



Appeal Decision

Site visit made on 30 January 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 7 August 2019

Appeal Ref: APP/P1560/W/18/3206263

Land adjacent the Veldt, Little Clacton Road, Great Holland, CO13 0ET

- 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 Stanfords against the decision of Tendring District Council.
 - The application Ref: 17/02206/OUT, dated 21 December 2017, was refused by notice dated 28 February 2018.
 - The development proposed is the residential development of 0.17 ha of land to create three detached bungalows.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the residential development of 0.17 ha of land to create three detached bungalows at land adjacent the Veldt, Little Clacton Road, Great Holland, CO13 0ET in accordance with the terms of the application, Ref: 17/02206/OUT, dated 21 December 2017, subject to the conditions listed in the schedule at the end of this decision.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in July 2018, with a further revision in February 2019, primarily concerning the determination of housing land requirements. The main parties in this appeal were provided with the opportunity to comment on the revised Framework and the housing land supply in the District.
3. The development proposal was submitted in outline with all matters reserved for future approval. The planning statement submitted with the application sets out that the proposal is for a development of bungalows to be located on the south side of a new private road. Although a drawing was submitted which shows three dwellings set out on the site, as the layout is reserved for future approval, I have had regard to this and the planning statement but have treated this drawing as indicative only. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan.

Reasons

5. The appeal site is part of a large field at the edge of Great Holland and located next to a new development of 3 dwellings with a similar layout to that suggested in the planning statement and which was granted planning permission by the council in 2017.

Whether a suitable location for development

6. The development plan for Tendring is the adopted Tendring District Local Plan (2007). The emerging development plan is the Tendring District Local Plan 2013-2033 and Beyond, Publication Draft. The Council has advised that it cannot currently demonstrate a 5 year supply of deliverable housing sites. In such circumstances paragraph 11(d) of the Framework applies and the policies which are most important for determining the application are out-of-date. Therefore, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
7. Saved Local Plan policy QL1 sets out the development plan's spatial strategy, which restricts development outside settlement boundaries. Great Holland is classed as a village and identified as a small rural settlement in policy SPL1 of the emerging Local Plan. The plan indicates that smaller rural settlements can achieve a small scale increase in housing stock. Settlement boundaries have therefore been drawn flexibly to accommodate a range of sites both within and at the edge of villages, enabling them to be considered for small scale residential infill. However, for the purposes of policy QL1, the site is within the open countryside. On that basis, it would conflict with the spatial strategy policies in the adopted and emerging Local Plans. Although the policies in the development plan are out of date, moderate weight may be attached to the conflict with the spatial strategy and Local Plan policy QL1. Only limited weight may be accorded to policies in the emerging development plan including policy SPL1.
8. Great Holland has a public house, a community hall, a church hall, children's play area, Lodge Farm Business Park, a motor repair garage and Pork Lane farm shop which is around 800m from the site. The village is served by bus routes which run through the centre, at the end of Pork Lane. Bus stops are located near the site which provide routes to Clacton-on-Sea, Kirby Cross and Frinton-On-Sea. Railway stations in Kirby Cross and Frinton-on Sea provide routes to Colchester. The Council, in its delegated report, concludes that the appeal proposal is sustainable in economic and social terms. The appeal site is not isolated and future occupants of the dwellings would not have to rely entirely on the use of private transport to meet their everyday needs. Their use of services and facilities would help to enhance or maintain the vitality of the community of Great Holland.
9. I find that in this particular case, although the proposal would conflict with Local Plan policy QL1 regarding the spatial strategy it would be in a suitable location for the proposed residential development.

Other Matters

10. The Council considers that development in the proposed location would have a neutral impact on the environment and would satisfy the environmental strand

of sustainability as defined within the Framework, being a continuation of the existing development and extended no further than the existing dwellings on the opposite side of the road. The development would be similar in design and layout to that currently under construction, with the proposed bungalows limiting the overall visual impact because of their low height.

11. Since the application was refused by the Council, Natural England has introduced Zones of Influence around all European designated sites. The appeal site falls within the Zone of Influence of the Colne Estuary SPA and RAMSAR. The Council has carried out a Habitat Regulations Assessment and concluded that mitigation would be necessary in the form of a financial contribution. It has also advised that the mitigation measures can be secured at the reserved matters stage if the appeal is allowed.

The Balancing Exercise

12. It is agreed that the Council cannot demonstrate a five year land supply of deliverable housing sites. The Framework confirms in these circumstances, that relevant policies for the supply of housing should not be considered up to date and planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Whilst there would be some conflict with the spatial strategy in Local Plan policy QL1 and policy SPL1 of the emerging Local Plan, the addition of three dwellings to the housing supply would have moderate benefits. Moreover, the site is within a location which would enhance or maintain the vitality of existing community facilities and there would be no significant harm to the character and appearance of the countryside.
14. In light of the foregoing, I conclude that the adverse impacts of granting planning permission would not significantly or demonstrably outweigh the benefits of the scheme. The proposal would comprise sustainable development. The conflict with the Local Plan and the emerging Local Plan is outweighed by other material considerations and planning permission should be granted.

Conditions

15. I have had regard to the conditions suggested by the Council. I have not imposed a condition to restrict the timing of the site clearance in the interests of biodiversity because nesting birds are protected under the terms of the Wildlife and Countryside Act 1981. A condition is imposed to require a construction management plan in the interest of highway safety.

Conclusion

16. For the above reasons, and having regard to all other matters raised, the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities.