



Appeal Decision

Site visit made on 30 July 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/P1560/W/19/3229022

The Priory, Harwich Road, Wrabness, Manningtree CO11 2UG

- 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 S Purse against the decision of Tendring District Council.
 - The application Ref 19/00367/FUL, dated 6 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is the erection of 4 x four bed detached dwellings with garages, amendment to existing access road plus provision of turning head.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the postcode of the site address to match the one supplied by the appellants on the appeal form, rather than the planning application. I consider this to be a more accurate description of the location of the appeal.
3. The appellants and the Council agree that the development plan for Tendring is the Tendring District Local Plan, adopted December 2007 (LP). The Council is currently working on the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), which is currently under examination. I have not been provided with sufficient evidence on the extent to which any objections to its policies are unresolved. Therefore, I can only give the emerging policies limited weight in the determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and;
 - whether the site is in an appropriate location for development, having regard to the accessibility of services and facilities.

Reasons

Character and appearance

5. The appeal site is located approximately 1.5 km from the village of Wrabness and is outside the Settlement Development Boundary as defined by the LP. The

site is a rectangular field south of Harwich Road and west of The Priory with a row of mature trees that front onto the road.

6. The site whilst not wholly isolated, due to the presence of The Priory and other built form along Harwich Road, is rural and agricultural in character. The appeal proposes 4 no 4-bedroom detached dwellings on the site with detached garages. The proposal includes changes to the existing access road and provision of a turning head. The proposed dwellings would be in a linear form, with the dwellings located towards the rear of the site, along with the access road. The features on the proposed properties replicate some of those found on the west elevation of The Priory. However, the design and density of the site is at odds with the existing development in the area. The gardens and the rear elevations of the properties would face the road, whilst the front elevations would face the fields to the rear. Even with the existing trees in place, when viewed from Harwich Road, it would create a continuous block of development, creating an urban influence in an otherwise rural setting. The introduction of built development along with the scale of the dwellings, in combination with their density, would be out of character with the area.
7. The appellants have provided examples of similar developments to the proposal. However, I do not have sufficient evidence to determine why these proposals may have been deemed acceptable. In any event, I have to determine this appeal on its own planning merits, which is what I have done.
8. I have had regard to the condition suggested by the appellants in respect of landscaping to provide screening to hide the domestic activities of the proposed development from public view. However, the screening would not mitigate the harm I have identified.
9. I find that the proposed development would appear obtrusive and incongruous when viewed in the context of its rural location and would cause significant harm to the character and appearance of the area. The proposed development would therefore be in conflict with saved policies QL9 and EN1 of the LP. These policies, amongst other things, seek to ensure that new development is well designed and making a positive contribution to the local environment, whilst also maintaining or enhancing local character.

Location of development

10. The site is not within any defined settlement boundary, as such it lies within the countryside. Whilst the site is located in a rural area, there are opportunities available for sustainable transport. There is a bus stop close to the access point of the proposed development, which I observed on my site visit. The appellants have provided an online timetable for the service which shows there is an hourly service between Colchester and Harwich. However, the service is limited for travel early in the morning and in the evening, as well as no service operating on a Sunday. The nearest train station is approximately 1 mile away from the site at Wrabness.
11. The appellants have also outlined the local services and facilities within the local towns and villages. I note that some of the interested parties disagree with some of the measurements provided by the appellants, in terms of whether these should be measured as the crow flies or through following the road, which can give rise to longer travel distances.

12. Whilst I accept there are potential opportunities available for sustainable transport by train and bus, there is still limited opportunities to access day to day services without the need for a private car due to the lack of footpaths and street lights combined with the distance to the nearby towns and villages.
13. Consequently, I find that the site is not an appropriate location for development having regard to the accessibility of services and facilities. The proposed development therefore conflicts with saved Policy QL1 of the LP, in that the proposal is not located within a defined settlement boundary.

Other Matters

14. One of the Council's reasons for refusal related to a contribution towards the provision of play and informal space. As part of the appeal process a signed unilateral undertaking dated 11 July 2019 has been submitted which undertakes to pay the public open space contribution. However, as the appeal is being dismissed for other reasons this matter does not need to be examined further. In any event, this does not outweigh the harm I have identified above.
15. Since the determination of the planning application, Zones of Influence have been introduced around European Designated Sites. The appeal site lies within the zone of influence of the Hamford Water RAMSAR and SAC. Consequently, the Habitat Regulations¹ require an assessment to be undertaken, as to whether a proposal would be likely to have a significant effect, on the interest features of a protected site. The proposed development has the potential to result in an effect on these designations. However, as I have already identified, harm to the character and appearance of the area, such that the appeal should be dismissed there is no need to examine this further.
16. Concerns have been raised regarding highway safety. I note that the Highway Authority has confirmed that from a highway and transportation perspective the impact of the proposal is acceptable subject to appropriate mitigation and conditions. Consequently, I have no substantive evidence to disagree.

Planning Balance and Conclusion

17. The Council accepts that it cannot demonstrate a 5 year housing land supply at present, as required by paragraph 73 of the Framework. Therefore the policies of the development plan most relevant to the determination of this appeal are considered to be out-of-date. As a consequence, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is engaged.
18. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out-of-date does not mean that a policy carries no weight. Policy QL1 takes a more restrictive approach to development in the countryside compared to the Framework, which could be affecting the delivery of housing. Nonetheless, it seeks to focus development towards settlements and in this regard, it is not inconsistent with the Framework.
19. The presumption in favour of sustainable development indicates that planning permission should be granted unless the adverse impacts of doing so would

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

20. I have found that the proposed development would be contrary to saved policies QL1, QL9 and EN1 of the LP. For this appeal, I have found policies QL9 and EN1 to be generally consistent with the Framework and whilst they can act to restrict the supply of housing, I attach substantial weight to them. The development would result in significant harm to the character and appearance of the area contrary to these policies and paragraph 127 of the Framework.
21. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the 4 houses. The 4 new houses would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in significant harm to the rural character and appearance of the area, and would result in the likelihood of a dependency on the use of the private car for access to services and facilities.
22. Taking all matters into account, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
23. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR