



Appeal Decision

Site visit made on 13 October 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2022

Appeal Ref: APP/P1560/W/21/3285837

Land Adjacent to Pear Trees, Pork Lane, Great Holland, Frinton on Sea, Essex CO13 0JE

- 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 & Mrs D Pratt against the decision of Tendring District Council.
 - The application Ref 21/00328/FUL, dated 5 February 2021, was refused by notice dated 20 May 2021.
 - The development proposed is described as the "erection of detached single storey dwelling and garage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, Section 2 of the 2013-2033 and Beyond Local Plan was adopted in January 2022. Therefore, the development plan for Tendring District Council now comprises the adopted Section 1 and Section 2 of the Tendring District Council 2013-2033 and Beyond Local Plan (LP).
3. The appellant has provided a completed unilateral undertaking which provides an obligation for financial contributions towards open space. The Council confirm that the third reason for refusal is no longer relevant to the proposal. I have therefore proceeded on that basis.

Main Issues

4. The main issues in this appeal are whether the location of the development is acceptable having regard to the development plan, and its effect on the character and appearance of the area.

Reasons

5. The site lies beyond any settlement development boundary identified within the LP. Policy SP3 of the LP sets out the spatial strategy for North Essex and directs growth towards existing settlements with development accommodated within or adjoining settlements, according to their scale, sustainability.
6. Policy SPL1 of the LP identifies Great Holland as a Smaller Rural Settlement and the supporting text to this policy identifies that these smaller villages are considered to be the least sustainable locations for growth, whilst recognising the pressures that exist for them to grow.

7. Policy SPL2 of the LP states that outside of settlement development boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the settlement hierarchy and any other relevant policies in the plan.
8. The policies that I have set out are intended to ensure housing is located in areas which are accessible and sustainable. However, they do not prevent the development of land outside of settlement boundaries. Furthermore, paragraph 79 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby.
9. Great Holland is, as Policy SP1 suggests, a small settlement and contains very few services and facilities that are capable of sustaining the everyday needs for the future occupiers of the development. The nearby settlement of Kirby Cross benefits from a range of services, including a train station and schools. However, given the distance to Kirby Cross, it is unlikely that those with small children, those with low mobility or those with shopping would walk to Kirby Cross.
10. There are bus stops in the vicinity and within reasonable walking distance of the appeal site. The Council confirm that public transport is available every 30-40 minutes. However, I have not been provided with daily timings of available public transport options and whether it runs during the evening or night-time and indeed over the weekend. In addition, I have no details of employment opportunities, medical services and shops that would support day to day living that could be accessed via public transport. Thus, I cannot be certain that the public transport options available would be a realistic substitute to the convenience of the private motorcar.
11. Moreover, despite the availability of public transport, this alone does not overcome the conflict with adopted policies that seek to direct development to areas which are accessible and sustainable. As the LP states at paragraph 3.3.3.1, development beyond settlement boundaries will also be the subject of strict control to ensure that the character of the countryside is protected. This is reflected in Policy SLP3 of the LP which seeks to ensure that new buildings contribute to the quality of an area.
12. The area is generally semi-rural in character with a variety of style and size of property that are arranged in a linear manner along Pork Lane and the surrounding streets. Although located close to residential properties that are to the south and east along Pork Lane, the site is an agricultural field that is separated from the adjoining residential property by a belt of trees and hedging. The appeal site is clearly part of the surrounding countryside, to which it makes a positive contribution as an open agricultural field that buffers the adjoining development.
13. The proposed dwelling and garage would suburbanise the site, thereby eroding its rural qualities. The development would be clearly visible from Pork Lane, significantly reducing the openness of the area, and while I accept that additional planting on the boundaries could shield the development from external views, they would take some time to mature and could not be relied upon to become permanent.

14. In addition to the impact of the buildings, it is also necessary to consider the visual impacts of the residential use such as the vehicle movements and parking associated with the development. Moreover, fencing, domestic cultivation and items such as garden furniture, washing lines and external lighting would add to the suburbanising effect.
15. Thus, the location of the appeal site is not suitable having regard to local and national policy. The development would also result in harm to the character and appearance of the area. It would be in conflict with Policies SP1, SP3 and SPL1 of the LP which seek, amongst other things, to direct developments to the most appropriate locations and to ensure that developments contribute to the quality of the local environment and protect or enhance local character.

Other Matters

16. I acknowledge that the design of the development is acceptable and that suitable materials could be employed. I also note that the development is unlikely to impact on the living conditions of adjoining occupiers and that a suitable access could be provided. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified above.
17. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail. Moreover, although reference has been made to other similar developments in the area, I have not been provided with any details. Thus, I cannot be certain that they are a direct comparison to the development before me. In any event, I have considered this appeal on its own merits which is a fundamental principal that underpins the planning system.
18. The Council also confirm that it is capable of meeting its housing requirements and has in excess of a five year housing land supply. In such circumstances, the tilted balance at paragraph 11 of the Framework is not engaged and the policies considered most important for determining the application remain up-to-date. Paragraph 12 of the Framework makes it clear that where a planning application is in conflict with an up-to-date development plan, permission should not normally be granted.
19. Nevertheless, the development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
20. I have also had regard to the deliverability of the Tendring Colchester Borders Garden Community referred to by the appellant. However, even if this development was not to come forward, the benefits of a single dwelling at this location are not sufficient to outweigh the significant weight I afford to the harm I have identified to the conflict with the development plan, and the effect of the development on the character and appearance of the area in this instance. Reference to an Environmental Impact Assessment does not alter the harm I have identified.

21. The appeal site falls within the 'Zone of influence' of Hamford Water Special Protection Area, which is a designated habitat site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme and consider the unilateral undertaking provided by the appellant to secure contributions towards RAMS¹. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

¹ Essex Coasts Recreational disturbance Avoidance and Mitigation Strategy