
Appeal Decision

Site visit made on 22 August 2023

by P Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/P1560/W/22/3296878

Land north of Elm Lane, Little Clacton, Essex

- 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 The Trustees of the Carter family against the decision of Tendring District Council.
 - The application Ref 20/01163/OUT, dated 26 August 2020, was refused by notice dated 13 October 2021.
 - The development proposed is erection of three dwellings.
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Preliminary matters

1. The application was submitted in outline with all matters reserved. An indicative site layout drawing has been provided which I have taken into account and I have considered the appeal accordingly.
2. The site address above is taken from the application form. The appeal form, the decision notice and other documentation including correspondence indicates that the correct address is Elm Road, and I have considered the appeal on this basis.

Costs application

3. An application for costs was made by The Trustees of the Carter family against Tendring District Council. This application is the subject of a separate Decision.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are as follows:
 - Whether the proposed site would be a suitable location for the proposed development, having regard to the development strategy for the area;
 - The effect of the proposed development on the setting of Swains Farmhouse, which is listed at Grade II.

Reasons

Policy Background

6. The development plan for the area includes the North Essex Authorities' Shared Strategic (Section 1) Plan adopted in 2021 (SSSP) and the Tendring District Local Plan 2013-2033 and Beyond (Section 2) adopted in 2022 (LP). Policy SP3 of the SSSP sets out the spatial strategy for North Essex and indicates that future growth

will be planned to ensure existing settlements maintain their distinctive character and role and to avoid coalescence between them and conserve their setting.

7. LP policy SPL1 advises that Little Clacton is a designated Rural Service Centre and the explanatory text indicates that some of these will accommodate a modest increase in housing stock, where appropriate, within the plan period.
8. LP policy SPL2 defines the settlement development boundaries within which there will be a general presumption in favour of new development, subject to other policies of the LP, unless subject to an exemption. The appeal site falls outside the settlement boundary and there is no policy exemption that applies to the proposed development.
9. LP policy PPL 9 advises that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The location of the proposed development

10. Elm Road is a cul-de-sac in a 'ribbon' arrangement projecting westwards from the B1441 Weeley Road (or The Street) which is the main street linking the two significant developed parts of Little Clacton. Elm Road joins the B1441 at the northern most edge of the southern half of the settlement. At the junction, the Little Clacton Millennium Green provides open space for the local community and local wildlife and includes picnic benches and a pond. The appeal site consists of an adjacent small field uneconomic for general agricultural use. The proposal involves 3 new dwellings indicatively shown to continue the general building line of existing dwellings in Elm Road. As such, they would appear part of the linear development that characterises the road.
11. However, unlike 5 recently completed dwellings on the adjacent site to the west¹, the settlement boundary has been drawn to exclude the appeal site alongside the Millennium Green. The settlement boundary has been purposefully drawn to exclude the appeal site in the recently adopted and up-to-date development plan. The defined boundary reflects Little Clacton's semi-rural village character and the nature of the settlement.
12. In that context, whilst the development plan does not impose a cap on development outside settlement boundaries, it does not provide any support. The relevant objectives of the SSSP and the LP read as a whole, is to place new housing development in sustainable locations where it would maintain the distinctive character and role of existing settlements and to avoid coalescence between them. The proposed scheme, although modest in scale, however it may come forward at the detail approval stage, would introduce new built form in a way which would conspicuously diminish the character of the area between the northern and southern parts of Little Clacton. Although consistent and in line with existing neighbouring development to the west, the proposal would be a step too far.
13. Accordingly the proposed development would conflict with the development location aims of SSSP policy SP3 and LP policy SPL2.

The setting of Swains Farmhouse

14. Swains Farmhouse is of late 15/early 16th century origin with later alterations and additions. It is of considerable size and presence and conspicuous by virtue of its steep tiled roofs and gables seen from Elm Road and from Weeley Road. From

¹ Ref 19/00440/OUT

Weeley Road, more of the house is visible including the now rendered front elevation. Open land around the farmhouse includes the Millennium Green and the appeal site and this contributes to its heritage significance as the former centre of an important local farming operation as well as providing views which allow appreciation of its architectural qualities. Whilst the farm buildings are now used for various activities diverse from agriculture, their traditional form and low roofs remain and do not significantly detract from the setting of the farmhouse.

15. The proposed new dwellings would be within a short distance of the rear elevation of the farmhouse which would face directly towards them. The dwellings, together with the inevitable domestic paraphernalia, would be a conspicuous and nearby feature of the aspect from the rear, albeit filtered by hedging and trees. Moreover they would be physically close enough to compromise the ability to properly appreciate the rural setting of the farmhouse from Elm Road and the Millennium Green. The dwellings approved under 19/00440/OUT are significantly further away.
16. I do not disagree with the analysis of the Essex Historic Environment Team, based on advice in Historic England's *The Setting of Heritage Assets* Second Edition, that there would be an appreciable detrimental impact on setting and hence significance. That would not approach the level of 'substantial harm' as set out in the National Planning Policy Framework (NPPF), but nevertheless would require some public benefit to weigh against the 'less than substantial' harm. The provision of 3 new private houses would not weigh heavily against the harm caused.
17. I note that no objection was raised on heritage grounds to the development of 98 houses to the north (ref APP/P1560/W/16/3156070). However, the plans for that scheme and those submitted with the appellant's statement of case indicate that those dwellings would not be as close to the farmhouse. That scheme retains a buffer strip of open green space adjacent to Swains Farm which would allow the listed building to be continue to be understood in a rural setting seen from the immediate north and east. This land is outside the settlement boundary in the 2022 LP. I have considered the appeal proposal on the south side on its individual merits.
18. I conclude on this issue that the proposed scheme would conflict with advice in the NPPF and with heritage protection objectives set out in policy PPL9 of the LP.

Other matters

19. The LP advises that a high level of new homes have gained planning permission or will have been completed on sites between 1 April 2013 to 31 March 2020. The housing supply in Tendring is currently well in excess of the required 5 years. Whilst there is no cap, there is a clear conflict with the development plan in this case.
20. I have taken account of all the other representations including the sustainability of the location in terms of access to local services, but do not find anything to indicate a conclusion other than that the scheme should not be allowed to proceed.

Conclusion

21. For all the above reasons, the appeal should be dismissed.

Paul Jackson

INSPECTOR