



Appeal Decision

Site visit made on 7 November 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/P1560/W/22/3313765

Land rear of 184 & 186 Harwich Road, Little Clacton CO16 9PU

- 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 Johnson against the decision of Tendring District Council.
- The application Ref 22/00682/FUL, dated 19 April 2022, was refused by notice dated 23 June 2022.
- The development proposed is the erection of a two bed bungalow.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is in a suitable location for the proposed development having regard to local and national policies and access to services and facilities;
 - The effect of the development on the character and appearance of the site and the surrounding area; and
 - The effect of the development on the integrity of the Hamford Water Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar designated European sites.

Reasons

Locational Suitability

3. Policy SP3 of the North Essex Authorities' Shared Strategic Section 1 Plan¹ (LPS1) and Policy SPL1 of Tendring Local Plan Section 2² (LPS2) set out the Council's spatial strategy and hierarchy of settlements. Policy SPL1 of LPS2 identifies Little Clacton as a Rural Service Centre where some opportunities for smaller scale growth exist. These policies are intended to ensure housing is located in areas which are accessible and sustainable. LPS1 Policy SP7 promotes the creation of well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car.
4. The appeal site lies outside the defined settlement boundary of Little Clacton within a group of houses around the junction of Harwich Road and Tan Lane

¹ North Essex Authorities' Shared Strategic Section1 Plan – Tendring District Local Plan 2013-2033 and Beyond Section 1 Adopted January 2021

² Tendring District Local Plan 2013-2033 and Beyond Section 2 Adopted January 2022

separated from the main part of Little Clacton by a field on either side of Harwich Road. The physical separation of the group of houses containing the appeal site from the defined settlement boundary of Little Clacton leads me to conclude that the appeal site is located neither within nor adjacent to an existing settlement as set out in LPS1 Policy SP3.

5. Although Little Clacton is designated as a Rural Service Centre, the nearest convenience store to the appeal site is almost 1 km away on Harwich Road, and further still to other services such as doctors' surgeries, schools and larger shops. It is therefore highly likely that most day-to-day needs of future occupiers would be located elsewhere.
6. There are bus stops within walking distance of the appeal site and the appellant has indicated that there are three routes which run daily to Thorpe-le-Soken, Clacton and Harwich. I have not been provided with timetables of these services to determine whether they would provide a realistic alternative to the private car. Thorpe-le-Soken railway station is 1.3 km from the appeal site, however, this along an unlit road with a narrow footway. Whilst this would be an available alternative to the private car, having regard to the distance and nature of the route to the railway station, use of the train would also be unlikely to be a realistic substitute to the convenience of a private car.
7. The National Planning Policy Framework (the Framework) acknowledges that where there are groups of smaller settlements, development in one, may support services in a village nearby. Whilst the group of houses containing the appeal site may be larger than some identified villages in the local plan, I have no compelling evidence before me that the group of houses forms a settlement in its own right or forms part of group of settlements which share services and support one another. Furthermore, Little Clacton is not a smaller settlement which relies on support from development elsewhere.
8. Consequently, the site is less than ideally located in terms of pedestrian access to services, facilities and amenities and whilst public transport exists, it lacks the convenience of the private car. Thus, occupiers are highly likely to access shops and services by this mode of transport. There would, as a result, be negative environmental and social impacts arising from the proposed development.
9. I acknowledge that prior to LPS2 being adopted earlier this year that similar locations close by may have been considered by the Council to be appropriate for new housing. However, I have to determine the appeal before in the context of the current planning policy regime, not those which precede it and which are no longer extant.
10. For the above reasons, I therefore conclude that the appeal site is not a suitable location for the development proposed, having regard to the development plan and national planning policy. The principle of the proposed development would be unacceptable and would conflict with LPS1 Policies SP3 and SP7 which seek to ensure that new development is focussed within and adjoining existing settlements.

Character and Appearance

11. The appeal site is made up of a portion of the rear gardens of 184 and 186 Harwich Road (Nos. 184 and 186) and a former pumping station which spans

the rears of 178 to 188 Harwich Road. The proposal would see a two bedroomed bungalow constructed with access taken from Edward Close, a narrow cul-de-sac serving several other properties.

12. The area is characterised by two storey semi-detached dwellings, which are evenly spaced fronting the highway. The area has a pleasant spacious character derived from the set back of dwellings from the road frontage, generously sized gardens and its rural setting.
13. The proposed development would utilise the existing access to the former pumping station on Edward Close. The driveway would be narrow and would provide two parking spaces nose to tail in the gap between 1 Edward Close and 178 Harwich Road. A pedestrian path would lead from the parking spaces to the proposed bungalow which would be located to the rear of Nos 184 and 186. The existing pumping station would be demolished to provide a garden area extending across the rear of 188 Harwich Road. As a result, the proposed property would not have a direct frontage with a highway, which would be at odds with the prevailing layout of properties within the area.
14. Although there is a recent development of bungalows on modest plots which takes access from the corner of Edward Close, this appears to be a comprehensive, albeit, small housing development, which does not constitute backland development in the same way that the proposal before me would. This development does not alter my conclusions regarding the prevailing pattern of development or the harmful and incongruous nature of that which is proposed.
15. Furthermore, the proposal would reduce the size of the gardens of Nos. 184 and 186 and would itself have a much smaller garden than the other dwellings within this group of houses. As such, the proposal would erode the spacious quality of the area. Therefore, the proposed development would result in an incongruous and contrived form of backland development, that would be at odds with, and detrimental to, the prevailing pattern and character of the area.
16. Whilst the scale of the bungalow proposed may be similar to those recently built nearby, it would appear as a backland form of development which would not be compatible with its rural setting. Accordingly, the proposal would harm the character and appearance of the area. It would therefore conflict with LP2 Policy LP8 which seeks to ensure backland development is not out of character with the area. There would also be conflict with LPS1 Policy SP7 and LP2 Policies LP4 and SPL3 which seek to ensure, amongst, other things that new development is of a high quality which is well designed and maintains or enhances local character and distinctiveness and contribute towards the district's sense of place.

Integrity of European Sites

17. The appeal site lies within the Zone of Influence of the Hamford Water SAC, SPA and Ramsar sites, which with several other sites collectively form the Essex Coastal Habitats Sites, recognised for their value as coastal habitats and support internationally important populations of breeding and non-breeding bird species. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy establishes mitigation for pressures created by recreational disturbance on this area.

18. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would be likely to have significant environmental effects on the integrity of the Habitats Sites. However, given my findings above, it has not been necessary for me to pursue this issue further, including consideration of the planning obligation submitted by the appellant. A finding that the proposal would not have an adverse effect on the integrity of those sites, with or without any mitigation, would be at best a neutral matter.

Other Matters

19. The Council can demonstrate more than a five-year supply of deliverable housing sites, which is unchallenged by the appellant. Whilst there is no cap on housing delivery and it may be the case that small sites can make an important contribution to this, it should not be at the expense of ensuring all development is appropriate, including its location, and integrating the development suitably into its surrounding environment.
20. Whilst the Council did not refuse the application in respect of highway safety, ecology, contamination, drainage and flooding or the living conditions of neighbouring occupiers, the lack of harm on these matters are neutral factors which do not outweigh the harm that I have found on the main issues, nor do they lead me to an alternative conclusion.

Conclusion

21. For the reason set out, the proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

KL Robbie

INSPECTOR