



Appeal Decision

Site visit made on 26 June 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/P1560/W/19/3243133

Nevada, Harts Lane, Ardleigh CO7 7QH

- 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 Lynda Bennett against the decision of Tendring District Council.
 - The application Ref 19/00599/OUT, dated 10 April 2019, was refused by notice dated 27 June 2019.
 - The development proposed is 6 new detached houses and garaging to replace existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal seeks outline permission with all matters reserved.
3. The decision notice includes three reasons for refusal; however, following the submission of a legal agreement, the Council is no longer contesting the third reason regarding affordable housing.
4. An emerging plan, The Tendring District Local Plan 2013-2033 and Beyond Publication Draft, is currently under examination. It is not part of the adopted development plan. As more work is required to demonstrate the soundness of the plan, it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with the National Planning Policy Framework (the Framework). I therefore give these policies limited weight and they do not alter my conclusions.

Main Issue

5. The main issues are:
 - The effect of the proposal upon the character of the area; and
 - Whether the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities.

Reasons

Character of the area

6. The appeal site is located along the single-track Harts Lane towards the junction with Old Ipswich Road. The site is a generous size and contains a detached bungalow and outbuildings. These buildings are set back from Harts Lane, separated by a large lawn that gently slopes down towards the road. Most of the site is grassed with trees bordering the side and rear boundaries, with a cluster of trees at the rear of the site.
7. Harts Lane contains a mixture of commercial buildings and sporadic detached dwellings, often set in spacious plots. Large arable fields, wooded areas and green spaces are also found along the lane. Mature trees line both sides of much of Harts Lane, with a notable gap offering extensive views across the appeal site. Old Ipswich Road contains a variety of businesses, interspersed with fields, and large detached dwellings. Overall however, the site and its immediate surroundings can be described as semi-rural.
8. Notwithstanding the retention of existing trees and further landscaping, the introduction of 6 detached dwellings, garages and associated residential paraphernalia would introduce built form across much of the site. This would urbanise the existing semi-rural site and alter the sporadic pattern of residential development found along Harts Lane. I acknowledge that the existing buildings on the site would be demolished, however the proposed dwellings would cover more of the site than these do at present.
9. Whilst there are examples of buildings spread across some sites along Harts Lane, potentially not too dissimilar in density to the proposal, these consist of either commercial premises or commercial premises with associated residential development. These differ from the proposal, which is solely for a group of 6 residential properties with garages, and therefore the proposal would detrimentally alter the character of the lane which is characterised by sporadic residential development. Whilst a landscaping condition could be imposed to offer a level of screening of the site from Harts Lane, this would not completely mitigate the harm due to the views that would still be available through the site access.
10. Accordingly, the proposal would harm the character of the area and would fail to comply with policies QL9 and EN1 of the Tendring District Local Plan (2007) (LP) and the Framework, which seek amongst other things that new buildings should maintain or enhance the local character and distinctiveness; and the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced.

Whether the site is an appropriate location

11. There are services and facilities located reasonably close to the site, including along Harts Lane, Old Ipswich Road and in Lodge Park, Langham. These include a café, a fruit and vegetable shop and public house. The village of Ardleigh, with a limited range of services, is also about 3km from the appeal site and the market town of Colchester is not far away. The nearby A12 provides vehicular access to Colchester. As in appeal decision APP/P1560/W/18/3217198, I give

significant weight to the access to these other services and facilities near to the appeal site.

12. Furthermore, three recent appeal decisions¹ for small-scale residential development on the opposite side of the A12 to the appeal site were allowed, with a subsequent planning application² for two dwellings granted planning permission. These are off Turnpike Close and Ipswich Road, Ardleigh. These schemes are located further from Ardleigh than the current appeal site, although they are nearer to Colchester.
13. I acknowledge that the site itself is located along a single-track national speed limit road, with no pavement or streetlighting and that, consequently, future occupiers may be deterred from walking to reach services and facilities, particularly when there is limited daylight. I also note that the nearest bus stop is about 1.4 Km from the site, and that access to the stop would be partially along an unlit road with no footpath.
14. Notwithstanding this, Paragraph 103 of the Framework recognises that sustainable transport solutions vary between urban and rural areas. I accept that the future occupiers of the proposed 6 residential dwellings (a net increase of 5) would be reliant on private vehicles to access services and facilities. However, a greater dependency on car use is inevitable in more rural locations. Furthermore, the site is relatively close to Colchester and there are other services and facilities near to the site.
15. Accordingly, taking into account the reasons given above, there would be limited harm in relation to the location of the proposed housing, including with regard to accessibility of local services and facilities. I acknowledge that the proposal would not be consistent with policy QL1 of the LP relating to the location of housing, as it is located outside a defined settlement development boundary. However, the weight afforded to this policy is considered within the Planning Balance below.

Planning Balance

16. Both parties agree that there is a shortfall in the 5-year housing land supply when using the standard method and I have no evidence that would lead me to a different conclusion. However, at the recent Examination in Public of the emerging Local Plan the deficit was found to be less than that calculated using the standard method. Recent appeal decisions have taken into account both of these positions.
17. In either situation however, by virtue of paragraph 11d) of the framework, the most important policies for determining the application must be considered to be out-of-date. In this particular case Policy QL1 of the LP.
18. Furthermore, I consider that Policy QL1 of the LP is not fully consistent with the Framework, as the Framework does not apply a blanket restriction on development in the countryside. Policy QL1 is therefore out of date in this respect. It follows that the tilted balance in paragraph 11 of the Framework is

engaged and that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

19. I have found the proposal would harm the character of the area with the introduction of a group of dwellings with associated residential paraphernalia. There would also be conflict with policy QL1 due to the site location, although I have found this policy to be out of date and therefore the conflict with it carries reduced weight.
20. In terms of benefits, the proposal would provide a net increase of 5 dwellings for the local area which would make a modest contribution to the Council's housing land supply and offer modest economic benefits through construction jobs and spending in the local economy via the future occupiers. The legal agreement would also secure an affordable housing contribution.
21. However, even if there is a shortfall in the 5-year housing land supply as suggested by the appellant and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits highlighted above.

Other Matters

22. The site falls within a 'Zone of Influence' of a designated European Site. A Unilateral Undertaking has been submitted as part of the appeal that contains a financial contribution to mitigate the impact of the proposal on the designated European Site, as well as including Open Space and Affordable Housing contributions. The Council have not objected to this. As the appeal is being dismissed for other reasons, it is unnecessary to consider these matters further.

Conclusion

23. Accordingly, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR