
Appeal Decision

Site visit made on 4 April 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/P1560/W/21/3286017

Land North East of Wix Road adjacent Cedars and opposite Ivy Villa etc, Wix Road, Bradfield, Essex, CO11 2UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D C Williamson against the decision of Tendring District Council.
 - The application Ref 21/00850/OUT, dated 10 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is the erection of 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been made in outline form with all matters reserved for future consideration and I have considered it on that basis.
3. Since the determination of the original proposal, the Council has adopted the Tendring District Local Plan Section 2 (TDLPS2) on 25 January 2022. This has replaced all of the previously saved policies of the former Tendring District Local Plan (2007). The appellant has had the opportunity to provide comment in respect of the adoption of the TDLPS2 and I have had regard to these in reaching my decision.

Main Issues

4. The main issues are:
 - Whether the proposal is in a suitable location for new residential development having regard to local and national planning policy; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

5. The appeal proposal would be located on Wix Road on the edge of the village of Bradfield. Policy SP3 of the North Essex Authorities Shared Strategic Section 1 Plan (2021) (NEASSS1P) sets out spatial strategy for north Essex which seeks to direct new housing development to existing settlements and that development will be accommodated within or adjoining settlements according

to their scale, sustainability and existing role. The policy goes on to set out that each of the North Essex Authorities will identified their own settlement hierarchy and settlements where new development will take place.

6. The village of Bradfield is identified in Policy SPL1 of the TDLPS2 as a 'smaller rural settlement' which is the lowest tier of the settlement hierarchy. As a named location within the settlement hierarchy, Bradfield has a defined settlement development boundary and there is no dispute between the parties that the appeal proposal would be located outside of it.
7. Policy SPL2 of the TDLPS2 indicates that outside of settlement development boundaries, the Council will consider proposals in relation to the pattern and scales of growth promoted through Policy SPL1 and other relevant development plan policies. The supporting text of Policy SPL2 indicates that settlement development boundaries have been drawn flexibly to allow for some limited development within or on the edge of villages, providing for some opportunities for small-scale and infill development within these boundaries. Whilst the appellant considers that policies SPL1 and SPL2 of the TDLPS2 does not prohibit development outside these boundaries, it is clear that, the intention of the policy and supporting text is that development needs in the smaller rural settlements are being met through development within the settlement development boundaries. As such, by virtue of its location outside the settlement development boundary, the proposal would be contrary to the strategy set out in Policy SPL2.
8. Policy SPL2 of the TDLPS2 provides an exemption to its requirements through the Council's Rural Exceptions Site Policy (Policy LP6). The proposed development would provide 9 dwellings albeit there is no evidence that these would be specifically for an entirely affordable housing scheme or for accommodation for rural workers. As a result, the proposal would not meet the requirements of Policy SPL2 to justify an exception in this case.
9. The Council can currently demonstrate in excess of 5 years housing land supply and this is not in dispute between the parties. Whilst the presence of a 5 year supply of housing land does not place a cap on the level of development, the TDLPS2 sets out the Council's approach to development and the patterns of growth expected and the clear direction to focus development within existing settlements. Therefore, the proposed development's location would therefore undermine the overall strategy for development set out in the TDLPS2. Furthermore, having regard to the fact that the TDLPS2 is very recently adopted, it would not be out of date and therefore the tilted balance set out in paragraph 11 of the National Planning Policy Framework (NPPF) is not engaged.
10. The village contains a primary school and a public house, albeit there is no evidence before me of any other employment or services and facilities that would support the day-to-day needs of residents. The site is located in close proximity to the village bus stop which would provide opportunities for future residents to access other larger settlements elsewhere with a greater range of services and facilities by public transport. However, I have not been provided with any evidence of the extent of bus services available and whether these are at suitably convenient times. In light of this I consider that future residents would be reliant on utilising private vehicles to access employment and services in larger settlements. Over time, this is likely to result in a significant

number of vehicle trips, and thereby running contrary to the strategy for development set out in the TDLPS2.

11. In light of the above, I conclude that the proposed development would not be in a suitable location for new residential development having regard to local and national policy. It would therefore fail to accord with Policy SP3 of the NEASSS1P and policies SPL1 and SPL2 of the TDLPS2 for the reasons set out above.

Character and appearance

12. The appeal site forms part of a larger agricultural field which is bounded by mature hedging to the north-west and along its' boundary with Wix Road. There are existing dwellings located towards the north-west of the site as well as a number of detached dwellings opposite on Wix Road.
13. The part of Wix Road in the vicinity of the appeal site has a generally linear pattern of development albeit the dwellings opposite have more spacious plots than the dwellings to those further into the village. The proposed development would be located adjacent existing development, and whilst no details of the design or layout of the proposed scheme are included in the outline proposal, the site is of sufficient size that suitable control could be exercised over the design and layout of the proposal through subsequent reserved matters. As such, the proposed development would be capable of respecting the existing pattern of development.
14. The proposed development would project residential development beyond the existing built form of the village, albeit it would not extend beyond the curtilage of the property known as 'The Glebe' which forms the furthest dwelling in this part of Wix Road. Whilst the proposed development is not in a protected landscape area and would be screened from Wix Road by the existing hedging, the open rear and side boundaries of the site would allow for views of the proposed new development from some distance away adversely impacting the openness of the site. However, the effect of longer views could be mitigated through the imposition of planning conditions to secure suitable boundary treatments, such as hedging. This would provide some screening to the new edge to the settlement that would be created.
15. Whilst mitigation from the proposal's creation of a new edge to the settlement would be possible, it is likely that some hedging would be lost through the creation of an access point and this would offset some of the benefit of securing any boundary mitigation. Notwithstanding the above, I consider that the proposed development would nonetheless harmfully erode the overall openness of the area.
16. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore fail to accord with policies SP7 of the NEASSS1P and PPL3 of the TDLPS2 which respectively seek that new development responds positively to local character and context and enhance the quality of existing places and protect the rural landscape by refusing permission for development which would cause overriding harm to its character or appearance.
17. The proposal would also fail to accord with paragraphs 130 and 174 of the NPPF which seek, amongst other things, to ensure developments are

sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Other Matters

18. The proposed development would be located within the Zone of Influence (ZoI) for the Stour and Orwell Estuaries Special Protection Area (SPA) and the overall Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). A Unilateral Undertaking has been submitted in respect of the payment of a contribution towards mitigation measures for the Essex Coast RAMS as well as affordable housing and open space. However, the undertaking has not been signed although as I am dismissing the appeal for other reasons, it is not necessary for me to address this matter in further detail.
19. Third parties have raised concerns relating to, amongst other things, the need for additional housing and the loss of agricultural land. However, as I am dismissing the appeal these matters do not require further consideration.
20. The proposed development would result in a number of benefits. Economic benefits would arise as a result of employment generated through construction and in the supply of materials, albeit these would be temporary during the construction period. Social benefits would arise as a result of future occupiers utilising local services and facilities. The proposal would also make a contribution to meeting wider housing needs in the area. The proposed unilateral undertaking sought to secure two affordable dwellings, although as set out above, this has not been signed.

Conclusion and planning balance

21. I consider that the proposed development would not be in a suitable location for new residential development and would be harm to the character and appearance of the area. The extent of the conflict with the adopted policies is such that the proposal would fail to accord with the Development Plan when read as a whole.
22. Whilst the proposed development would provide a number of benefits as set out above, the extent of these benefits would not be sufficient to outweigh the harms identified and the conflict with the Development Plan when read as a whole.
23. Therefore, in light of the above the appeal should be dismissed.

Philip Mileham

INSPECTOR