



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 and Local Government

Decision date: 14 August 2019

Appeal Ref: APP/P1560/W/18/3206024

Land on south side of Edward Road, Thorpe Le Soken, CO16 0HJ

- 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: 18/00041/OUT, dated 3 January 2018, was refused by notice dated 8 May 2018.
 - The development proposed is one self-build/custom built dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all detailed matters reserved for later determination. I have dealt with the appeal on that basis.
3. 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.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan;
 - the effect on the character and appearance of the area, including the setting of the Thorpe Le Soken Station and Maltings Conservation Area, and
 - the effect on trees and biodiversity.

Reasons

5. The appeal site is a small paddock located at the end of the cul-de-sac of Edward Road and on its southern side. It is adjacent to the Thorpe Le Soken Station and Maltings Conservation Area and outside the development boundary for the settlement as defined by the current and emerging development plan.

Whether a suitable location

6. The development plan for Tendring is the adopted Tendring District Local Plan of 2007 (LP). The emerging Local Plan is the Tendring District Local Plan 2013-2033 and Beyond, Publication Draft (eLP). 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paragraph 11(d) of the Framework applies and the policies which are most important for determining the application are out-of-date.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. Only limited weight may be accorded to policies in the emerging development plan.
7. Saved LP policy QL1 sets out the development plan's spatial strategy, which restricts development outside settlement boundaries. This policy is consistent with the Framework which indicates that the planning system should actively manage patterns of growth in support of sustainable transport objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
8. Thorpe Station and Thorpe Maltings is classed as a small rural settlement in eLP policy SPL1. 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. There is no doubt that the site, previously used in association with equestrian stables, is within the open countryside. Although the appeal site is close to a rail station and services and facilities in Thorpe le Soken it would not be within easy walking distance, and any future occupants of a dwelling would generally have to rely on private transport for their day to day needs. I find that the proposal would not be in a suitable location having regard to the spatial strategy in the development plan and would conflict with LP policy QL1 and eLP policy SPL1.

Effect on the character and appearance of the area

9. Edward Road passes between pairs of semi-detached houses at its junction with Harwich Road, but housing development, including a recent development of three dwellings is then only sited along the northern side of the road. The setting is distinctly rural. The proposed dwelling would be out of character with the pattern of development, being located to the south of Edward Road and not part of the existing cluster of dwellings. Although the existing tree and hedge screening could be enhanced, built development on this paddock would be visually intrusive within the countryside setting of the existing development along Edward Lane.
10. The appeal site also forms part of the rural setting of the Conservation Area. The Conservation Area contains a distinctive collection of buildings including the listed Maltings. The Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting. Although the proposal would change the context by reducing the open character of the area, it would lead to less than substantial harm to the significance of the

Conservation Area. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance the public benefits of the proposal would be limited. The proposal would conflict with LP policies QL9 and EN17 and policy PPL8 (Conservation Areas) of the emerging plan.

Effect on trees and biodiversity

11. Much of the tree cover at the appeal site has been removed in the past. Whether there would be pressure to remove any boundary trees in future because of overshadowing would depend upon the final layout and siting of a dwelling. These are reserved matters because the application is in outline only.
12. No survey has been undertaken to demonstrate that protected species are not present in any habitat that remains since clearance operations. Consequently, the proposal would conflict with LP policies EN6 and EN6a, policy PPL4 of the emerging plan and the biodiversity objectives of the Framework. This matter on its own would not warrant dismissal of the appeal, but it does add weight to my decision.

Conclusions

13. The appellant has referred to LP policy LP7 which indicates that the Council will consider, on their merits, proposals for self-build and custom-built homes on land outside of settlement development boundaries, not involving the replacement of an existing dwelling, where they will still support a sustainable pattern of growth in the District. However, I consider that the location of the site in relation to other development in Thorpe le Soken Station and Maltings would not represent a sustainable pattern of growth.
14. The appellant has referred to a number of appeal decisions in submissions. However, none are identical in their aspects to those of appeal before me. I have determined this appeal based upon the individual merits of the proposal and its particular site circumstances, having regard to relevant development plan policies and all other material considerations.
15. As mentioned above, the Council has advised that it cannot currently demonstrate a 5 year supply of deliverable housing sites. Therefore, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
16. The addition of a single dwelling to the housing supply would have limited benefits. It would provide some employment during the construction phase and would have some benefit as a self-build development. However, it would not be in a suitable location having regard to the spatial strategy of the adopted and emerging development plan and there would be conflict with LP policy SQ1 and eLP policy SPL1. Any future residents of the dwelling would generally have to rely upon the use of private transport to access services and facilities for their day to day needs. There would also be harm to the setting of the Thorpe Le Soken Station and Maltings Conservation Area which would outweigh any public benefits from the proposal.
17. I find, for the reasons given above, that the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits. I have

taken all other matters raised into account but conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR