
Appeal Decision

Site visit made on 6 January 2021

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/P1560/W/20/3253442

Woodland Lodge, Spring Valley Lane, Ardleigh CO7 7SD

- 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 Roger Wyncoll against the decision of Tendring District Council.
 - The application Ref 20/00007/OUT, dated 31 December 2019, was refused by notice dated 17 April 2020.
 - The development proposed is described as an 'outline planning application with all matters reserved for a single story residential dwelling on land adjacent Woodland Lodge, Spring Valley Lane, Ardleigh, Essex CO7 7SD.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are a) the principle of the proposed development with specific regard to its location and access to services; b) the effect of the proposed development on the character and appearance of the area; and c) the effect of the proposed development on the Stour and Orwell Estuaries Ramsar Site and Special Protection Area (SPA).

Reasons

The Principle of Development

3. In accordance with the development plan's commitment to achieving sustainable patterns of new development and ensuring that residents will be close to services, facilities and a range of transport modes, saved Policy QL1 of the Local Plan¹ sets out a hierarchical approach. This directs development first to the larger settlements, to towns and then villages, limiting new development outside of them to certain types consistent with other policies of the plan. The appeal site is located outside of a defined settlement by some considerable degree. By definition and in planning terms therefore, it is in the countryside.
4. The appeal site is at the end of an unsurfaced track that is a good walk from the edge of Spring Valley Lane. The walk is over uneven surfaces, unlit and does not have a segregated footway. The surrounding road network, whilst hard surfaced, is similarly rural in character, narrow and also unlit and thus unsuitable for travel by means other than a motor vehicle. The evidence

¹ Tendring District Local Plan 2007

suggests there is a bus service that operates from a stop on Spring Valley Lane. It is hourly and gives access to Colchester and other nearby settlements. However, access to it would be along the unmade track and thus, for less mobile residents and during inclement weather, undesirable to walk. One could theoretically cycle to Colchester in terms of the distance but again, this would be via rural roads and other narrow single carriageway B roads without street lighting. The evidence alludes to a local public rights of way network, but this too is off road and, for me, not really suitable to rely on for day to day use.

5. Taking the above into account, it seems more likely than not future occupiers would be more inclined to use the private car to access the services on which they would rely day to day. Such as in this case employment, retail, healthcare, and education. As a single dwelling I recognise that journeys would be limited in their number but, in my view, this is an argument that can be repeated too often to justify single dwellings in otherwise unacceptable locations.
6. As such, I consider the principle of the proposed development unacceptable. It would serve to promote unsustainable patterns of development which would be contrary to the development plan and the aims of saved Policy QL1 as I have explained them above.

Character and Appearance

7. The appeal site is at the end of an unsurfaced track that runs west from Spring Valley Lane and gives access to Woodland Lodge, a small residential complex. Otherwise undeveloped and laid to grass, the site of the proposed dwelling is currently covered by what remains of greenhouse structures and a flat roofed garage. Woodland Lodge aside, the area is open, undeveloped and rural in character which also includes dense wooded areas to the north and east.
8. The appeal scheme seeks outline planning permission and as such there are no design details before me. That said, the introduction of even a modest dwelling at the appeal site would, along with its access, curtilage and parking, introduce something of an alien urban feature which would be detached from and visually unrelated to the dwellings at Woodland Lodge and those fronting Spring Valley Lane. In essence, it would be surrounded by open and undeveloped fields and consequently appear as an oasis of built form following the proposed removal of the disused greenhouses.
9. I accept that the appeal site does contain built form and the proposed development would lead to an overall reduction thereof and thus something of an increase in undeveloped land. That said, one would be removing development that is arguably more characteristic of rural areas in its semi commercial and utilitarian appearance and replacing it with a more urban form which, to my mind, would not be sufficient to consider it acceptable.
10. The proposed development would therefore cause harm to the character and appearance of the area, such that it would be contrary to saved Policies QL9 and EN1 of the Local Plan and paragraph 127 of the Framework². Amongst other things, these policies seek to ensure that all new development makes a positive contribution to the quality of the local environment and

² The National Planning Policy Framework 2019

protect or enhance local character. As well as making sure that development does not harm the character of the landscape more generally, being sympathetic to local character and functioning well with the overall quality of the area.

Stour and Orwell Estuaries Ramsar Site and SPA

11. The appeal site is within the Zone of Influence of and in close proximity to the above site. Recreational pressure from visitors, owing to its nature and proximity, are likely, either alone or in combination with other schemes, to have a significant effect. As a residential development, the appeal scheme is likely to add to the use pressure on the site through an increase in the local population. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has identified a series of management and mitigation measures that will safeguard against the longer term effects of visitor pressure. The Council require the payment of monies, delivered through development proposals, to fund these measures as per the RAMS.
12. Funding should be provided through a planning obligation either unilaterally or bilaterally. Such an obligation is not before me with the appeal documentation and whilst the appellant expresses a willingness to do so I have not required one to be completed since I have dismissed the appeal on other grounds and it would therefore be abortive work of unnecessary cost for the appellant.
13. As the appeal scheme stands therefore, there is insufficient certainty that the development would not adversely affect the integrity of the Ramsar and SPA site, one of the aims of saved Policies EN6a and EN11a of the Local Plan to which, as a result, the appeal scheme would be contrary. There would also be conflict with section 15 of the Framework which, amongst other things, affords protection to and asserts the importance of avoiding harm to designated habitats sites such as Ramsar and SPAs.

Other Matters

14. The evidence suggests that, whilst semi resolved, there are outstanding issues preventing the adoption of the Council's emerging Local Plan. As such, and for other reasons, they are currently unable to demonstrate the supply of housing sites required by the Framework. I would not however be taken to the so called tilted balance of paragraph 11 (d) (ii) since the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. In this case, section 15 as it relates to habitats sites as per footnote 6 of paragraph 11.
15. The appellant suggests that the proposals seek to secure a self build property for retirement purposes. However, I have no specific mechanism before me to ensure this would be the case nor any details pertaining to the Council's supply of self build plots. Consequently, I can only attach a small amount of weight to this matter.
16. The adopted development plan is evidently of some age but that does not render it out of date for the purposes of either this decision or the Framework. My earlier findings aside, the Council's settlement hierarchy has similar aims to the Framework's commitment to reduce the need to travel and seek to do so by more sustainable means (Section 9) as well as locating rural housing specifically where it will enhance or maintain the vitality of rural communities

(paragraph 78). In addition, the Local Plan's policies concerning design (QL9 and EN1) reflect the aims of paragraph 127 to promote good quality and contextually appropriate design and appearance to new development. I see the development plan policies relevant to the appeal therefore as broadly consistent with the aims of the Framework and accordingly ascribe them full weight.

17. The appellant's evidence mentions the Tendring and Colchester Borders Garden Community proposal as being found sound. Part of which falls in close proximity to the appeal site. The Council have not mentioned this which, even if found sound as an approach, does not appear to either be part of the adopted development plan or indeed beyond proposal stage as either a land allocation or side project to promote future new garden communities. I have no firm evidence before me pertaining to this proposal being either a planning application or approved/committed development which may make the appeal site any more appropriate for development than it currently is. In any event, and if this proposal was more than it seems on the basis of what I have seen, it would not be sufficient to make up for the harm the appeal scheme would cause in regard to either the character and appearance of the area or how it would affect the integrity of a designated habitat site.
18. The scheme would allow, should it be occupied by the appellants, the release of a larger property to the general market. Positive though this would be, I am again reminded that there is no mechanism before me to ensure the appellants would occupy the building and, moreover, I am unaware that there is any demand for larger properties in the local area such that I could attach more than a small amount of weight to this matter.
19. I have been passed details of a planning permission granted by my colleague for a single dwelling on land local to the appeal site on Spring Valley Lane, reference APP/P1560/W/18/3218389. My colleague found that there would be no harm to the character and appearance of the area. They found that service provision and transport choice would be limited and that it would give rise to moderate harm. My colleague weighed this in the balance and found that, as the provision of a single dwelling in a housing undersupply situation, the appeal should succeed.
20. There are some similarities with the appeal before me however there are equally some differences. The site of the above mentioned appeal does not, on the basis of what I have seen, appear to be at the end of an unmade track. Accessibility thereto is therefore different. In addition, I have found harm to the character and appearance of the area. Finally, and owing to the situation with regard to the potential harm to the Ramsar and SPA, I was not taken to the so called tilted balance as my colleague was. Taking all of this into account, my colleague's decision does not lead me to allowing this appeal.

Conclusion

21. For the reasons I have set out above, the appeal is dismissed.

John Morrison

INSPECTOR