The Planning Inspectorate

# Appeal Decision

Site visit made on 26 May 2020

**by O S Woodwards BA(Hons.) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 June 2020**

**Appeal Ref: APP/P1560/W/20/3244452**
**Land to the north of Harwich Road, Great Bromley, 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 Mrs Stennett against the decision of Tendring District Council.
- The application Ref 18/01634/OUT, dated 27 September 2018, was refused by notice dated 19 July 2019.
- The development proposed is for the construction of 7 No Bungalows.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in outline with all matters reserved. An indicative layout has been provided detailing 7 bungalows, an access road, access to the field behind, and boundary planting.

3. The examination of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (the 'emerging LP') is at a relatively early stage, particularly pending further work in relation to Garden Communities. The policies of the emerging LP therefore have limited weight at this time.

## Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and whether the occupiers of the proposed dwellings would have adequate access to day to day services by a choice of modes of travel.

## Reasons

*Character and appearance*

5. The appeal site is part of a large field and includes a section of the hedgerow and grass verge in front of the site and further westwards. A wooded area lies on the opposite side of Harwich Road. The site sits in-between the rear gardens of residential properties along Meadow Close and a small collection of buildings including houses and commercial properties at the crossroads of Harwich Road and Fratting Road. This is also the crossroads where the proposed development at Little Paddocks (Outline Ref 16/01040/OUT and Reserved Matters Ref 18/00623/DETAIL) would be located if it is built. The site is separated from both these areas by fields. The combination of the open land surrounding the site, the hedgerow, and the wooded area creates a semi-rural feeling in the vicinity of the site and along this part of Harwich Road.

6. The wider area is characterised by small villages joined by country lanes, but each retaining their own distinct development boundaries. There is some ad hoc development along the roads, but the villages have retained their individual identities.

7. It is proposed to construct 7 bungalows on the appeal site, and to utilise the existing single access point to the field, albeit likely to be subject to modifications. The site is relatively narrow and the only plausible layout for the 7 bungalows would be approximately as depicted on the submitted drawings, as a linear line of buildings set out parallel to the road, with associated gardens and an access road. The entirety of the site would be domesticated in this manner, out of keeping with and therefore harming the rural character of this part of the larger field.

8. The proposed development, in whatever potential layout or detailed design, would be visible from Harwich Road through the gap in the hedge to provide access, and also likely to a degree over and/or through any retained or proposed boundary hedging, even though bungalows are proposed and could be required by condition. It would also be visible from some of the surrounding properties, particularly along Meadow Close, and from some of the properties at the crossroads to the west. The site is relatively obscured from long distance views by surrounding hedgerows and wooded areas, but this does not mitigate for the proposal contributing to the erosion of the rural character of this part of Harwich Road when viewed from nearby.

9. The site lies in the Bromley Heaths Landscape Character Area 7A, as set out in the Tendring District Landscape Character Assessment November 2001. This highlights that within this character area further incremental linear development along roads would disrupt the pattern of dispersed hamlets, scattered farmsteads and distinct villages. This is precisely what is proposed. The works would not be seen in the street scene as an extension to Hare Green because this part of Harwich Road is not fronted by properties, and is characterised by hedging, grass verges, and open countryside. There are glimpsed views of the properties along Meadow Close from the road, but they face away from the road, are screened by vegetation, and are not prominent. The proposed linear development would relate poorly to this existing development due to this orientation and juxtaposition.

10. A footway is proposed running along Harwich Road along the site boundary and then heading towards the crossroads of Harwich Road and Fratting Road. The construction of the footway would result in the loss of at least some of the green verge and potentially some hedgerow and would further contribute to the erosion of rural character along this part of Harwich Road.

11. Consequently, due to the domestication of a rural site, the erosion of the rural character of this part of Harwich Road, the associated disruption to the established pattern of dispersed and distinct villages, and the poor relationship to the existing built form to the east, the proposal would harm the character and appearance of the area. The development therefore fails to comply with Policies QL9 and EN1 of the Tendring District Local Plan 2007 (the LP) which, amongst other things, require high quality design and landscaping that maintains and where possible enhances local character. The proposal fails to comply with Chapter 12 of the Framework, which requires, amongst other things, high quality design. It also fails to comply with Policies SPL3 and PPL3 of the emerging LP which, amongst other things, seek high quality design that protects the rural landscape.

*Access to services*

12. The site lies outside of a defined Settlement Development Boundary (SDB). The nearest settlements with SDBs are the villages of Fratting at approximately 1km distant, and Great Bromley, at approximately 1.5km distant. I note the appellant's concerns that the SDB for Great Bromley has been too tightly drawn, and that Hare Green itself could potentially justify being a settlement in its own right. However, irrespective of the official designations, they both provide a limited range of services. Great Bromley provides the most with a school, church, village hall and park, but even this has very limited retail provision. Fratting only provides two pubs, Hare Green only a park, and the crossroads area currently has a pub and may in the future provide a local shop if the Little Paddocks planning permission is built out and the shop is occupied.

13. In addition, the site is not easily or safely accessible by foot to these centres. Access to either Fratting or Great Bromley would involve a fairly long walk, with sections of the walks along country lanes with no footpaths. Hare Green is nearby but is only accessible along Harwich Road, which is a fairly busy, narrow road, with no footpath for the first few hundred metres from the site. I observed on my site visit that this stretch of road created an oppressive pedestrian environment. The crossroads area to could be safely linked by the proposed footway, if it were built. However, this only provides one pub and one potential shop, even if the footway were provided, which is not guaranteed.

14. I acknowledge that drawings have been provided detailing a potential new footway linking the site to Hare Green. However, no evidence has been provided of the agreement of the Highways Authority to either the principle or the detail of this footway. It cannot therefore be reasonably relied upon to be built in the future.

15. Bus routes run from the bus stops along Harwich Road providing access to the large centres of Colchester and Walton-on-the-Naze amongst other destinations. However, the services are infrequent, being at most once an hour even at peak times. They would not, therefore, provide a viable alternative to the car for the majority of journeys.

16. Consequently, the appeal site is not accessible to local services by public transport or by foot and it is therefore highly likely that the majority of trips from the proposed dwellings would be by car. This is true both for day-to-day needs and less frequently used services. I therefore conclude that future occupiers would have inadequate access to day to day services by a choice of modes of travel. The proposed development therefore fails to comply with Policy QL1 of the LP which, amongst other things, sets out a strategy of focusing development within settlement development boundaries in order to concentrate development on areas accessible to services and facilities. The proposal also fails to comply with emerging Policy SPL1 of the emerging LP which, amongst other things, sets out a settlement hierarchy for managing growth.

**Other Matters**

17. The site falls within the Zone of Influence of the Essex Estuaries Special Area of Conservation (the SAC), as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission.

18. A completed and signed Unilateral Undertaking (the UU), dated 23 April 2019, has been submitted with the appeal. This would provide payment in mitigation of the effect of the proposal on the SAC and on public open space. The levels of payment the appellant has committed to are not in dispute between the parties and I see no reason to believe that these would not have provided adequate mitigation in these respects.

19. The appellant has highlighted that the Little Paddocks permission was not found to adversely affect the rural character of the site. However, this site is in a different area, fronting two roads, and has an extensive planning history. It is not therefore a relevant precedent to justify development on the appeal site.

**Planning Balance and Conclusion**

20. The Council can only demonstrate a 4.6 year housing land supply as assessed against the 'standard method' of calculating local housing need, as is required as set out in Paragraph 73 of the Framework and the Planning Practice Guidance. Paragraph 11d of the Framework is therefore engaged.

21. The proposal would result in the creation of 7 housing units, which would help the Council to meet its housing land supply. It would bring temporary economic benefit from the construction process. It would provide long-term economic benefit from the boost to local facilities and services from the new occupancy on the site. These factors weigh in favour of the proposal, but the benefits would be fairly limited because only 7 residential units are proposed.

22. The proposed footway would, if built, provide some improvement to the pedestrian conditions along this part of Harwich Road, but it would only link the proposed development to Little Paddocks. The footway would not suitably improve connectivity between Hare Green and the crossroads area because a large area of road would remain without a footway. It would therefore be of limited benefit to the existing residents in Hare Green. I therefore place limited weight on this factor in favour of the proposal.

23. The site is inaccessible by transport modes other than the car, and the majority of trips from the proposed dwellings would likely be by car. I have also identified harm to the character and appearance of the site and the wider area. High quality design is a key aspiration of the Framework, which finds at Paragraph 124 that high quality buildings and places are fundamental to the aims of the planning process. Overall, the harms would significantly and demonstrably outweigh the benefits of the proposal.

24. For the reasons above, I conclude that the appeal be dismissed.

*O S Woodwards*

INSPECTOR