



Appeal Decision

Site visit made on 11 July 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/P1560/W/22/3301724

Blue Barn Farm Cottages, Clacton Road, Elmstead, Essex CO7 7DF

- 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 Steve Williams of Hills Residential Construction Ltd against the decision of Tendring District Council.
 - The application Ref 22/00253/FUL, dated 3 February 2022, was refused by notice dated 8 June 2022.
 - The development proposed is demolition of existing barn and erection of five dwellings with associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A draft Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted with this appeal. The UU provides for financial contributions to the Council's Recreational Disturbance, Avoidance and Mitigation Contribution (RAMS). I return to this matter below.

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for the development proposed having regard to the development plan; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The policies map shows that the appeal site is located some substantial distance outside of the defined settlement boundary of Elmstead Market. The appeal site is surrounded by dwellings and close by the site further dwellings are under construction. The appeal site is currently occupied by a barn and is accessed via Grange Farm Close.
5. Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted 25 January 2022 (TDLP2) identifies Elmstead Market as a Rural Service Centre. In such locations, opportunities exist for smaller-scale growth. Policy SPL2 of the TDLP2 states that to encourage sustainable patterns of growth, and to control urban sprawl, settlements will be defined within a Settlement Development Boundary. Outside of Settlement Development

Boundaries, planning applications will be considered in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and other relevant policies.

6. Policy SP3 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 North Essex Authorities' Shared Strategic Section 1 Plan Adopted January 2021 (TDLP1) sets out the spatial strategy for North Essex and states that existing settlements will be the principle focus of additional growth across the authority's and that development will be accommodated within or adjoining settlements.
7. The Framework makes it clear at paragraph 12 that the presumption in favour of sustainable development does not change the status of the development plan and where a development is not in accordance with an up-to-date development plan, permission should not normally be granted. Paragraph 15 of the Framework also reiterates that the planning system should also be genuinely plan led with up-to-date plans providing a positive future for each area.
8. The appellant considers the proposal to be logical infill and while the terraced dwellings would be located mostly within the footprint of the existing barn, the frontages and a proposed road would extend into the adjacent open fields. I acknowledge that the site is surrounded by residential development on three sides however due to the lack of a road frontage and that the proposal would increase the accumulative size of the wider residential development I do not consider that it would constitute logical infill.
9. The evidence indicates that the adjacent housing development which is under construction was granted in a different policy context and appear to be associated with the provision of employment spaces at a time when the Council where unable to demonstrate a five year housing land supply. Nonetheless, the surrounding development does not justify a deviation from adopted and up-to-date development plan policies which seek to direct development to within or adjoining settlements.
10. I conclude on this issue that the proposal would not be appropriately located. It would be contrary to the spatial strategy and place shaping principles set out in policies SP3 of the TDLP1 and SPL2 of the TDLP2.

Character and appearance

11. The appeal site is located on the edge of a large residential development and the proposal would be bordered on three sides by dwellings which are either under construction or completed. The remaining side consists of open, extensive fields which gives the appeal site a rural character and appearance.
12. The appellant contends that the barn which is proposed to be demolished is incongruous in its surroundings, however the utilitarian construction and agricultural appearance of the building gives it a rural appearance which is in keeping with the rural character of the site.
13. Five dwellings are proposed to be sited in two blocks consisting of two semi-detached and three terraced dwellings. While the general orientation of the dwellings would be similar to those nearby, the other dwellings near to the appeal site, particularly those which line the approach road on Grange Farm Close are large, detached dwellings that occupy generous plots. The appeal site

- contrasts to this by virtue of its modest size and as such the proposed dwellings, due to their small plot sizes would appear cramped and contrived.
14. The appellant has provided images of terraced dwellings however these examples are not close by the site and as such the proposal would not be seen in the same context.
15. Long range views, particularly on the approach to Elmstead Market from Frating, the proposed development would dominate the view and appear contrived and incongruous particularly in the context of the larger and well-spaced detached dwellings nearby. The Council raise concern in relation to boundary treatments being the prominent feature within the street scene. While this could be conditioned to ensure a more sympathetic post and rail fencing, the two blocks would remain prominent in the view and would not be sufficiently mitigated by landscaping.
16. The hardstanding and parking areas would encroach into the open fields, increasing the accumulative size of the wider residential development, further eroding the rural character and appearance of the area.
17. I therefore conclude on this issue that the proposal would unacceptably harm the character and appearance of the area. It would be contrary to policies SP7 of the TDLP1 and SPL3 and LP4 of the TDLP2 which seek to ensure development relates well to its site and surroundings and is designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place.
18. It would also be contrary to paragraph 130 of the Framework, which seeks to ensure development is visually attractive, sympathetic to local character and establish or maintain a strong sense of place.

Other Matters

19. There is no dispute that the Council is able to demonstrate a five year housing land supply. Nonetheless the Framework highlights the Government's objective of significantly boosting the supply of homes and I acknowledge that the published housing targets are not a ceiling. The proposal would provide five dwellings towards the overall contribution of housing. I have also had regard to the economic, social and environmental benefits both during construction and upon occupation as well as its accessible location. However, all of these benefits only attract moderate weight and together they do not outweigh the harm to character and appearance of the area and the conflict with the development plan.
20. The appellant refers to a planning application for a single dwelling granted to the rear of the site. There is limited information before me about this proposal however on the basis that it was for a single dwelling, it differs from the proposal in front of me. In any case, I have considered the appeal on its own merits.
21. The appeal site falls within the zone of influence for the Colne Estuary Ramsar site and Special Protection Area and the Essex Estuaries Special Area of Conservation. A Unilateral Undertaking has been submitted by the appellant which seeks to secure contributions to RAMS. 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 planning obligation. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

22. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR