
Appeal Decision

Site visit made on 11 May 2021

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/P1560/W/20/3264706

Land at Ardleigh Road, Little Bromley, Essex CO11 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Lingi against the decision of Tendring District Council.
 - The application Ref 20/01152/PIP, dated 24 August 2020, was refused by notice dated 24 November 2020.
 - The development proposed is a self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site consists of part of an open field on the northern side of Ardleigh Road, with its boundaries formed with hedgerows. Adjacent land has similar characteristics, with views to agricultural land and wooded areas from the carriageway. A small number of dwellings sit to the west of the appeal site, whilst the linear pattern of development in the village of Little Bromley

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- commences on Shop Road some distance to the east. Neither the single lane carriageway of Ardleigh Road nor the northern part of Shop Road is equipped with public footpaths or street lighting.
6. The proposal is for a single self-build dwelling on the land, which is described on the application form as being a paddock area laid to grass. From my observations on the site visit, the amount of development would appear proportionate to the spatial characteristics of the area and appropriate to the size of the proposed plot.
 7. The appeal site is clearly not isolated as it is proximate to existing dwellings. It is however remote from shops, services, employment and facilities required for day-to-day living given the notable absence of these from the nearest village of Little Bromley. Other rural villages in the vicinity appeared equally deficient in terms of services and facilities during my site visit. The construction of a dwelling in this location would not therefore support a prosperous rural economy.
 8. The roads leading to the nearest urban settlements of Lawford and Manningtree are unlit, do not have footpaths, occasional narrow verges and, despite observed low levels of traffic movement, are likely to convey traffic at fast speeds. In my view, this makes conditions unfavourable to attempt cycling safely within the road network. Similarly, rights of way across agricultural fields do not provide a consistently safe or practical means of accessing services or shops on foot, particularly in inclement weather. Whilst there are bus stops within Little Bromley, pedestrians would need to walk within the carriageway of both Ardleigh Road and Shop Road in order to access them. The proposed dwelling would therefore be in an inaccessible location, relying heavily on private vehicles for trips and failing to support both the social and environmental objectives of sustainability.
 9. In land use terms, the current use of the land as a paddock is synonymous and in keeping with the countryside location. The land use provides a green context to Ardleigh Road, adding to the rurality of the village and contributing to a wider landscape that is agricultural in nature, within which a small number of dwellings sit comfortably in landscaped grounds. The proposed residential use on an open site would introduce elements of the built environment, such as a dwelling with residential paraphernalia, that would starkly contrast with the landscaped character of the countryside.
 10. On this basis, the appeal site is unsuitable for residential development with regards to its location and intended land use. The proposal would therefore conflict with saved policy QL1 of the Tendring District Local Plan 2007 (saved Local Plan) and policy SPL1 of Section 1 to the Tendring District Local Plan 2013-2033 and Beyond June 2017 (section 1 Local Plan), which seek to concentrate development towards urban areas and to within development boundaries.

Other Matters

Housing Need

11. The positions of the main parties have materially changed during the course of the appeal, and the parties are now not in dispute regarding the Council's ability to demonstrate a 5-year housing land supply. However, the appellant

has indicated that the proposal is for a self-build dwelling and I have not been made aware of any planning policy specific to self-build dwellings and needs. In this respect, the adopted development plan is silent on this matter for the purposes of this appeal. As such, paragraph 11 of the National Planning Policy Framework is thus engaged.

12. There is a duty under the Self Build and Custom Housebuilding Act 2015 as amended (the Act) for Councils to identify suitable plots for persons desiring to build their own homes. The appellant has registered on the Council's self-build register, as set out in the Regulations, and has submitted to the appeal a certified legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 1 April 2021 (S106), which would require that only the appellants could occupy the building upon completion for the first three years. The appellant has also put forward unchallenged figures demonstrating that there is a requirement for self-build plots to come forward to meet the needs of the district.
13. With no substantive evidence suggesting anything to the contrary, I see no reason not to accept this position. In considering the Community Infrastructure Levy Regulations and Paragraph 204 of the Framework, I also find that the submitted S106 meets the requisite tests.
14. However, permission should only be given to suitable serviced plots of land to meet the demand for self-build and custom housing². I have found the appeal site unsuitable for residential development for the reasons given above and it logically follows that to meet the need for self-build housing on an unsuitable plot would be contrary to sustainability objectives. The circumstances regarding the population of Little Bromley would not lend justification to outweigh the unsuitability of the appeal site.
15. My attention has been drawn to other developments and decisions both locally and nationally, although I do not have full details of the considerations in each of these cases so only give them limited weight in my determination. In any event, each case is to be determined on its own merits.

Effect on the National Sites Network

16. In 2018 the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site³, must consider mitigation within the Framework of an Appropriate Assessment rather than at the screening stage. This responsibility now falls to me within this appeal.
17. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the National Sites Network.
18. The site falls within the 13-kilometre 'Zone of Influence' for the Stour and Orwell Estuary Special Protection Area (SPA), as defined in the Essex Coast Recreational disturbance and Mitigation Strategy (RAMS). This site is designated for its environmental importance, since it provides habitats for wintering birds, wildfowl and wading birds including little terns, bitterns and

² PPG Paragraph 023 Ref ID: 57-023-201760728

³ Now the National Sites Network following the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

brent geese. The proposal, when considered alone or in combination with other schemes, could have significant effects on the quality features of interest of the SPA due to the increased recreational use.

19. When concluding that the scheme, either alone or in combination with other schemes, would have a significant effect on the quality features of interest of the identified sites, it is incumbent upon me to undertake an Appropriate Assessment. However, given that I am dismissing the appeal on other grounds, I have not had need to examine the content of the S106 nor undertake the task of Appropriate Assessment.

Conclusion

20. For the reasons set out above, I dismiss the appeal.

David Wallis

INSPECTOR