
Appeal Decision

Site visit made on 16 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2021

Appeal Ref: APP/P1560/W/20/3252918

17 Coggeshall Road, Ardleigh, Essex CO7 7LP

- 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 Paul Mason against the decision of Tendring District Council.
 - The application Ref 20/00359/OUT, dated 6 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is erection of three bungalows with associated garages, private amenity space and public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all detailed matters reserved for later consideration, and I have dealt with the appeal on this basis. I have taken the plan with layout and access details supplied as indicative only, including the revision to this supplied with the appeal.

Main Issues

3. Whether the proposal would be appropriate in this location in respect of local and national planning policies, accessibility to services, the character and appearance of the area, the living conditions provided and highway safety.

Reasons

4. The site is within the countryside outside of any settlement development boundary (SDB) defined in either the adopted Tendring District Local Plan 2007 (LP) or the Publication Draft of its emerging replacement¹ (eLP). As such this proposal would conflict with LP Policy QL1 and eLP Policy SPL 1, which steer most new development to the larger urban areas and allow for limited amounts within the SDBs of villages, such as nearby Ardleigh. Both the LP and eLP restrict new development outside SDBs, unless specifically supported by their policies, which is not the case here.
5. These policies are consistent with the main objective of the National Planning Policy Framework (the Framework) to secure sustainable development by focussing new homes to places where a good range of regularly required services and facilities are available nearby, so as to reduce the overall need for travel, particularly by private car, whilst recognising the intrinsic character and

¹ Tendring District Local Plan 2013 - 2033 and Beyond.

beauty of the countryside. There are few such services and facilities where these dwellings are proposed and, whilst there is a bus stop nearby to provide a means to access those available elsewhere, this is some 160 metres away via an unlit stretch of road that lacks a separate footway. This situation would encourage a reliance upon private car use for any future occupiers of the bungalows proposed.

6. Whilst it is accepted that countryside residents are generally reliant on private car journeys to meet their daily needs, this provides inadequate justification for permitting further dwellings in a location where this would be the case, when in clear conflict with development plan policy. Furthermore, the Framework requires that, in assessing planning applications, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location. The poor accessibility to services means the three bungalows would be inappropriate in this location in terms of both local and national planning policies.
7. Although an outline proposal, and my decision is not based upon the illustrative layout, the details provided do not show how the site might be developed other than dwellings laid out in a quite condensed form, running perpendicularly to the road. The surrounding area is characterised generally by widely dispersed dwellings, often semi-detached ones, that front the road with associated smallholding areas to the sides and rear. Due to the shape of land involved, this outline proposal would inevitably lead to a form of development that contrasts with this prevailing settlement pattern. This would result in a residential scheme that would appear both incongruous and out of keeping in this rural area. The screening of the site by roadside and other boundary vegetation would be insufficient to avoid this scheme causing harm to the character and appearance of the area, in conflict with LP policies QL9, QL10 and QL11 and eLP Policy SPL 3.
8. As the proposal is in outline, there are no firm grounds for me to find that the scheme for three bungalows would fail to provide adequate living conditions for future occupiers. The same applies to the scheme having any adverse impacts on highway safety, by providing inadequate on-site vehicle parking and manoeuvring space, as all such detailed matters are reserved. However, this would not alter the finding of harm due to the relatively poor accessibility to services and facilities and high car use dependence, the adverse effect on the character and appearance of the area and the conflict with a plan-led basis for the location of new housing.

Balance and Conclusion

9. There can be no question the Council is lacking in firm evidence over the housing supply in Tendring. This matter has simply not been subject to detailed interrogation and challenge in this appeal. However, from the evidence provided, it would appear the Council has progressed significantly in both a development plan review and in addressing its future housing requirements, compared to the situation a few years' back. This might have been when the three dwellings at 19 Harwich Road, and the other examples in the surrounding area cited by the appellant, were allowed. Whilst the presence of this nearby housing scheme cannot be ignored, like this proposal, it is uncharacteristic of the prevailing settlement pattern and not a typical or definitive development form in this part of the countryside.

10. Notwithstanding the progress noted, the emerging policies relevant to his appeal remain yet to be finally adopted. Assuming there were still to be a lack of a five year housing land supply in Tendring, or the currently adopted LP was otherwise out-of-date, weight would need to be given to the tilted balance as set out in paragraph 11 d) ii of the Framework.
11. In respect of making this balance, I acknowledge that the three bungalows would provide small social benefits towards the Framework aim to boost housing supply and might also address a shortfall in meeting a demand for single storey accommodation. The construction and future servicing of the properties would offer some small benefits to the local economy. However, the small area of public open space would be of little value in this location.
12. The adverse impacts I have found from this proposal would significantly and demonstrably outweigh these small social and economic benefits. The proposal would therefore not gain the presumption in favour of sustainable development provided by paragraph 11 of the Framework. As a material consideration, this would thus not indicate the appeal be decided other than in accordance with the development plan, with which I find there to be conflict when considered as a whole. Therefore, for the reasons set out above and having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector