



## Appeal Decision

Site Visit made on 14 June 2021

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> June 2021**

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**Appeal Ref: APP/P1560/W/20/3264567**

**Land on the east side Wrabness Road, Ramsey, Essex CO12 5HB**

- 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 Cuckow against the decision of Tendring District Council.
  - The application Ref 20/00304/FUL, dated 25 February 2020, was refused by notice dated 29 June 2020.
  - The development proposed is described as 'erection of two detached dwellings with integral garages'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the Council issued its decision it has adopted Section 1 of the Tendring Local Plan 2013 – 2033 (TLP), which contains several strategic policies. Policy SP7 therein supersedes Policy QL9 of the Tendring Local Plan 2007 (LP). The appellant addressed this change in policy through his final comments.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the area, including a Local Green Gap and the Coastal Protection Belt; and
  - Whether the appeal site is a suitable location for the proposal, having regard to policies relating to development in areas at risk of flooding.

### Reasons

*The effect on the character and appearance of the area*

4. The appeal site encompasses what appears to be a small paddock on the periphery of the village. It occupies a position at the end of a length of ribbon development and is situated between a pair of bungalows and a stable block. The land to the immediate east and north forms part of a shallow valley and is in an equestrian use. There is a pleasant view across this land towards a distant church tower. An arable field, crossed by two public footpaths, is located to the north west of the site. A mature hedge separates these two parcels of land. The appeal site therefore occupies a point of transition where the linear built form of the village tapers off into a more open arable landscape.

5. The appeal scheme would result in the appearance of the appeal site markedly changing from an open paddock to a built-up residential site. It would have the appearance of an encroachment of built form into a verdant undeveloped site. However, this would be tempered to an extent by it also appearing as a natural extension of the linear pattern of development along Wrabness Road. The road facing orientation of the two dwellings would support this perception and retaining the roadside planting would soften the form of the buildings.
6. The existing mature hedge immediately to the north west of the appeal site is also a natural feature which could reasonably be considered to mark the extent of the village on the ground. The scheme would not breach this feature. Instead, the hedge would provide some sense of enclosure and this could be reinforced by new hedge planting around the perimeter of the appeal site.
7. In addition, the surrounding paddocks have a cluttered appearance due to the proliferation of fencing and other paraphernalia. As such, there is already some sense of development beyond Nuestra Casa and The Anchorage. The presence of the neighbouring stable block would also provide the development with the semblance of infilling between buildings, although this would not be especially apparent given the discrete siting of the stables. There is also a storage container on the site, but this is small and tucked towards the back of the site.
8. However, the appeal scheme would be for a pair of two storey properties. They would therefore be visible over the hedge (to the north west) whereas Nuestra Casa and The Anchorage, which are bungalows, are largely screened by this feature in views from the footpaths. One of the footpaths is elevated due to the rise in the land and this would facilitate a clear view of the proposed development. The hedge is also largely deciduous and therefore the development would be more prominent when the hedge is not in leaf.
9. As a result, the appeal scheme would appear a little divorced from nearby houses in views from the footpaths due to the limited visual presence of the adjoining bungalows in these vantage points. Thus, the development would be strident in views from the footpaths resulting in an overt sense that the edge of the village was moving into the countryside and closer to the coast. Moreover, the juxtaposition of two storey houses on the edge of the settlement and next to bungalows would disrupt the existing sense of the village tapering off into the countryside in views along Wrabness Road. The height of the dwellings would also seriously disrupt views across the shallow valley and towards the distant church tower from both Wrabness Road and Orchard Close.
10. The proposal would not spatially encroach into the open arable landscape around the village, but it would visually intrude due to its height. Accordingly, there would be some adverse erosion of the area defined as the 'Coastal Protection Belt'. Overall, the proposal would therefore result in significant harm to the character and appearance of the area. In coming to this view, I am satisfied that the urbanising impact would not be so marked as to result in a sense of coalescence with Dovercourt or a loss of its rural setting. This is largely down to the proposal being a minor development. Thus, a conflict with Policy EN2 of the LP would not occur.
11. In conclusion, the proposal would significantly harm the character and appearance of the area including the Coastal Protection Belt and therefore it would be at odds with Policies EN1 and EN3 of the LP, which seeks to secure proposals that protect the landscape, local distinctiveness and the undeveloped

coast. Moreover, the proposal would be at odds with Policy EN3 of the LP which seeks to protect the 'Coastal Protection Belt'.

*Policies relating to development in areas at risk of flooding*

12. The appeal site is in close proximity to the Dovercourt Dock River. The Environment Agency (EA) maps for fluvial and tidal flood risk identify the site as being located in Flood Zones 2 and 3. Modelled flood information from the Stour and Orwell Coastal model confirms that a flood event would be serious, especially if climate change is factored in. That said, there are recently completed flood defences in place and EA mapping indicates that with these defences the risk of flooding reduces substantially. The current policy is to 'hold the line' and thus maintain the defences.
13. However, flood defences by their nature provide artificial protection. As a result, it cannot be said that the development over its lifetime would not be in an area known to be at risk of flooding. Policy or funding may change resulting in a need to take a different approach to flood defence. Defences can also fail. Substantive evidence is not before me to demonstrate the presence of flood defences would justify reclassifying the site as being within Flood Zone 1.
14. As a result, the sequential approach to siting development in areas at risk of flooding is relevant. The appellant's Flood Risk Assessment acknowledges this by stating that the development is considered acceptable, *subject to the sequential test*. The FRA also states that it is necessary to incorporate extensive flood resistance and resilience measures into the development, including a flood evacuation plan. This is further evidence that the development would not be at the same risk of flooding as a scheme in Flood Zone 1.
15. The sequential approach to sites at risk of flooding is set out in Policy QL3 of the LP. It states that development should be located to avoid flood risk. Thus, development will not be permitted where sites of lesser flood risk are available to meet the development need. The policy goes on to explain that the sequential test must be applied to development in Flood Zones 2 and 3 and this must demonstrate there are no reasonably available sites in a lower flood risk area. This approach is consistent with Paragraphs 158 of the National Planning Policy Framework.
16. The appellant has stated that this is the only parcel of land they own and that there are no other available self-build plots in Ramsey. However, I do not consider this to be a robust sequential assessment because it should not be limited to land owned by a single developer. Moreover, it has not been robustly justified why the sequential test area (STA) should only include Ramsey. The appellant may prefer to live in Ramsey, but there is no compelling reason indicating that they need to. Thus, the STA could be much wider.
17. Consequently, the appellant has not supported his sequential assessment with adequate evidence. The STA is therefore artificially small, and this has limited the assessment of suitable alternative sites. Accordingly, the appellant has not established that there are not sequentially preferable sites that are reasonably available. The sequential test has not been passed and therefore the exception test in Paragraph 160 of the Framework is not relevant at this stage.
18. The Environment Agency has not objected to the proposal but that is unsurprising as they will not normally comment on the appropriateness of a

sequential assessment, as this is a matter for the decision maker. Therefore, in the absence of a robust sequential assessment the EA's comments are not a determinative matter weighing in favour of the appeal scheme.

19. I therefore conclude that the proposal would be at risk of flooding and this risk has not been adequately justified through an absence of sequentially preferable sites in a logical and robustly identified STA. The proposal would therefore be contrary to Policy QL3 of the LP, which aims to sequentially direct relevant development away from areas at risk of flooding.

### **Other Matters**

20. It is intended to develop the proposal as self-build plots but there is no planning obligation in place to secure this. Even if I were to accept that self-building could be secured through a planning condition, this would only be a benefit of moderate weight given that only two dwellings are proposed. Moreover, substantive evidence is not before me to indicate the Council is failing to meet its obligations to deliver enough sites for self-builders. Housing delivery is a modest point in favour of the proposal given the small scale of the development and the Council's undisputed suggestion that it can currently demonstrate a healthy five-year housing land supply. It is therefore already significantly boosting the supply of housing.
21. The appellant wishes to live with his daughter, who would then be on hand as he ages. However, there is nothing to suggest he has any pressing care needs. I appreciate his desire to live in Ramsey where he has a long-standing connection, but personal preferences are of limited weight.
22. The proposal would result in benefits to the construction industry and future residents may spend locally and generally support facilities nearby as well as the vitality of the local community. These are public benefits of limited weight as there is little before me to suggest two households would have a significantly positive impact on local services and facilities. For example, there is limited indication that local services are failing for lack of patronage. The Council would also benefit from a small increase in its revenue. The necessary planning obligation would secure a modest financial contribution towards public open space and this would amount to a limited benefit.
23. Overall, I afford significant weight to the harm that would arise from the appeal scheme and the subsequent conflict with the development plan. This would outweigh the moderate cumulative benefits of the appeal scheme.
24. Given my overall conclusion that the appeal should fail, it would have no effect on any European Site/Special Protection Area. It is therefore unnecessary to consider this matter further.

### **Conclusion**

25. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

*Graham Chamberlain*  
INSPECTOR