



Appeal Decision

Site visit made on 9 January 2024

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/P1560/W/23/3323823

Land off Barrack Street, Bradfield, MANNINGTREE, CO11 2RB

- 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 Mr G Schelvis against the decision of Tendring District Council.
 - The application Ref 22/01792/OUT, dated 21 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is erection of 5 bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views of the main parties in this instance.
3. The original application was made in outline with all other matters reserved to be considered at a later stage. I have dealt with the appeal on this basis and I have treated any details that are not to be considered at this stage as being illustrative only.

Main Issues

4. The Council's notice of decision cited five reasons for refusal. The appellant has submitted a duly executed unilateral undertaking in order to overcome the fifth reason for refusal which I have taken into account. It provides for a contribution towards ecological mitigation and I have contemplated this further later in my decision.
5. Therefore, the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed dwelling, with reference to the spatial strategy in the development plan;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on highway safety.

Reasons

Suitable location

6. Policy SP3 of the Colchester Borough Local Plan 2017-2033 Section 1 and Section 2 (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. Policy SPL1 identifies Bradfield 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 this plan.
8. The policies that I have set out are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided it is not harmful to the character of the area.
9. The appeal site comprises an area of vacant land which is outside of the settlement boundary of Bradfield. The site is accessed from the corner of Barrack Street and Ellis Road. Ellis Road serves a small number of dwellings but is narrow and poorly maintained.
10. Bradfield is a small settlement with some facilities and services, including a village shop and post office, two public houses, church, primary school and playing field. The supporting text to policy SPL1 recognises that housing development within smaller rural settlements might keep local shops and services viable. Whilst these services are unlikely to be capable of sustaining the everyday needs for the future occupiers of the development, onward travel to access a wider range of shopping, healthcare, leisure and entertainment facilities in Colchester is possible by public transport.
11. A bus stop is present along Heath Road with the Sparkes Corner stop being located at the top of Barrack Street a short walk from the appeal site. According to the evidence before me this is served by three bus routes which provide almost hourly services to Colchester during the week from 0630 hours to 1940 hours. Buses also run through the weekend and on bank holidays, including a late night bus on a Saturday. This would be an available alternative to the private car enabling future residents the opportunity to access services by means other than the private car.
12. Therefore, I consider that the site has good access to services, facilities and amenities and having regard to the evidence demonstrating that there is a regular bus service occupiers would have an alternative to the private car.
13. Therefore whilst Bradfield is identified as a smaller rural settlement within the LP which states that growth should be limited to the patterns of growth identified, the supporting text to Policy SPL1 acknowledges that small scale increases in housing, up to 10 dwellings, can be permitted and that these developments will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.

14. In conclusion, the introduction of the proposed development into the appeal site, would adhere to the relevant policies relating to housing in rural areas. It would be in accordance with SP1 and SP3 of the LP which seeks to direct development to the most appropriate locations. The development would also accord with policies SPL1 and SPL2 of the LP which sets out the settlement strategy for Bradfield and policy CP1 which seeks to ensure sustainable transport options are available.

Character and appearance

15. The character of Barrack Street is predominately frontage development, with the exception being the development adjacent to the appeal site, which comprises a cul-de-sac of detached dwellings (Winney Close). Beyond Barrack Street frontage development continues along the triangle provided by the interconnecting roads around the site. The appeal site forms only part of the existing field and would introduce development parallel to Winney Close, but separated by an existing public right of way. The position of the cul-de-sac abutting the existing public right of way has the effect of rounding off the built up part of Barrack Street before it becomes Ellis Road, which has a more rural feel, compounded by the narrowing of the road and it's status as a privately maintained road
16. The introduction of 5 dwellings in this location would result in an artificial subdivision of the site and would be at odds with the prevailing character of frontage properties within the wider area. Furthermore, it would intensify development at the entrance to Ellis Road, which has a loose knit character indicative of its transition beyond the built up character of the village. The development would not follow any logical field boundaries, which adds further to its incongruous impact. The appeal site, whilst screened from the road by landscaping contributes to the rural appearance of this part of Ellis Road and Casey Lane. The proposal would extend development along this part of Ellis Road and the introduction of dwellings in this location would alter the character and appearance of this rural site. In addition, the proposed dwellings would lead to a more intensive use of the site.
17. I consider that the proposed development would result in the loss of the underdeveloped character of the site which contributes positively to the rural and spacious character of this part of Bradfield.
18. Whilst the site is generally screened from public vantage points by existing landscaping, these would unlikely endure for the lifetime of the development. In any event, even with the screening in place there would be views into the site from the proposed access. Therefore, from these localised viewpoints the development would be noticeable and this urban form would intrude into the countryside, beyond the more built up edge of the current settlement
19. The development would therefore fail to protect or enhance the local character of the area contrary to policies SPL3 and SP7 of the LP. Policy SPL3 sets out that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. In addition, policy SP7 requires all new development to reflect the local character and context to preserve and enhance the quality of existing places and their environs.

Highway Impacts

20. The site is located between Barrack Street and Ellis Road. Barrack Street is approximately 4.8 metres wide with a partial footway on one side. To the north of the site is Public Footpath 18 (Bradfield_160) and to the south is Public Footpath 13 (Bradfield_160). Public Footpath 13 shares an alignment with the private road, Ellis Road, which is approximately 4 metres wide, and is not maintained by the Highway Authority in terms of private vehicular rights.
21. The application is in outline, with all matters reserved, however given the extent of the application site the position of the access would have to be as shown on the indicative layout as it is the only point where it connects with the existing road network.
22. It has been put to me that the indicative layout does not provide sufficient certainty that a turning head could be provided in order to ensure that refuse vehicles and larger vehicles do not have to reverse onto Barrack Street. However, noting all matters are reserved I am content that a suitable layout could be achieved at reserved matters stage to ensure that a turning facility is provided, noting that the footprint of the dwellings shown on the indicative layout are relatively large and four of the plots have detached garages which could be omitted if more space was required to provide the necessary parking and turning.
23. Similarly, the indicative layout for plot 1 shows a garage and parking area accessed directly off the entrance to the site, which could lead to potential conflicts between users turning into the site and the occupiers of plot 1 reversing out of their parking space. However, there is nothing before me to suggest that this is the only achievable layout for either plot 1 or the site as a whole and therefore this level of detail can be secured through reserved matters applications.
24. The proposed development would lead to an increase in both vehicle and pedestrian movements along Barrack Street, leading to an increase for potential conflicts due to the lack of a paved footpath along the entire length of Barrack Street.
25. A limited footpath exists along the frontage of the recently completed development of Winney Close, however at the time of my visit cars were parked straddling the footpath and the road and therefore it was not possible to use the footpath. At the time of my visit I also witnessed how the area was popular with dog walkers who were accessing the public footpath network and walking along both Barrack Street and also Casey Lane.
26. The appellant has set out that a 2m wide highway verge was established along the frontage of Winney Close, abutting the appeal site and that this would enable a future footpath connection to the appeal site and Public Footpath 18. As this land now forms part of the public highway the appellant would be willing to accept a condition ensuring the provision of a footpath connecting into the one provided as part of the development of Winney Close.

27. This would be a modest social benefit associated with the development as it would provide for an additional section of footpath, albeit as this doesn't link into a paved footpath along the length of Barrack Street its practicality is limited as those accessing, for example the bus stop, would still be required to walk within the road and seek refuge on the verges and driveways as residents currently do.
28. Whilst this arrangement would result in a less than ideal situation for pedestrians I am not persuaded that there would be a safety concern for those trying to access the services within the village from the proposed development, as I have not been provided with any evidence to indicate that Barrack Street is anything other than lightly trafficked, and any increase from the proposed development would be modest.
29. In conclusion the effect of the development on highway safety is acceptable, based on the details before me, noting that means of access and layout are reserved matters. The development would accord with policies CP1 of the LP which requires proposals to be sustainable in terms of transport and accessibility and encourages opportunities for access to sustainable modes of transport.

Other Matters

30. The appeal site falls within the 'Zone of influence' for a designated habitats site. As the competent decision making authority, if I had been minded to allow the appeal following a consideration of all of the main issues, it would have been necessary to undertake an appropriate assessment before ascertaining if the appeal should succeed overall. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
31. The appellant has submitted a unilateral undertaking which includes a contribution towards ecological mitigation. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider whether it can be taken into account due to the matters raised regarding the title documents. Nor whether the contribution is necessary to make the development acceptable in planning terms and is fairly and reasonably related to it in scale and kind or whether it would meet the tests for a planning obligation as set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Planning Balance

32. 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.
33. Nevertheless, there would be unacceptable harm to the local environment in respect of character and appearance. Therefore, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

34. 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 outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR