

Appeal Decision

Site visit made on 16 March 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date:

12TH April 2022

Appeal Reference: APP/P1560/W/21/3284103

Land adjacent to 4 Boulton Cottages Great Bromley CO7 7JJ

- 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 J Askew against the decision of Tendring District Council.
 - The application (reference 20/01491/OUT, dated 23 October 2020) was refused by notice dated 15 April 2021.
 - The development proposed is described in the application form as “the erection of one dwelling and associated parking”.
-

Decision

1. The appeal is dismissed.

Preliminary point

2. The application is made in outline, with all matters reserved.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings, in the context of the Development Plan strategy for the area. In addition, it is necessary to consider specifically the effect that the proposed development would have on nearby trees and the quality of the proposed development for future residents.

Reasons

4. The appeal site is located on the B 1029, which connects the settlements of Great Bromley and Frating, and is significantly closer to the core part of Frating than it is to Great Bromley. There are various local facilities in Frating and the road provides a bus route that connects to Colchester and St Osyth, which are both more distant.
5. Development along the road is mainly rather scattered, with some ribbons of development and individual plots as well as open land alongside the road. Great Bromley and Frating are substantial but somewhat dispersed villages in Essex, described as “smaller rural settlements”, and the landscape is predominantly rural in character.

6. The appeal site itself is located on the southern frontage of the road, away from the most concentrated parts of Great Bromley and Frating. It lies at the end of a row of dwellings which includes 'Boulton Cottages' (two semi-detached pairs) and two bungalows to the north-west. 'Marks Farm' is a much larger property on the same frontage, to the south-east. Opposite the appeal site, the land is open is nature, however, with buildings set well back from Frating Road and accessed off a side road.
7. The proposed development would occupy a triangular plot of land adjacent to number 4 Boulton Cottages. The site is mainly rough grassland but there are established hedges on the front and rear boundaries, with mature trees on or close to the rear boundary, which runs at an angle to the road.
8. The planning application was made in outline, with all matters reserved, defining the proposal as the erection of a single dwelling, with associated parking provision.
9. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it also acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. The aim of achieving good design standards includes providing good standards for new residents.
10. The Development Plan for Tendring now comprises the adopted Section 1 and Section 2 of the 'Tendring District Council 2013-33 and Beyond Local Plan'. Section 1 establishes an overarching strategic approach to planning in the District and Policy SP3 states that new development is intended to be focussed on existing settlements, according to their scale and sustainability, among other things.
11. Section 2 defines the settlement hierarchy, at Policy SPL1. Policy SPL3 goes on to identify some broad design considerations, including the provision that new development should respect or enhance local landscape character. Policy PPL3 is also intended to protect the rural landscape. Policy LP4 is concerned with residential design more specifically and it includes the need to provide reasonable standards of private amenity space.
12. It is noted that, although the different elements of the new Local Plan have been formally adopted relatively recently, even Section 2 was already well advanced at the time of the Council's decision, carrying significant weight in planning decisions.
13. In this case, the proposed new dwelling would be located within a loosely developed frontage on the south side of the road, with open land opposite. In spite of the existing properties along the frontage, this part of Frating Road has a more rural character, between the more closely built-up parts of the settlements at Great Bromley and Frating. The appeal site itself is shielded by a mature hedge on the road frontage which, together with the hedge and trees on or near to the rear boundary of the site, adds to the rural character of the setting.

14. The proposed new dwelling would be located outside any of those areas where new development is envisaged in the Development Plan, and the full range of local services would not be readily accessible to new residents other than by car. The building would be inserted into a less developed area of countryside and would intrude in the landscape, consolidating the existing low density ribbon of development.
15. Thus, the new building would be intrusive in the predominantly rural landscape, consolidating the existing ribbon of development and suburbanising the locality. The leafy nature of the existing frontage and surroundings would be eroded, even if the most important trees were to be retained. In consequence, the proposals would be contrary to specific Development Plan Policies, including Policies SPL1, SPL3 and PPL3, referred to above.
16. It must be acknowledged that the proposed development would be close to the existing mature trees on the southern boundary of the site, three of which are protected by Tree Preservation Orders. The planning application was made in outline, with no details of the proposed building. Nevertheless, it has been submitted that a new building would be likely to have only a limited impact on the root systems of the trees and I accept the force of that argument, on the evidence that has been presented.
17. In addition, however, the scheme would be likely to have a longer term impact on the trees. The private garden of the proposed new dwelling would be relatively small, in the context of the surroundings, and would, in any case, be heavily overshadowed by large mature trees to its south, even though some crown-lifting is proposed in any case. This could lead to pressure to reduce or remove trees, although I am not persuaded that this concern would be sufficient on its own to justify a refusal of planning permission.
18. Nonetheless, I have concluded that the proposed development would conflict with the strategic approach that is set out in the Development Plan, to focus new development on identified existing settlements in order to support the promotion of sustainability. I am conscious, moreover, that planning decisions ought to be made in accordance with the adopted Development Plan unless material considerations indicate otherwise, as set out in primary legislation and explained in the 'National Planning Policy Framework'.
19. In reality, I am convinced that the appeal scheme would have a harmful effect on the character and appearance of the surroundings, contrary to both national and local planning policies (including the Development Plan) that are aimed at achieving good standards in development proposals, in the broadest sense, and protecting the countryside.
20. In reaching my conclusions, I have taken account of all the matters that have been raised in the representations, including references to other sites. I am conscious, however, that each proposal must be considered on its own merits and that significantly different circumstances are likely to apply in different cases in different locations.
21. The contribution that the appeal scheme would make to economic activity and the additional residential unit that would be created both weigh in favour of the appeal. Nevertheless, I am convinced that the benefits of the scheme are clearly outweighed by the objections that I have identified and that the

Development Plan strategy ought to be supported. Hence, I have concluded that the appeal must fail and I have found nothing in the representations to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR