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# 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: 15<sup>th</sup> March 2024**

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**Appeal Ref: APP/P1560/W/23/3320790**

**Land off Tan Lane, Little Clacton, Essex CO16 9PS**

- 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 David Howes against the decision of Tendring District Council.
  - The application Ref 22/01191/OUT, dated 13 July 2022, was refused by notice dated 31 October 2022.
  - The development proposed is the erection of one self-build bespoke designed single storey dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.
3. The scheme is an outline proposal, nevertheless, illustrative details have been submitted and my assessment has been based on these.

## Main Issues

4. The main issues are whether the development is suitably located and the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

### *Suitable location*

5. 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.
6. The appeal site is located around 780 to 807 metres from the development boundary of Little Clacton, a rural service centre. The proposed development is for a self-build property although it is not the development of vacant or redundant previously developed land. Whilst I note the settlement boundaries have been redrawn, the proposal nevertheless would be contrary to Policy LP7 of the TDLP2.

7. There are few shops or public services within close walking distance of the appeal site and there are no footpaths or street lighting on Tan Lane in the location of the appeal site. There are no desirable walking routes to shops or services and it is likely that future residents of the proposed property would utilise private motor vehicles to access local facilities.
8. There is linear built development to the north of the appeal site however the site is detached from this by a gap that contains trees and hedgerows. There are open fields surrounding the other sides of the appeal site. The proposal would not form part of an existing built-up area and would be in the open countryside, that would result in future occupiers of the property being reliant on the use of private motor vehicles.
9. I have had regard to the appellants statement of case including the appeal decisions and Council's delegated report in the appendices. From the evidence before me however, I do not consider these schemes to be directly comparable to the appeal scheme, particularly with regards to relevant local and national planning policies, housing supply and location. In any case, I have determined this appeal on its own merits.
10. Accordingly, the proposal would not be suitably located. The proposal would be contrary to 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*

11. The appeal site lies within the 8B Clacton and the Stokes Clay Plateau and there is reference to the Landscape Character Assessment with an evaluation that the overall landscape has a 'weak' rating and could even be considered 'poor'. The area surrounding the appeal site though is characterised mostly by open agricultural fields with contained linear built development. It is this open countryside with defined built-up form that contributes to the character and appearance of the area.
12. The proposal would respect the linear form of the existing built development, however, it would not be directly adjacent to any built form, appearing detached and an intrusive feature within the open countryside. A condition could secure a hard and soft landscaping scheme, nevertheless, landscaping would not completely screen a development and the proposal would introduce an incongruous structure onto undeveloped land that would compromise the character of the area.
13. The proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would not be in accordance with Policy PPL3 of the TDLP2, Policy SP3 of the Tendring District Local Plan Section 1 2021 and the Framework which seeks development to respond positively to local character and context, and protect the rural landscape.

#### **Other Matters**

14. The appellants have registered their interest with the Council in respect of self-build dwellings and in line with criteria detailed in the Framework. No sites have been shown to be available and only a limited number of schemes have been approved. The site has not been identified as being within a designated

protected landscape nor would the proposal have an adverse effect on best and most versatile agricultural land. The Council have not raised concerns with regards to highways, ecology, residential amenity, contamination, environmental health or flooding. These matters however, would not outweigh the harm identified in the main issues above.

### **Conclusion**

15. 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.
16. For the reasons given above, I conclude that the appeal should be dismissed.

*Chris Baxter*

INSPECTOR