



Appeal Decision

Site visit made on 9 April 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/P1560/W/23/3328046

Land west of Homing Road, Little Clacton, Essex CO16 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs D Carter against the decision of Tendring District Council.
 - The application Ref is 23/00378/OUT.
 - The development proposed is The erection of four dwellings on an infill site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline for four self-build dwellings, with all matters reserved for future consideration. I have dealt with the appeal on that basis.
3. The appellant has submitted a duly executed Unilateral Undertaking (UU) which I have taken into account. It provides for a contribution towards mitigation for Essex Coastal Habitats Sites. I have had regard to this when considering the appeal.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

5. The main issues are (i) whether the site is a suitable location for the proposed development with particular regard to the Council's strategy for the location of new residential development, (ii) the effect on the character and appearance of the area, and (iii) the effect on the integrity of Essex Coastal Habitats Sites.

Reasons

Location

6. The appeal site comprises a rectangular plot within an agricultural field. The site is accessed from the outside bend in the B1441 via Homing Road, a private road which also forms part of a public footpath¹ providing views into and across

¹ Public Footpath 11 Little Clacton 173.

the site of the countryside and distant residential development. Although adjacent to the settlement boundary and close to residential development on the B1441, the site appears slightly detached from the main built form of the settlement of Little Clacton and visually forms a gap between built development.

7. The overall spatial strategy for Tendring is set out in policy SP3 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted 26 January 2021 (the TDLP1). It is also supported by policies SPL1 and SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted 25 January 2022 (the TDLP2). Policy LP7 of the TDLP2 relates to self-build and custom housing. For the purposes of the above policies, the appeal site is outside the settlement boundary and in the countryside.
8. Whilst development is intended to be focussed within the settlement boundaries and larger settlements the above policies recognise that development outside of these, whilst being subject of strict control to protect and enhance the character and openness of the countryside, and prevent urban sprawl, can make a meaningful contribution toward addressing local housing needs and supporting the village economy. Little Clacton is classified as falling within the 'Rural Service Centres' category of the hierarchy in Policy SPL1.
9. In relation to the location, my attention has been drawn to previous appeal and Council decisions². Three of these are located reasonably close to the appeal site and adjacent to the settlement boundary of Little Clacton and one is adjacent to the smaller nearby settlement of Weeley Heath. Little Clacton has a range of local services and facilities within walking distance, which are appropriate for the small scale of development proposed. The Council's officer report evidenced also advises the site would be accessible by public transport. Overall, the site's location and routes available would provide reasonable opportunities for future occupants to safely walk and cycle to services and facilities.
10. The provision of four dwellings, is a modest amount which would be appropriate to the scale or the settlement of Little Clacton. As such, given that the site is next to a Rural Service Centre, and taking this in isolation from other considerations, I therefore conclude that the proposed development would provide a suitable location for the proposed development with particular regard to the Council's strategy for the location of new residential development based on the spatial strategy for residential development contained in TDLP1 Policy SP3 and TDLP2 Policies SPL1, SPL2. Furthermore the proposal would fulfil the requirements in respect of self-build dwellings subject to Policy LP7.

Character and appearance

11. There is a consistent pattern of relatively tight-knit ribbon development, including the development recently allowed at appeal at Batemans Lane, following the route of the B1441. However, development along Homing Road is more sporadic and has a distinctly semi-rural character with pockets of development between paddocks, gaps and gardens bounded by trees, and vegetation. Whilst Homing Road roughly follows the alignment of the B1441 to

² Appeal Ref: APP/P1560/W/21/3274492 - Land adjacent Batemans Lane; Appeal Ref: APP/P1560/W/21/3287859 - Land rear of The Gables; Appeal Ref: APP/P1560/W/22/3291996 - Land off Connaught Road and 23/00551/FUL - Land at Maymead and Albert Talbot Road

the south, the dominant pattern of ribbon development and form of the settlement is focussed along the B1441 and more substantial roads.

12. I have not been provided with the full report for the adopted Landscape Character Assessment area 8B Clacton and the Sokens Clay Plateau by either party. Whilst the appellant has drawn my attention to the overall landscape rating, which has been identified as 'weak' or 'poor,' to try to apply an assessment of the characteristic of the larger area to one smaller part does not indicate the overall sensitivity of the site, or that it is not susceptible to change. To my mind, visible from the wide corner bend of the B1441, the site contributes to the semi-rural setting of the village, and the public footpath with a pleasant scenic, visual and intimate physical connection to the open countryside. The appearance of dwellings in the distance do not overwhelm this open aspect and the site creates a welcome buffer between the long run of fairly continuous built up frontages along both sides of the B1441.
13. I note that the previous Inspector concluded that the Batemans Lane development of the site would be "appropriate to the landscape character and quality of the area and result in a small infill between the existing built development which is proportionate to the scale of the existing settlement," but I do not find the setting of the site to be exactly the same as this or the other approved examples listed above. I have no substantive evidence before me, that the views of the other sites prior to their construction were similar to that of the appeal site.
14. I observed at my site visit that the Batemans Lane development was close to completion. It was sited immediately adjacent to an existing residential property and does appear part of the linear development which extends along the B1441. The Talbot Road Scheme is also located closely to other properties and follows a more defined pattern of development. The appeal development before me bordered by Batemans Lane, Homing Road, Talbot Road and open countryside would stand more isolated than the developments subject of recent decisions. Homing Road appears as an off-shoot, a rural access road extending to the countryside, beyond the substantial vegetation boundary on Batemans Lane rather than as natural infill plot beyond the row of properties on B1441, or further down Homing Road. There is also no distinct residential pattern on the opposing side of Homing Road, for which a development for four dwellings would readily reinforce, like Connaught Road.
15. The proposal for residential development would be able to replicate the plot sizes of development on Bateman Lane. However, it would not only involve the erection of houses but would also be likely to include significant areas of paved driveways, possibly footways and domestic gardens that would substantially alter the rural landscape of the site and extend the built-up area into the countryside. In my opinion, the proposed in depth development would uncharacteristically lead to the spread of suburbanisation here. Rather than the character of the village being respected the incremental spread of built development in this location would adversely affect the semi-rural character of the area and contribute to the gradual erosion of the countryside.
16. As Public Footpath 11 Little Clacton 173 will include residential development views of houses would not be unusual. However, this section currently provides open views across the site towards the countryside and attractive tree belt. The extent of this loss, taking into account its proximity and the scale of

development proposed, would make this short route less pleasant to use as a result.

17. I acknowledge that landscaping schemes and provision of bungalows may have been acceptable in relation to other sites in the settlement. However, while all matters are reserved for future consideration, I have no details before me regarding the level of landscape proposed, or how long it would take to mature. I cannot be certain this would provide satisfactory mitigation. In any event, the proposal would nevertheless lead to encroachment of the countryside to the detriment of the character and appearance of the area, and therefore I am not convinced the harm would be mitigated by the imposition of conditions for landscape or single storey dwellings.
18. I acknowledge that the site is not within a valued landscape designation for the purposes of paragraph 180 a) of the Framework. However, Policy SP7 of the TDLP1 alongside Policies SPL3, PPL3 of the TDLP2 seek to ensure, amongst other things, that development responds positively to local character and respects landscape character, by seeking to prevent development that would cause overriding harm to the rural landscape including settlement settings and footpaths. These recently adopted policies are consistent with the Framework where it seeks to ensure that decisions recognise the intrinsic character or the countryside.
19. Concluding on this main issue, the proposed development would have a harm the character and appearance of the area. Therefore, it would not accord with TDLP1 Policy SP7, and Policies PPL3 and SPL3 of the TDLP2, the provisions of which I have referred to above.

Essex Coastal Habitats Sites

20. From the evidence before me, the development lies within the Zone of Influence for the Colne Estuary and Essex Estuary Ramsar Site and Special Protection Area and the Essex Estuaries Special Area of Conservation. The Proposed Development is likely to result in localised effects for which mitigation measures are available in the form of financial contributions towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
21. A completed UU has been provided to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with TDLP1 Policy SP2 and TDLP2 Policy PPL4, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS) and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.
22. 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. As I am dismissing the appeal for other reasons, I have not taken the matter further.

Other Matters

23. Whilst benefits can be attributed to self-build development, there is no evidence before me how many people are on the Council's Self-Build register or whether the Council is meeting its duty within the Self Build and Custom

Housebuilding Act 2015 to have regard to and give enough suitable development permissions to meet the identified demand. It is also important to ensure that permissions for custom and self-build homes are secured and delivered as self-build. Such matters would normally be required to be contained within a legal agreement, such as a UU. As such this limits the weight in favour of this aspect of the proposal.

24. I have no evidence that the site comprises best and most versatile agricultural land, however this weighs neither for nor against the development. Nor is there any evidence that issues relating to cultivating the site cannot ultimately be overcome. I have no evidence regarding what the purpose of Strategic Gaps within the district are, or whether this small site, was specifically excluded. However, this does not negate the assessment of the proposal against development plan policies which relate to the character and appearance of the area.
25. Although the proposal garners support from the spatial strategy policies within the plan, would make a small contribution to the housing supply, could be built out quickly and therefore provide benefits to the economy, this carries limited weight given the scale of the development in the context of the Council's undisputed 5-year housing land supply.
26. The absence of harm in respect of European sites, highways safety, environmental protection, amenity space available for the four dwellings, ecology or flooding impacts carry weight neither for nor against the proposed development.

Planning Balance and Conclusion

27. Development which conflicts with the development plan as a whole should be refused unless other material considerations indicate otherwise. Overall, there are no material considerations of such weight, to outweigh the harm which I have identified with regard to the character and appearance of the area to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
28. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR