
Appeal Decision

Site visit made on 9 March 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 30 March 2020

Appeal Ref: APP/P1560/W/19/3241656

Land adjacent to Willowell, Bromley Road, Ardleigh, Colchester, Essex CO7 7SG

- 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 N Moorcroft against the decision of Tendring District Council.
 - The application Ref 19/01349/FUL, dated 6 September 2019, was refused by notice dated 1 November 2019.
 - The development proposed is the erection of 2 detached properties with garaging, parking, turning facilities and landscaping; access from Bromley Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a completed planning obligation which addresses the mitigation for the scheme with regard to its effects on a nearby Special Protection Area. I have taken this into account in determining the appeal.

Main Issues

3. The main issues in this appeal are;
 - Whether the proposed development would be suitably located
 - The effects of the proposal on the character and appearance of the area.

Reasons

Whether the proposed development would be suitably located

4. The appeal relates to this open field/paddock located close to the junction of Bromley Road with Spring Valley Lane. The site lies outside the Settlement Development Boundary for Ardleigh as defined within the Tendring District Local Plan 2007 (LP). The site is within the countryside for planning purposes, therefore. Saved Policy QL1 of the LP directs new development to areas within defined settlement boundaries and its supporting text states that the policy seeks to protect the countryside from encroachment and reduce car journeys.
5. The appeal site is said to be around 1.5 miles from the boundary of Ardleigh and the nearest other facilities are to the west, on the fringes of Colchester.

Whilst I acknowledge that there is a bus service nearby, I consider that the great majority of journeys by future residents to gain access to employment and day to day services, would be made by the private car.

6. As a result, the proposal would not be in a suitable location for new housing due to its location and lack of sustainable transport. The proposal would be contrary to the aims of Policy Q1 as it would be outside the defined settlement boundary.

The effects of the proposal on the character and appearance of the area

7. The surrounding area is dominated by open land within agricultural or other rural-related uses. Whilst there are some buildings including houses within the surrounding area, these are generally sporadic and the character is one where the open land dominates and the buildings are relatively few and far between. There is an overriding rural quality to the area which contributes positively to its character and appearance.
8. The proposal would place the 2 houses in the gap between Springwood and Spring Valley Lane. In this way it would give rise to a small cluster of dwellings which would have a negative effect on the rural character and appearance of the area. Whilst the proposal includes hedging along the site frontage, it is likely that the presence of the new houses would be apparent from the road and would have a harmful visual effect by reducing the open and rural quality of the site.
9. The appellant indicates that the design of the proposal and the proposed materials would be in keeping with other buildings in the area. Whilst this may be the case, it would be the very presence of the buildings that would have a harmful effect, not their design.

Planning Balance and Conclusion

10. The Council and the appellants agree that the Council is unable to demonstrate a 5 year supply of housing sites. The Council has indicated that the shortfall is modest and should be tempered by a lower level of actual need and I have taken account of the appeal decision APP/P1560/W/17/3185776 in this respect. Nevertheless, the 'tilted balance' as set out in paragraph 11(d) of the Framework indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
11. The proposal would bring about 2 new homes which I consider to be a modest benefit, even acknowledging that, when taken in combination, small sites are likely to be built out quickly and can make a valuable contribution. The proposal would be likely to provide some small measure of support for construction jobs and residents may make some contribution to the local economy by spending.
12. I have also taken account of the appeal decisions referred to by the appellants and the Council. Firstly, 2 of the appeals relate to the appeal site and, in my judgement, any consistency in relation to the effects of the proposal on the character of the surrounding area should be made with these in the first instance. I accept that different conclusions have been reached by a fellow Inspector in relation to a site to the north. I have had regard to that decision but the proposal before me is different in scale and the appeal site is not the

same and I have arrived at my planning conclusions on the basis of my consideration of the individual effects of the appeal scheme on the area.

13. As a result of my consideration of the proposal, I consider that the harmful effects as set out would significantly and demonstrably outweigh the benefits of allowing the scheme. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR