



Appeal Decision

Site visit made on 6 September 2023

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/P1560/W/22/3306289

Store, Lime Street, Brightlingsea, Essex CO7 0BH

- 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 Ms Clare Richmond against the decision of Tendring District Council.
 - The application Ref 22/00590/FUL, dated 31 March 2022, was refused by notice dated 20 June 2022.
 - The development proposed is a new self-build dwelling with permission to use caravan to live on site during construction. Change of use for part of site only from B8 to C3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) its effect on highway safety.

Reasons

Character and Appearance

3. Lime Street is a private road which runs to the rear of dwellings on Tower Street. It provides access to the rear gardens of those properties and to small plots of land to its east. The site forms part of one of those plots, which is used for boat storage. The road has an open and verdant character, and there are garages and outbuildings within the rear gardens that are served by it.
4. The plots of land to the east of the road have the appearance of garden land. They include some sheds and outbuildings but are generally open in character. Beyond those plots, the land to the east is open as far as the coast. The proposed dwelling would occupy part of its plot, with the remaining parts continuing in use for boat storage and as a garden.
5. The site is outside, but adjacent to the settlement development boundary for Brightlingsea as defined in the development plan. The proposal is for a self-build home. Policy LP7 of the Local Plan Section 2 (LP2)¹ allows for self-build

¹ Tendring District Local Plan 2013-2033 and beyond Section 2 (2022)

homes outside of, but within a reasonable proximity to, settlement development boundaries, provided that there would be no significant material adverse impact on the landscape or the form and character of nearby settlements.

6. In the LP2, the area to the east of the settlement is identified as 'Coastal Protection Belt' and the site is within this designated area. Policy PPL2 of the LP2 states that the open character of the undeveloped coastline will be protected and requires any development in that area to have a compelling functional and operational requirement to be located there. It has not been demonstrated that there is any functional or operational need for the dwelling and for this reason the proposal would not accord with Policy PPL2. This forms part of a recently adopted Local Plan and is consistent with the National Planning Policy Framework.
7. Although the site is enclosed by vegetation which occludes longer distance views, the landscape is open between Brightlingsea and the coast. In the Tendring Landscape Character Assessment, the site is within the Brightlingsea Coastal Slopes Landscape Character Area (LCA). Between this area and the coast, is the Brightlingsea Drained Marshes LCA. The openness of the landscape is important both to the undeveloped coastline and to the setting of Brightlingsea, which is based on a medieval core. There is a developed area at the waterfront which includes the warehouse buildings referred to by the appellant. This is a limited area and does not affect the openness of the adjacent coast.
8. The proposed dwelling would be single storey and appropriately designed. It would be screened from view to a significant extent by the vegetation around the plot boundaries and the gate and fence on the road frontage. It would however be likely to be visible to some extent, particularly from the road if the gates were open. While Lime Street serves rear gardens of residential properties, the proposal would introduce a more intensive form of residential occupation. Because it would be the only dwelling to the east of Lime Street it would have a marked impact on the character of the road.
9. For these reasons the proposal would be intrusive in the open rural landscape and within the setting of Brightlingsea. These effects would be significant and material and for these reasons the proposal would not accord with Policy LP7 of the LP2. It would also not accord with Policy PPL3 of the LP2 which resists development that would harm the character and appearance of the rural landscape.
10. Other development plan policies require development to protect or enhance local character. Policy SP7 of the Section 1 Local Plan² (LP1) and policies SPL3 and LP4 of the LP2 have these requirements. For the reasons given, the proposal would not accord with those policy requirements.
11. The Council has raised concern that approval of the proposal would set a precedent for further similar development to the east of Lime Street which would have a cumulative harmful effect. The consideration of any planning application must be based on the individual merits of proposals. However, if this proposal were to be permitted, the Council could find it difficult to resist further development east of Lime Street.

² Tendring District Local Plan 2013-2033 and Beyond (2021)

12. There are sheds on the wider plot, but no building within the site. Even if the site could be considered as previously developed land, this does not mean that it should be developed. I saw on my visit that there are shipping containers and a caravan on the land. The existing use will result in some visual impact on the landscape, but its character is consistent with the coastal location, and this does not justify the proposed dwelling.
13. I conclude on this main issue that the proposal would unacceptably harm the character and appearance of the area.

Highway Safety

14. The Council's fifth and sixth reasons for refusal are based on the unsuitability of Lime Street to serve the development. I noted on my visit that this is of single vehicle width but there are spaces on both sides for vehicles to pass. It has a gravel surface and has a 90-degree bend at its southern end. There are two accesses from Tower Street and junctions with High Street and Tower Cut. The road provides a public right of way and is shared between pedestrians and vehicular traffic.
15. Lime Street provides vehicular access to garages at the present time. The proposed dwelling would not be likely to increase traffic levels along the road to such an extent that there would be any harm to highway safety.
16. The appellant has demonstrated that vehicular access into the site could be obtained by a suitable vehicle to service the proposed package sewage treatment plant.
17. I conclude on this issue that the proposal would not result in unacceptable harm to highway safety. It would not conflict with Policy SP7 of the LP1 which requires development to prioritise the needs of pedestrians.

Planning Balance

18. The Council can demonstrate more than a five-year supply of deliverable housing sites. In this context, although the proposal would be of benefit in adding to the supply, this benefit would be limited. The proposal would also be of benefit in providing for a net gain in biodiversity. However, these benefits do not outweigh the harm and policy conflicts that I have identified.
19. Although I have found no harm with respect to the second main issue, the proposal would not accord with the development plan as a whole.

Conclusion

20. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR