



Appeal Decision

Site visit made on 9 January 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/P1560/W/23/3319140

Land to Crown Lane CO16 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 Mr Watson against the decision of Tendring District Council.
- The application Ref 22/01409/FUL, dated 19 August 2022, was refused by notice dated 27 January 2023.
- The development proposed is described as "one self build dwelling, access and landscaping".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would be suitably located, the effect of the proposal on the character and appearance of the surrounding area, the effect of the proposal on highway safety with regards to access and the effect of the proposal on the Hamford Water Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Reasons

Suitable location

3. Policy LP7 of the Tendring District Local Plan Section 2 2022 (TDLP2) indicates that proposals will be considered for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries. The Policy further states that these developments must be either within 600 metres of the edge of the settlement of a strategic urban settlement or smaller urban settlement; within 400 metres of the edge of a rural service centre settlement; or involve the redevelopment of vacant or redundant previously developed land.
4. The proposal is for a self-build dwelling however, the site is not previously developed, and it does not lie within 600 metres of a strategic urban settlement or smaller urban settlement or within 400 metres of a rural service centre settlement. The proposal would therefore be contrary to Policy LP7 of the TDLP2.
5. Whilst there are buildings to the east of the site, the proposal would not be close to a built-up settlement and the development would be within the open countryside. The road of Crown Lane, which the proposal would be accessed from, does not have any footpaths and is not lit with street lights, in the immediate vicinity of the appeal site. It would therefore be undesirable to walk

along this road to access the facilities immediately east of the Weeley Road roundabout or the nearby bus stops. It is likely that future occupiers of the proposed development would be reliant on the use of private vehicles.

6. Accordingly, the proposal would not be suitably located. The proposal would be contrary to Policy SP3 of the Tendring District Local Plan Section 1 2021 (TDLP1), Policy LP7 of the TDLP2 and the National Planning Policy Framework (the Framework) which seeks opportunities for constructing Self-Build and Custom-Built Homes to be encouraged and development to be accommodated within or adjoining settlements according to their scale and sustainability.

Character and appearance

7. The area surrounding the appeal site is characterised predominantly by open countryside with agricultural fields and sporadic built development. There are buildings to the east including equestrian related facilities, caravan storage and a Motocross track. However, the site itself is undeveloped and contributes positively to the open countryside nature of the area.
8. There are detached dwellings scattered along Crown Lane, nevertheless, the introduction of a property onto undeveloped land would compromise the open character of the area. Providing a landscaping scheme would not completely screen a development and the proposal would be a visually intrusive structure within the area.
9. The proposed property would be set back from the highway, using similar materials to other buildings in the area and retain a large amount of amenity area. These matters however would not outweigh the harm caused by the introduction of development onto undeveloped land that compromises the character of the area.
10. The proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policies PPL3 and SPL3 of the TDLP2 and the Framework which seeks new buildings to maintain or enhance local character and distinctiveness and protect the rural landscape.

Highway safety

11. The proposed access for the development would be via an existing access onto Crown Lane which is the access to the existing stable buildings adjacent to the appeal site.
12. The access is narrow where it joins Crown Lane being only single width and it would be difficult for two vehicles to pass each other. Crown Lane is a narrow road with no footpaths and minimal grass verges. Should occasions occur where a vehicle is waiting to leave the access and another vehicle is wanting to enter the access, given the narrowness of the access and Crown Lane, this could lead to obstacles on the road to the detriment of highway users.
13. The introduction of a new property would increase traffic generation from the site and this access. As already stated, Crown Lane is narrow and there is a bend in the road to the north. There is no compelling evidence before me which indicates that the visibility splays from the access would ensure safe egress from the site. Due to the increase in traffic generation and the proposed visibility splays, the proposal would create a hazardous situation that would compromise highway safety.

14. I note that the appellant considers the proposal would reduce trips to the site as the proposed property and the stable buildings would be linked. However, no mechanism has been provided which would prevent the proposed property and the stable buildings being in separate ownerships and thus would lead to an increase in traffic generation.
15. The proposal would have a harmful effect on highway safety with regards to the access. The proposed development would be contrary to CP2 and SPL3 of the TDLP2 and the Framework which seeks proposals to not have an unacceptable impact on highway safety.
16. The proposal would provide ample vehicle turning and parking area within the site. This however does not outweigh the harm to highway safety in relation to the access.

Hamford Water SAC, SPA and Ramsar

17. The appeal site is located within the Zone of Influence (Zoi) approximately 5.3 kilometres from the Hamford Water SAC, SPA and Ramsar sites. As such, the development was considered to have an adverse effect on these sites. The appellant has submitted a legal agreement which provides financial contributions in order to mitigate against any adverse effects to these sites. Nevertheless, given my findings in relation to the other main issues above, it is not necessary to consider this matter further.

Other Matters

18. The proposal would contribute to a diverse mix of housing in the district as well as contributing to the local economy in terms of employment opportunities for the construction of the property and supporting local facilities. The appellant states that the development has a well thought out design using environmentally friendly technology. The proposed development would also benefit from an air source heat pump and electric vehicle charging point. Given the proposal is for a single residential unit, I attribute minimal weight to these benefits and matters, which would not outweigh the harm I have identified in terms of the proposals location and effect on character and appearance.
19. I have had regard to the appellants statement of cases including reference to an approved development¹. There is no compelling evidence before me to suggest this approved scheme is directly comparable to the scheme subject of this appeal, particularly with regards to type of development and location.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
21. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

¹ Local Planning Authority Reference Number: 21/01905/FUL