



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/21/3280394

Land adjacent 52 Harwich Road, Lawford, Manningtree, CO11 2LS

- 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 K Barton against the decision of Tendring District Council.
 - The application Ref 20/01660/OUT, dated 18 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline form with all matters reserved and I have considered it on that basis.
3. Since the Council made its original determination of the proposal, a new Tendring Local Plan Section 2 2013-33 and Beyond (TLPS2) was adopted on 25 January 2022. The policies within the TLPS2 have now superseded any remaining policies from the previous Tendring Local Plan (2007). The appellant as had an opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.

Main Issues

4. The main issues are:
 - Whether the proposal is in a suitable location for a new dwelling having regard to local and national 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 off Harwich Road, Lawford and outside of any defined settlement boundary for the village. Policy SP1 of the North Essex Authorities Shared Strategic Section 1 Plan (2021) (NEASSS1P) sets out the Council's approach to the presumption in favour of development as reflected in the National Planning Policy Framework (the NPPF). Policy SP3 of the NEASSS1P seeks to focus new residential development to sustainable

settlements in the relevant district where there are existing infrastructure and services to support future residents.

6. 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. There is no dispute between the parties that the proposed development would be located outside of the settlement development boundary. 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. Lawford has not been identified as a location within the Local Plan's settlement hierarchy as being suitable for additional residential growth. As a result, the Local Plan is clearly seeking to direct new development to existing settlements with a wider range of services and facilities that are capable of meeting future residents' everyday needs. As such, the proposal would fail to accord with the locational requirements of policies SPL1 and SPL2.
7. Policy SPL2 of the TDLPS2 provides an exemption to its requirements through the Council's Rural Exceptions Site Policy (Policy LP6). There is no evidence that the proposed development would be for an affordable housing scheme or for accommodation for a rural worker. As a result, the proposal would not meet the requirements of Policy SPL2 to justify an exception in this case.
8. There is no evidence before me that the village contains any day-to-day services and facilities, although some services are available in the village of Ardleigh albeit this is around 1.4 miles from the appeal site. The site would be located opposite a small commercial premises but there does not appear to be other employment opportunities of any scale in the near vicinity. Notwithstanding this, the site has good accessibility to larger settlements which have a range of services and facilities by public transport. A bus stop is around 92 metres from the site albeit I have not been provided details of the frequency of the services available and whether these would be suitable for regular use or commuting to larger settlements. As such, future residents are likely to have to rely on private vehicle movements in order to access day-to-day services elsewhere. Over time, this is likely to lead to a cumulatively significant amount of vehicle trips that the spatial strategy is seeking to minimise.
9. The Council's evidence indicates that it can currently demonstrate more than a 5 year supply of housing land as required by the National Planning Policy Framework (NPPF). Notwithstanding the land supply position, the Council has recently adopted the TLPS2 in January 2022, and as such, I consider the policies for the supply of housing would be up to date. Furthermore, as the Local Plan's strategy for development has very recently been adopted, it is clear that it needs to be given sufficient opportunity to have effect. The proposed development's location would therefore undermine the Local Plan's strategy and objectives.
10. The appellant has drawn my attention to a number of other recent approvals in the vicinity of the appeal site, albeit it appears these were granted during periods where the Council was unable to demonstrate a 5 year housing land supply as required by the NPPF. As the Council is now able to demonstrate a 5

year land supply, I consider the circumstances presented in this appeal are materially different to those in place at the time of the nearby approvals. As such, they are afforded limited weight in my decision.

11. In light of the above, I conclude the proposed development would not be in a suitable location for a new dwelling having regard to local and national policy. As such, it would fail to accord with Policy SP3 of the NEASSS1P and Policies SPL1 and SPL2 of the TLPS2 for the reasons set out above.

Character and appearance

12. The appeal site is an area of overgrown grassland located in between two existing properties and is bounded by mature hedging with a gate along the frontage with Harwich Road. Directly opposite the site is a commercial business and there are other residential properties on the opposite site of Harwich Road. The immediate area itself has a mixed character with a loose pattern of development. The presence of the nearby commercial premises and the A137 Harwich Road which at the time of my visit was moderately trafficked, results in the area having a semi-rural feel as the traffic volume and noise reduces the sense of rurality and tranquillity of the area around the site.
13. The appeal proposal would result in the infilling of the site which is situated adjacent existing residential developments. Whilst the proposal represents a gap in the built form of this part of the street, having regard to the presence of directly adjacent and other nearby properties and in combination with the commercial development opposite the site, I consider that the proposal would not result in any harmful erosion of the rural character of the area. Furthermore, control could be exercised over the design and landscaping of the proposal through any subsequent reserved matters.
14. The site, although forming a gap in the built development, is currently well screened by mature hedging. As a result, it does not appear as a prominent gap in the street scene. The proposed site area would not project any further than the rear curtilage of the adjacent properties. There are also a number of nearby outbuildings and structures that extend further to the rear of the appeal proposal limiting its impact. Furthermore, as the siting and design of the proposal development are not matters included as part of this outline proposals, these could be controlled at a future stage in order to ensure that the proposal has regard to the character of the street scene.
15. In light of the above, I consider that the proposal would not result in harm to the character and appearance of the area. As such, the proposal would accord with policies SPL3 and PPL3 of the TLPS2 which states that new development should make a positive contribution to the quality of the local environment and protect or enhance local character 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.

Other Matters

16. The Council's third reason for refusing the proposal as set out in the decision notice was due to the proposed development failing to demonstrate that it would avoid an adverse effect on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar as set out in the Essex Coast Recreation Access and Mitigation Strategy (RAMS). Since the appeal was

lodged, the appellant has provided a signed unilateral undertaking which, if permission were granted, would provide a contribution towards suitable mitigation to address any potential effect on European sites. However, whilst this would be capable of addressing the Council's concerns in this regard, as I am dismissing the appeal for other reasons, I have not addressed this matter further in my decision.

17. The proposed development would provide economic benefits through job creation and in the supply of materials, albeit these would be temporary during the construction period. The proposal would have social benefits from future occupiers utilising local services and facilities and engaging in community activities. Environmental benefits could be secured through on-site biodiversity enhancements as part of any future reserved matters. The proposal would also make a contribution to meeting housing needs in the area.

Conclusion and planning balance

18. The appeal proposal would conflict with adopted policies in respect of the location of development. Whilst I find that the proposal would not harm the character and appearance of the area, I consider that the proposal would fail to accord with the overall strategy for new housing as set out in the recently adopted Local Plan Section 2, thereby undermining the approach to development in the Local Plan. As such, I consider that the proposal fails to accord with the development plan when read as a whole.
19. Although the proposal would result in a number of benefits as set out above, as the proposal is for a single dwelling, these benefits would be limited. Therefore I consider the benefits would not be sufficient to outweigh the conflict I have identified with the Development Plan.
20. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR