am therefore satisfied that the proposed contributions would be both necessary and legitimate in this case.

Planning Balance and Conclusion

15. The parties are in agreement that the Council cannot demonstrate a 5-year housing land supply. In addition, Saved Policy QL1 of the LP as the policy most important in determining the application is out-of-date. Therefore the tilted balance in Paragraph 11d) of the Framework is engaged. This states that planning permission should be granted unless the adverse impacts of the

- proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
16. The Council has said that the housing shortfall is relatively modest when calculated using the standard method in the Framework and that actual housing need is lower when calculated otherwise, taking into account the district's particular demographics. I have taken into account APP/P1560/W/17/3185776 which the Council uses in support of this position.
17. The proposed development would deliver two additional homes on previously-developed land which would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing, which the Council are currently not achieving due to failure to provide a 5-year supply. The proposal would also create economic benefits during construction and through local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.
18. For the reasons I have given, there would be no harm caused by the location of the proposal or upon the character and appearance of the area. Even were I to find that the housing shortfall was as modest as stated as the Council, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
19. I conclude that the appeal should be allowed with conditions. The proposed development would not accord with the development plan as a whole due to its conflict with Saved Policy QL1 but there are other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.
20. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. The Council has suggested landscaping-related conditions but these can, where appropriate, be imposed at reserved matters stage.

Andrew Walker

INSPECTOR