



Appeal Decision

Site visit made on 6 June 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/P1560/W/23/3331774

Eileen Cottage, Parsons Hill, Great Bromley, Essex CO7 7JF

- 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 Ms Vivienne Penney against the decision of Tendring District Council.
 - The application Ref is 23/00351/OUT.
 - The development proposed is to erect a house within the grounds of the host house, involving the demolition of the existing garage and provision of 2 parking spaces on site.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline. The application form indicates that approval was sought for the scale of the development, with the matters of access, appearance, landscaping and layout reserved for future approval. Indicative plans have been provided, including elevations, floor plans, site layout, access and landscaping. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development is in a suitable location for housing.

Reasons

4. Policy SP3 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1 – North Essex Authorities' Shared Strategic Section 1 Plan – Adopted January 2021 (the S1P) states that existing settlements will be the principal focus for additional growth.
5. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2 – Adopted 25th January 2022 (the S2P) 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 in Policy SPL1 and any other relevant policies in the plan.
6. Paragraph 3.3.3.1, comprising part of the supporting text to the S2P, states that in general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of

- development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy.
7. Paragraph 3.3.1, forming part of the supporting text to Policy SPL1 of the S2P, states that growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services.
 8. Given the above, it seems clear that the development plan seeks to focus development within identified settlements, unless there are specific reasons to deviate from this approach. Proposals outside of settlements will be evaluated on a case-by-case basis, guided by the settlement hierarchy and the particular merits of the site, including access to transport infrastructure and services. Whilst I acknowledge the examples of approved development cited by the appellant, I have not been provided with comprehensive details of those proposals, the decision-making processes, or the planning policy context in which they were approved. Moreover, I am required to consider this case on its individual merits.
 9. The Policies Map designates the site as being outside of a settlement. The closest settlement is Great Bromley, the boundary of which lies several hundred metres to the north along the B1029, and which the settlement hierarchy in Policy SPL1 establishes as a 'smaller rural settlement'. Although the appeal site is within a small cluster of residential development, it remains in a predominantly rural area with limited access to services.
 10. There are some limited amenities within walking distance, but they are connected by narrow footpaths along a busy main road. While I understand there are plans to add nearby bus stops in connection with an approved residential development to the north of the site, I lack detailed information on this infrastructure or the implementation timeline. Thus, this factor carries limited weight.
 11. The appellant argues that the appeal site has better accessibility and sustainability credentials than sites within the nearby settlements, and that the proposal for a single dwelling would not negatively impact the Council's implementation of its spatial strategy. However, the overriding spatial objective of the development plan is to focus development within identified settlements, and this principle holds significant weight in decision-making. Given the matters discussed above, I find no compelling reasons to support the proposed development outside of a settlement. Consequently, the proposal for one dwelling does not align with the Council's spatial objectives in the adopted development plan.
 12. The appellant asserts that the proposal would comply with other policies relating to matters including access, living conditions of occupiers, the character and openness of the countryside, landscape effects, and space standards. However, even if the proposal was to meet these policies, such compliance would be expected of any good quality development. These considerations are therefore neutral factors that would not weigh in favour of the proposal.

13. The appellant suggests that replacing dilapidated buildings with a good quality development would improve the site's visual appearance. However, the site is well screened by vegetation and any adverse effects of the current buildings on site are minimal and localised. Any benefits in this regard therefore carry limited weight.
14. Although both parties agree that the Council has a healthy housing land supply, the proposal would still support the objective of the National Planning Policy Framework (the Framework) to significantly boost the supply of housing. Yet, because this proposal adds only a single dwelling to the housing stock, its contribution is limited and would not outweigh the harm previously identified.
15. For the reasons given above, I do not find the site to be a suitable location for housing. The proposal would harm the Council's spatial approach to development and would conflict with Policy SP3 of the S1P and Policies SPL1 and SPL2 of the S2P, the aims of which have previously been set out. It would also conflict with Policy SP1 of the S1P, which seeks for development to reflect the provisions of the Framework.

Other Matters

16. The site is within the zone of influence (ZoI) of the Colne Estuary Special Area of Conservation (SAC) and Ramsar site. Mitigation of recreational impacts on the SAC and Ramsar site is required for all developments resulting in a net gain of residential units within the ZoI.
17. The Council's second reason for refusal of the application relates to the lack of a financial contribution to secure such mitigation. I have been provided copies of correspondence where the main parties suggest this reason for refusal could be addressed by a condition. In the event that I was minded to allow the appeal, it would have been necessary to consider this matter within an Appropriate Assessment. However, because I am dismissing the appeal for other reasons, I have not done so.

Conclusion

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

P Storey

INSPECTOR