



Appeal Decision

Site visit made on 14 April 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/P1560/W/20/3261717
69 Hungerdown Lane, Lawford, CO11 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Pearce against the decision of Tendring District Council.
 - The application Ref. 20/00976/FUL, dated 23 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the erection of a detached dwelling and cartlodge.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In January 2021, the Council adopted the 'Tendring District Local Plan 2013-2033 and Beyond; North Essex Authorities' Shared Strategic Section 1 Plan' (TDLP 1), and this supersedes the more strategic policies in the Tendring District Local Plan 2007 (LP 2007). Policies QL1 and QL9 of the LP 2007 have been superseded by Policies SP3 and SP7 of the adopted TDLP 1, and although they are not referred to in the reasons for refusal, I have taken them into account as they are now adopted policies dealing with largely the same matters as those which they replace. As a result of the adoption of the TDLP 1, the Council reports a housing land supply in the order of 6.5 years.
3. Having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I have given limited weight to the emerging policies from the TDLP 2 referred to in the decision notice, as the Council advises that these policies are still under consideration as part of the Examination process, and it is not clear the extent to which any objections to its policies are unresolved.
4. The appellant's 'final comments' addressed the changing status of the Local Plan, and I have taken these into account in my assessment.

Main Issue

5. The main issue is the appropriateness of the site location for a new dwelling having regard to i) accessibility to local services and facilities; and ii) the character and appearance of the area.

Reasons

Accessibility to Local Services and Facilities

6. The Council advises that the appeal site is approximately 1.5km from the settlement of Lawford, and 2km from its facilities. Hungerdown Lane is a rural road with no pedestrian footways or street lighting. Whilst accessibility is only one aspect of sustainable development, in this case it would be unlikely that residents of the proposed dwelling could reach most services and facilities necessary for day-to-day living by means other than the private car. Access to public transport via bus stops on Harwich Road would entail walking some distance along the carriageway of an unlit road, and would be an unattractive option for many pedestrians, although I note the appellant's comment that local residents regularly walk to the bus stops at the end of Tile Barn Lane. Whilst cycling could be an option, it would not be a practical solution for many trips. Therefore, future occupants of the dwelling would undoubtedly be reliant on the private car.
7. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making, but there is nevertheless an expectation in the objectives of sustainable development that housing will be located "in the right places" and with accessible services. Whilst the site may not be isolated in the context of paragraph 79 of the Framework, it is some distance from services. Traffic movements from a single-dwelling may be reasonably limited, but cumulatively the number of trips over time would be more significant.
8. The appellant has drawn attention to an appeal allowed at 43 Harwich Road, Lawford, but I consider that the decision offers limited weight to this proposal, as that site was located on a main road (A137) with a footway, and within much closer walking distance of bus stops and the facilities of Lawford. I do not consider that the local farm shop or other businesses in the vicinity materially alter the accessibility for residents to meet their day-to-day living needs. There is insufficient information supplied for me to gauge any similarity with other appeals cited by the appellant, but I note that they were either allowed at a time of housing supply shortfall, or relate to sites outside of the district. As such, they offer limited support to the proposal.
9. In light of the above, I conclude that the proposed development would not have adequate levels of accessibility to local services and facilities. This would conflict with the settlement hierarchy aimed at managing growth set out in TDLP 1 Policy SP 3, as well as the social objective set out in Paragraph 8 b) of the Framework which seeks a well-designed and safe built environment with accessible services.

Character and Appearance

10. The appeal site comprises paddocks and associated buildings serving the host house. Hungerdown Lane is characterised by sporadic housing on large plots, with stables and other outbuildings being commonplace. Many of the dwellings in the vicinity are semi-detached, 1½-storey cottages, albeit with some extensions.

11. Although indicated as 1½-storey, I share the Council's view that the building would appear two-storey in scale and proportion, and it would not be in keeping with the form of the cottage-style properties found locally. I note the aim to create a converted barn-style dwelling, but timber outbuildings of this scale and complex design are not prevalent in the street scene. With its height, depth, bulk and form apparent above the solid roadside fence and gate¹, the proposed building would create an unduly prominent and visually intrusive addition to the street scene.
12. This adverse visual impact would be exacerbated by the size of the triple-bay cartlodge, and cumulatively with the existing stables and barn, the group would undermine the more sporadic nature of development along Hungerdown Lane. The spacing around buildings makes a positive contribution to the character of the area, and the introduction of a dwelling and cartlodge of the size and style proposed into this largely open site would detract from that character.
13. I therefore conclude that the proposal would harm the character and appearance of the area, in conflict with TDLP 1 Policy SP 7, which requires all new development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs, and LP 2007 Policy EN1, which seeks to protect the quality of the district's landscape and its distinctive local character, including the settings and character of settlements; and with the Framework aim for development to be sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

14. The appellant considers the site to constitute previously developed land (PDL), although this is not confirmed by the Council. However, whilst the Framework promotes effective use of land, paragraph 118 supports the use of suitable brownfield land within settlements. In this case, rather than being an infill development that makes more effective use of PDL as suggested by the appellant, the proposal would consolidate sporadic housing in the countryside.
15. The proposed development would provide some benefits through the creation of a single dwelling which would contribute to meeting housing needs, as well as economic benefits as a result of construction. The design would also incorporate renewable energy and energy efficient appliances, and ecological enhancements on site. However, as the proposal is for a single dwelling, these benefits are modest and therefore afforded limited weight.
16. Following the submission of the appeal, the appellant provided a Unilateral Undertaking to secure financial contributions in respect of recreational disturbance mitigation from visitors to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar sites. The Council confirmed that this would satisfy the third reason for refusal. As this is no longer a significant contested issue, and I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter in any further detail.

¹ These appear to have replaced the "significant naturalised landscaping to the roadside boundary" referred to in the appeal statement, and shown on the included aerial images.

Planning Balance and Conclusion

17. At the time of the Council's decision, it could not demonstrate a five-year supply of deliverable housing sites, and paragraph 11 d) of the Framework was engaged, and offered support for the proposal. However, with the adoption of the TDLP 1, the Council advises that a housing shortfall is no longer in place. Whilst the site-specific policies of the TDLP Section 2 have not been adopted, I nevertheless find that the site is not located where it has good accessibility to services and facilities, and that the proposal would adversely affect the character and appearance of the area. In the absence of a shortfall in housing land supply, the addition of a single dwelling and its associated economic benefits, and offered biodiversity enhancements, would not be sufficient to outweigh the harm identified, and the conflict with development plan policy.
18. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR