



Appeal Decision

Site visit made on 23 October 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/P1560/W/24/3338394

Venns, Harwich Road, Wix, Manningtree, Essex CO11 2SA

- 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 Anthony Lungley against the decision of Tendring District Council.
 - The application Ref is 22/02040/OUT.
 - The development proposed is described as 'Proposed re-development on land at 'Venns', Harwich Road, Wix, CO11 2SA'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the description of the proposed development from the application form. The Council's expanded description referred to re-development of the site for 1no. replacement dwelling and 1no. additional dwelling (2no. dwellings in total). This amended description is also used in the appellant's Planning Appeal Statement, and accurately describes the proposed development as described in the Design and Access Statement and shown on the indicative plans.
3. The application was in outline, with all matters reserved. The proposed plans and elevations are labelled as being indicative and I have treated them as such, along with details of the scale, layout and appearance of the dwellings included in the Design and Access Statement. I have also treated details of layout and landscaping on the proposed site plan as being indicative, since these and the other matters would be reserved for future consideration.
4. Where access is a reserved matter, an application for outline planning permission must state the area or areas where access points to the development proposed will be situated¹. The drawings specify that the access would be relocated from the eastern to the western side of the site frontage, with annotations to indicate achievable visibility at that point. I have had regard to those details.
5. Amended existing and proposed site plans labelled revision PD were provided with the appeal. These clarify the achievable visibility and indicate the internal layout of an existing outbuilding, but do not substantively change the proposed development. The Council and Highways Authority have had the opportunity to comment on the amended plans and have confirmed that they

¹ Paragraph 5(3), The Town and Country Planning (Development Management Procedure) (England) Order 2015

do not alter either authority's case. I have had regard to the amended plans and am satisfied there would be no procedural unfairness to any party as a result of my having done so.

Main Issue

6. The main issue is the effect of the proposed development on highway safety.

Reasons

7. The appeal site is on the main street through the village and currently contains a bungalow and several outbuildings. These include what appears to be a static caravan/chalet with attached lean-to, behind the bungalow and within the same garden plot. This is described as an inhabited annexe, with kitchen and bathroom facilities being indicated on the amended plans.
8. Harwich Road is the main street through Wix, and connects the village and surrounding area with the nearby A120. It is a single carriageway road, with a 30mph speed limit. The front boundary of the site is unfenced, but vehicular access is currently located on the eastern side of the frontage, with around half the front garden used for parking and the remainder grassed. There are pavements on this side of Harwich Road, but the pavement width to the east of the site is restricted to well under one metre, due to the forward position of the neighbouring pair of dwellings, Sunset and Dawn.
9. The position of these adjacent dwellings significantly restricts visibility for vehicles pulling out of the site. Although the appellant's photographic evidence shows that approaching vehicles in the vicinity of the former White Hart site can see the front boundary fence, the same photographs demonstrate that Sunset and Dawn substantially block the view of any vehicle on the driveway and preparing to emerge, from the perspective of oncoming traffic.
10. The proposed relocation of the access would increase the visible distance in this easterly direction. However, the visibility splays of 2.4m x 43m sought by the Highways Authority could not be achieved. It has not been disputed that this is the relevant standard based on the 30mph speed limit and Chapter 7 of the Manual for Streets. Furthermore, the shortfall would be significant, with the maximum achievable visibility to the east being 2.4m x 32.6m according to the appellant's evidence. On the basis that visibility to the west is stated already to exceed the required 43m, any further improvement in this direction is of limited benefit.
11. It appears that the existing access has been in use for many years, so there is already a highway safety risk associated with the significantly sub-standard visibility. I saw during my site visit that there were a variety of trailers and similar in the rear garden, and there is space on the site frontage for around four cars, if they are parked in tandem. The appellant describes use of the access by multiple vehicles without incident over a period of several years and no substantive evidence has been presented to the contrary.
12. However, while the appellant has provided some evidence that the annexe has been occupied for at least 11 years by family members, that is disputed by the Council based on a lack of evidence within its own administrative records. The planning history outlined in the Officer Report does not include planning permission for a separately occupied dwelling. Nor it is the function of this

appeal to determine whether the accommodation described as an annexe has an established lawful use as a separate dwelling.

13. On that basis, since the proposal would introduce a second, independently occupied dwelling, use of the access is highly likely to intensify compared to the existing situation. The pattern of traffic movements by two independent households would generally differ from that of an extended family, even accounting for the number of vehicles described by the appellant. Each dwelling would have its own independent pattern of comings and goings, including at peak times when household members are travelling to work or school, and each of those movements would occur in the context of a poor standard of visibility.
14. Taking account of this more intensive use, it has not been clearly established that there would be an overall improvement in highway safety. However, it is clear that there would be a significant shortfall against the required standard for the new access, resulting in a highway safety risk for future occupiers of the proposed dwellings and other highway users. I therefore conclude that the proposal would have an unacceptably harmful effect on highway safety.
15. The harm to highway safety would conflict with Policies SPL3 and CP2 of the Tendring District Local Plan, adopted 2022. These require amongst other things that access to the site is practicable and that planning permission will not be granted if there would be an unacceptable impact on highway safety. The proposal would also conflict with relevant paragraphs in the National Planning Policy Framework, notably paragraph 114 which requires decision-makers to ensure safe and suitable access can be achieved.
16. Essex County Council's Development Management Policies (DMP) dated February 2011 are referenced by the Highways Authority. While these do not appear to form part of the development plan, based on the information before me, they are described as having been adopted by the County Council as supplementary planning guidance and I have had regard to their contents. The proposed development would conflict with Policy DM1 of the DMP, which requires amongst other things that all proposals are assessed and determined against current standards for the category of road and that, where an existing access is to be used, substandard accesses should be upgraded in accordance with those current standards.

Other Matters

17. The proposed dwellings would be within the settlement boundary, with access to local services on foot, and to services in larger settlements by public transport. There would be some economic benefit arising from the construction process and future occupiers' use of local services. It is likely the dwellings could be delivered quickly, subject to consideration of the reserved matters.
18. There is potential to make more efficient use of the land and enhance the appearance of the site through a well-designed development. While a variety of views were expressed by interested parties, a letter of support comments that the proposal would fit in well with other new developments nearby and longer established properties. However, since the application is in outline, little weight can be given to the indicative design and there is no certainty that the dwellings would be aligned to any specific local need for starter homes or retirement dwellings.

19. Since the site layout and the appearance of the proposed dwellings are reserved for later consideration, any adverse effect on living conditions for occupiers of neighbouring properties could be addressed at that point. The application confirms that relevant standards would be met for parking, external amenity areas and internal floorspace. There is scope for the dwellings to be more energy efficient than the existing bungalow and outbuildings, and the design could incorporate measures to prevent crime. However, these issues would be for later consideration, at the reserved matters stage, and there is no clear indication that the detailed design would exceed relevant requirements within policies of the Local Plan and the Building Regulations. These are therefore neutral considerations.
20. While the proposal would, in a small way, help to boost the supply of housing land, the Council's Officer Report states that a housing supply in excess of six years is in place, and that has not been disputed. There is no substantive evidence of under-delivery based on the Council's Housing Delivery Test results. Housing supply and delivery are appropriately measured against the Local Plan housing requirement, since it is less than five years old. Therefore, the evidence before me does not indicate that the tests in paragraph 11d of the Framework are relevant in this case.
21. While there would be some benefits, even if they are considered collectively they are inherently modest, given the small scale of the proposed development. The additional harm to highway safety would also be relatively modest, since the more intensive use would be offset to some degree by the improved visibility. Nevertheless, the harm to highway safety would be enduring and would affect both future occupiers and other road users. That is a matter to which I have given significant weight. As such, the benefits of the proposal would not outweigh the conflict with the development plan.
22. The application was accompanied by a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990, providing for a financial contribution to mitigate recreational pressure on European Sites, as detailed in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Had I been minded to allow the appeal, it would have been necessary to complete an appropriate assessment in relation to likely significant effects on the European Sites, having regard to the effectiveness of the mitigation provided by the UU. However, since I am dismissing the appeal for other reasons, it is not necessary for me to address this matter in any further detail.

Conclusion

23. The proposed development is contrary to the development plan and no material considerations indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR