



Appeal Decision

Site visit made on 23 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2020

Appeal Ref: APP/P1560/W/19/3239006

Land south of Main Road, Alresford, Essex

- 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 Mr Oliver Hookway of Go Homes Ltd against the decision of Tendring District Council.
 - The application Ref 19/00474/OUT, dated 21 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as 'residential development of up to 40 dwellings incorporating affordable housing, access, infrastructure, allotments and public open space'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for 'access'. I have assessed the proposal on this basis and treated the drawings as being an illustration of how the proposal could ultimately be configured.
3. The site visit procedure was altered from an access required site visit to an unaccompanied visit because the appellant was not present at the prearranged time and I was able to see all I needed to from public land.

Main Issues

4. The appellant has submitted a planning obligation in the form of a unilateral undertaking. It addresses the provision of financial contributions towards education and recreational disturbance, avoidance and mitigation and the delivery of public open space and 40% affordable housing. The Council has confirmed that the planning obligation is acceptable and that it does not wish to contest the relevant reason for refusal. Accordingly, I have not considered these matters as main issues as they are no longer points in dispute.
5. Consequently, the main issues in this appeal are whether the appeal site is an appropriate location for the proposed development with particular reference to:
 - The spatial strategy for housing in the development plan; and
 - The effect on the character and appearance of the area.

Reasons

The spatial strategy in the development plan

6. The Tendring District Local Plan 2007 (LP) includes several strategic objectives including the economic and social regeneration of some of the main settlements in the district, making efficient use of previously developed land, directing housing to be close to services and facilities and providing support to rural communities. To this end, saved Policy QL1 of the LP sets out a spatial strategy centred on a sequential approach to the location and size of development. The supporting text to the policy explains that most new development will be concentrated at the larger urban areas of Clacton and Harwich with the smaller towns and villages having limited infilling.
7. Alresford benefits from a good range of services for a village of its size, including a primary school, village shop, a small business centre, public house, bus service and a medical centre. The train station is a particular asset as it permits travel into Colchester. However, the lack of a secondary school, large supermarket, a wide offer of retail outlets and other services and major employment areas means future residents would have a predisposition to regularly travel by private motorised transport. Accordingly, the village is not as well placed as the larger towns in the district to take significant development. Alresford is therefore identified as a 'village' in the spatial strategy, where only limited development should occur.
8. Two Inspectors¹ have recently found that the level of development that has already taken place in Alresford is more than can be considered 'limited' and therefore the proposals they were considering, of up to 56 and 50 homes respectively, would undermine the spatial strategy in Policy QL1 further. Although the appeal scheme proposes fewer homes, it would nevertheless be a significant body of housing. It would not amount to the limited development envisaged in the spatial strategy when considered individually or cumulatively with other approved development. Accordingly, the size of the proposal would be at odds with the spatial strategy in Policy QL1.
9. Moreover, in order to address the strategic objectives of the LP, Policy QL1 also seeks to concentrate development within the settlement development boundaries (SDBs) of towns and villages. It only permits proposals outside SDBs if they are consistent with the countryside policies of the LP. The proposed development would be located outside the SDB of Alresford at a site that is not allocated for development. I have not been directed to any countryside policies in the LP that the proposal would adhere to. Consequently, the location of the proposal would also be at odds with the spatial strategy.
10. Accordingly, the size and location of the proposal would be significantly at odds with, and harmfully undermine, the spatial strategy for the location of housing in Policy QL1 of the LP and thus the consistency and relative certainty that should ordinarily flow from a genuinely plan-led approach to new development.

The effect on the character and appearance of the area

11. The appeal site encompasses a field on the edge of the village that is flat, has no public access and is in arable cultivation. It therefore has a generally unremarkable appearance and the evidence before me does not suggest it is

¹ APP/P1560/W/18/3202993 and APP/P1560/W/17/3177219

part of a valued landscape. That said, the field is part of a network that provides an agricultural countryside setting to Alresford and Elmstead Heath and contributes to the rural character and quality of Cockaynes Lane.

12. The openness of the field also provides a physical and visual buffer between Alresford and Elmstead Heath and the southern boundary hedge separating the appeal site from Oakwood marks a logical edge to the village. This landscape feature has not been breached by the housing development currently under construction to the south of the appeal site. The mature boundary hedge around the perimeter of the appeal site is reasonably intact and includes several notable tree specimens. The boundary planting is a pleasant landscape feature that elevates the visual amenity of the appeal site in the landscape.
13. The indicative site layout shows that the appeal scheme could proceed with about half the field developed for housing and the remainder used as a public open space, allotments and wildflower meadow. Regardless of the internal configuration, the appeal scheme would only adjoin a limited amount of existing development, which would principally comprise the modest bungalow at Oakwood and its long an undeveloped rear garden. The proposed estate would also be located beyond the natural and clearly defined edge of Alresford. Thus, it would appear as having been bolted on to the village rather than being a natural extension or rounding-off of the settlement, which could otherwise be compatible with the surrounding built environment. This would result in the proposal appearing divorced from the form of the village as well as a harmfully discordant incursion into the countryside.
14. The appeal site is clearly apparent in several vantage points from the B1027 and Cockaynes Lane because the boundary hedge is visually permeable. As such, the appeal scheme would likewise be clearly apparent from these locations. The engineered highway access into the site would need to breach the hedge along the B1027, eroding this landscape feature and providing clear views into the estate. The nature of the development as a discordant incursion would therefore be very apparent, harmfully eroding the rural landscape character and countryside setting of Alresford and Cockaynes Lane.
15. The indicative layout shows the housing set back from Cockaynes Lane behind a wildflower meadow, allotments and a public open space. These features could be pleasant and soften the visual impact of the proposal. Nevertheless, the appeal scheme would still be a large mass of housing with the associated paraphernalia and activity, which would be harmfully prominent despite the open space and wildflower meadow.
16. The visual prominence of the development would also visually erode the existing gap between Alresford and Elmstead Heath. The appellant has sought to mitigate this through the siting of the open space, wildflower meadow and allotments. But this buffer would be significantly weaker than the existing field in its undeveloped and agricultural state due to the more modest size. Moreover, the buffer would not be viewed as part of the network of arable fields and would have built features such as fences and play equipment within it. The wildflower meadow would be experienced as a space within an enlarged settlement rather than a break between two. Thus, the open space and wildflower meadow would not prevent a harmful sense of coalescence because there would be little sense of leaving one settlement and entering another.

17. If the indicative layout were followed, then the design and layout of the appeal scheme would not be without merit with some aspects of place making evident, such as the orientation of the properties to provide active edges. The proposal could also reflect the layout and appearance of the other recently approved estates nearby. Limiting the height of the buildings to two storeys would also soften their scale and assist in providing the properties with appropriate proportions. However, these matters would not overcome the limitations I have identified from a large body of homes being constructed at the site.
18. There have been other large developments nearby including two to the south of the appeal site, with the nearest adjoining the southern corner. However, as already alluded to, these developments abut physical features such as the railway line or are flanked by existing groups of houses on at least two sides. Both developments appear as a natural rounding off of the settlement rather than being a discordant projection into the countryside. The nine recently constructed bungalows to the south east of the appeal site balance those opposite. As such, these approved schemes have a markedly different impact on the character and appearance of the area.
19. I therefore conclude that the appeal scheme would significantly harm the character and appearance of the area. This would be contrary to saved Policy EN1 of the LP, which states that development which would significantly harm landscape character or quality will not be permitted.

Other Matters

20. Given my overall conclusion that the appeal should fail, there would be no future occupants and therefore no increase in recreational disturbance at The Colne Estuary Special Protection Area and Essex Estuaries Special Area of Conservation. Accordingly, it is unnecessary to consider this matter further.
21. There is nothing of substance before me to suggest that the emerging Local Plan Publication Draft advocates an approach to the scale and location of housing that would weigh in favour of the appeal scheme. In fact, like the spatial strategy in Policy QL1, Alresford is identified for only modest growth and the appeal site would still be outside the SDB. Thus, given my overall conclusion, it is unnecessary to consider the emerging Local Plan further as a material consideration.
22. The appellant has referred to the Council's approval of a nearby application (16/01816) but this was for four homes and therefore its impacts are very different to that of the appeal scheme. The appellant has also drawn my attention to an appeal decision in Waverley Borough but, being a site in a different local authority area with a different site context, the findings of that Inspector are not directly relevant to the appeal before me.

Other Considerations

23. The proposal would be at odds with the development plan for the reasons already given. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the 'Framework') is an important material consideration.
24. The Council are currently unable to demonstrate a five-year housing land supply. The Council are therefore failing to significantly boost the supply of

- housing and are at odds with Paragraph 73 of the Framework. In such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
25. As an adverse impact, the proposal would significantly harm the character and appearance of Alresford and would be unsympathetic to its landscape setting. This would be at odds with Policy EN1 of the LP. The Inspector in a recent decision² gave the conflict they identified with Policy EN1 moderate weight because it is applied against the backdrop of an outdated development strategy. I see no reason to take a different view.
26. That said, the significant harm described above would be at odds with the aims in the Framework to recognise the intrinsic character and beauty of the countryside and to ensure developments are sympathetic to local character, the surrounding built environment and landscape setting. The harmful impact, and the subsequent conflict with local and national policy, is therefore cumulatively an adverse impact of significant weight in this instance.
27. The proposal would also be at odds with Policy QL1 of the LP by harmfully and significantly undermining the spatial strategy therein. This policy has been saved and is therefore extant. However, a rigorous application of Policy QL1 would frustrate attempts to remedy the housing shortfall. The policy is also predicated on the out of date housing requirement in Policy HG1 of the LP. Policy QL1 is therefore somewhat out of date. However, it does not automatically follow that a conflict with it carries no weight.
28. Policy QL1 is broadly consistent with the Framework as it allows opportunities for villages such as Alresford to grow and thrive through infilling. It also promotes sustainable transport through actively managing patterns of growth and the use of previously developed land. It also assists in making provision for the conservation and enhancement of the landscape and recognises the intrinsic character and beauty of the countryside³. Therefore, a conflict with Policy QL1 should carry some weight. Previous Inspectors have differed on the extent of that weight but based on the information before me I find it to be of moderate rather than significant weight due to the current housing shortfall.
29. Conversely, the proposal would deliver several benefits. It would contribute to housing supply and choice at a point in time when there is a shortfall. There is nothing before me to suggest the housing could not be delivered quickly and the standard commencement condition could be altered to secure this. However, the appellant has not disputed the Council's proposition that the shortfall is modest (at around 4.6 years) or provided technical evidence to substantiate a different figure.
30. Moreover, the recent results of the Housing Delivery Test demonstrate the Council has increased supply. It has also submitted a draft Local Plan for examination, albeit with some doubts over the delivery of the North Essex garden communities, which the Council is working to address. It is therefore taking positive steps to address the shortfall. In this context, the contribution to housing supply is currently of moderate weight as a benefit.

² APP/P1560/W/19/3238064

³ See Paragraphs 20, 78, 103, 118, 127 and 170 of the Framework

31. The Housing Officers have confirmed that there is a strong demand for affordable housing in the village and this is the case even when accounting for the affordable housing provided as part of recent approvals. The submitted planning obligation would secure the policy compliant provision of 40% affordable housing. This would be a particularly notable benefit.
32. The Open Spaces Team has confirmed that there is a deficit of 1.91 hectares of equipped play and formal open space in Alresford. The Council has not challenged the appellants proposition that there is also a local shortage of allotments. The proposal would deliver a generously sized public open space with allotments that would be in excess of the 10% of the site area required by the LP. However, the evidence before me does not demonstrate whether it would simply prevent the existing deficit getting worse or provide a net gain against any local standards. Either way, the open space would be available to existing and future residents and should therefore be considered a moderate benefit. The variety of habitats provided by a wildflower meadow, public open space, allotments and gardens would also likely benefit biodiversity.
33. The proposal would boost the circulation of funds locally, possibly to the tune of £1.4 million annually as suggested by the appellant. It would also improve community capital. However, substantive evidence has not been provided to suggest local services, facilities, businesses or clubs are suffering for lack of patronage or staff, and therefore the support to the local economy and community provided by the development would not be a benefit of high order. The proposal would also benefit the construction industry, but this would likely endure only in the medium term.
34. The planning obligation would deliver several financial contributions that are necessary, directly related to the development and fair and reasonable in scale and kind. However, they would mitigate for the impacts of the proposal and are therefore neutral matters rather than benefits.
35. Thus, the overall cumulative benefits of the proposal would be notable, but the adverse impacts of the appeal scheme would be of such a magnitude that they would still significantly and demonstrably outweigh them. This does not indicate the appeal should be determined other than in accordance with the development plan.

Conclusion

36. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR