



Appeal Decision

Site visit made on 31 January 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th February 2022

Appeal Ref: APP/P1560/W/21/3274898

Land to the south of Turnpike Close, Ardleigh, Essex CO7 7QW

- 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 Harding Dutton Developments Limited against the decision of Tendring District Council.
 - The application Ref 20/01688/OUT, dated 19 November 2020, was refused by notice dated 19 April 2021.
 - The development proposed is the erection of 9 dwellings and access.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. On some published maps, the road onto which the appeal site fronts is identified as Turnpike Close, and on others as Ipswich Road. For the avoidance of doubt, the site is located immediately to the west of the elevated A12, and to the south of the short length of road that runs under that road, connecting the western arm of Turnpike Close to Old Ipswich Road.
3. One of the Council's reasons for refusing permission related to the potential effects on internationally designated habitat sites. However, the appellant has subsequently entered into an undertaking to make a contribution to the Council's emerging Recreational Disturbance Avoidance and Mitigation Strategy. In the light of this obligation, the Council has now withdrawn its objection on this ground. On this basis, the issue of recreational disturbance is evidently no longer in dispute between the parties, and it is not necessary for me to comment further on it.
4. On 25 January 2022, the Council adopted Part 2 of the Tendring District Local Plan (TDLP) which now stands alongside TDLP Part 1, adopted in January 2021, to form the development plan for the area, superseding the saved policies of the previous district-wide local plan, adopted in 2007. An opportunity has since been provided for the parties to comment on the new policies relevant to this appeal, and I have taken their comments into account.

Main issue

5. In the light of the submissions made, the main issue in the appeal is whether the appeal site is an acceptable location for the proposed development, having regard to the relevant planning policies for the location of new housing.

Reasons for decision

6. In TDLP Part 1, Policy SP3 sets out the strategy for the location of new housing. Development is to be focussed on existing settlements, and accommodated within or adjoining those settlements, according to their scale and sustainability. In Part 2, Policy SPL1 defines a settlement hierarchy, in which Ardleigh is identified as one of the 'smaller rural settlements', which are defined as the least sustainable settlements for development. Policy SPL2 states that outside settlement boundaries, development proposals will be considered in relation to the pattern and scales of growth promoted through the settlement hierarchy.
7. The TDLP's explanatory text, at paragraph 3.3.2.1, states that the housing that is required for the District will be delivered on allocated land, or on sites within settlement boundaries. Paragraph 3.3.3.1 makes clear that development elsewhere is to be strictly controlled, to protect the character and openness of the countryside.
8. In the present case, the appeal site lies within an area of sporadic development, where smallholdings, paddocks and horticultural businesses are interspersed with commercial uses, mineral workings and occasional dwellings. The area is well outside the defined boundary of the village of Ardleigh. In terms of planning policy therefore, the site therefore falls within the countryside, where Policy SPL2 applies.
9. Whilst Policy SLP2 does not impose a complete prohibition on housing outside settlements, neither does it give any support to such development. When that policy is read in the context of Policies SP3 and SPL1 and the accompanying text, it is clear that the intention is to channel housing and other development to the most sustainable locations. The appeal site is not such a location.
10. Having regard to the above suite of policies as a whole therefore, the appeal proposal is contrary to Policy SPL2, and in conflict with the TDLP's overall locational strategy. It follows that, in policy terms, the appeal site is not an acceptable location for the development now proposed.

Other matters

11. I note that, according to the appellant, the Council did not have a 5-year supply of housing sites, as required by the National Planning Policy Framework (NPPF), at the date when the application was originally submitted, in November 2020. I appreciate that had that situation continued, the NPPF's presumption in favour of sustainable development would have required the application of the 'tilted balance' provisions in paragraph 11(d). However, it is not disputed that the housing land supply now is well in excess of 5 years.
12. The appellant draws my attention to a number of planning permissions granted for small housing developments on other sites in the vicinity of Turnpike Close and Ipswich Road, either by the Council or on appeal. But none of these cases was determined at a time when a 5-year supply could be demonstrated. An appeal was also allowed for four dwellings outside the settlement boundary at Weeley Road, Little Clacton. But that decision was based on the individual merits of that particular site, and pre-dated the adoption of TDLP Part 2.
13. The appeal site is not far outside the main built-up area of Colchester, where a good range of facilities are available in the town centre, and there is a large

employment area on the edge of town. But access to the town by walking and cycling is hampered by the intervening major roads, including the A12, the A120, and their associated slip roads and roundabouts. I accept that the appeal site is not isolated, given the existing developments in Turnpike Close and Ipswich Road, but for the reasons already explained, it is divorced from any necessary facilities. In any event, these considerations do not outweigh the conflict with the recently adopted planning policies that I have identified.

14. The development would bring some economic benefits, both during construction and afterwards, and would potentially help contribute to the viability of nearby rural communities and facilities. I also note the appellants' willingness to contribute to the provision of a bus stop, and to other sustainable transport infrastructure, which would potentially benefit existing local residents as well as future occupiers. But again, these do not override the conflict that I have found with the development plan.

Conclusion

15. The proposed development would conflict with the District's spatial strategy, which aims to restrict housing development in the countryside. As such, the scheme would fail to accord with the most relevant policies of the development plan. This objection is not outweighed by any of the other matters raised. The appeal therefore fails.

J Felgate

INSPECTOR