



Appeal Decision

Site visit made on 15 October 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/P1560/W/21/3268271

Land between Connemara and Netherfield, Michaelstowe Drive, Ramsey, CO12 5EP

- 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 Gareth Richardson against the decision of Tendring District Council
 - The application Ref 20/01405/FUL, dated 07 October 2020, was refused by notice dated 18 January 2021
 - The development proposed is '1.5 Storey eco-friendly dwelling, with garage, access and residential curtilage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The latest iteration of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the application was determined.

Main Issues

3. The main issue is whether the principle of residential development is acceptable in this location.

Reasons

4. The development plan comprises of the saved policies of the Tendring District Local Plan (LP), adopted 2007, and Section 1 of the Local Plan for Tendring (LPT S1), adopted on 26 January 2021 shortly after the planning application subject to this appeal was determined.
5. At the time the planning application was determined, the Council could not demonstrate a five-year supply of deliverable housing land, and as such, the policies for the supply of housing were considered out-of-date and the 'tilted balance'¹ applied. A different housing target now applies following the adoption of LPT S1 2021 and the Council can demonstrate an excess of five year's supply. LPT S1 also sets out a new spatial strategy. As such, the 'tilted balance' no longer applies² to the policies most relevant to the appeal.

¹ Paragraph 11 (d) National Planning Policy Framework.

² Paragraph 11 (c) National Planning Policy Framework.

6. It has been suggested that the saved policies of the LP are out-of-date as they are aged, thus engaging the 'tilted balance'. The policies most relevant to the appeal are those of the LPT S1, and in any case, policies are to be attributed weight in accordance with their consistency with the Framework. The saved policies of the LP referred to are those relevant to the detail of the scheme rather than the principle of development.
7. Policies SP1, SP3, SP4 and SP7 of the LPT S1 set out a spatial strategy of planned growth which aims, amongst other things, to direct growth to settlements in accordance with a settlement hierarchy and, beyond settlements, to diversify the rural economy whilst ensuring the conservation and enhancement of the natural environment. These broad aims are consistent with the National Planning Policy Framework (the Framework) aims to enhance or maintain the vitality of rural communities, and to avoid isolated new homes in the countryside except for specific circumstances.
8. The proposed new dwelling would be located outside of the settlement boundaries, within the open countryside. The Appellant is a farm worker who will take over a farm operation upon his parent's retirement. An essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside is an exception to the general aim of avoiding isolated homes in the countryside within the Framework. However, no further evidence has been submitted in respect of the essential nature of the need, location of the farm or justification as to the proposed siting. Therefore, I am not satisfied that exceptional circumstances have been established.
9. For this reason, the proposal would conflict with the policies of the development plan, as well as the Framework.
10. Similarly, the emerging Tendring District Local Plan 2013-2033 and Beyond (LPT S2) is a material consideration. There is little information before me regarding the level of unresolved objection to individual policies, however, the LPT S2 is at an advanced stage of preparation. Emerging policy SPL1 sets out the settlement hierarchy, SPL3 seeks sustainable design and LP1 sets out housing supply. These policies are consistent with the spatial strategy of LPT S1 and the Framework.

Other considerations

11. The proposal would provide the public benefit of a single-family home towards local housing needs. Whilst housing targets are not limits, the weight to be given to this public benefit is limited by its small contribution of a single dwelling and the lack of unmet need.
12. The proposed dwelling is described as 'eco-friendly', though little information is provided about its sustainability credentials and its design is not innovative. Sustainability is embedded in the spatial policies with which the proposal conflicts. I therefore attribute little weight to the sustainability credentials of the proposal.

Conclusions

13. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. Material considerations do not

indicate the proposal should be determined other than in accordance with the development plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR