



Appeal Decision

Site visit made on 12 December 2024

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th January 2025

Appeal Ref: APP/P1560/W/24/3345461

Harewood Surgery, Harwich Road, Great Oakley, Essex CO12 5AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Gunton of Oakley Carpentry Ltd against the decision of Tendring District Council.
 - The application Ref is 24/00136/FUL.
 - The development proposed is described as the “erection of 2 detached dwellings with garages and associated vehicle access”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. The appeal site lies within a conservation area and there are listed buildings nearby. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or the appearance of the Great Oakley Conservation Area (CA).

Reasons

5. The appeal site lies within the Great Oakley CA and comprises an area of predominately open land, that forms part of the grounds associated with Harewood Surgery, a large, detached building. As noted in the Conservation Area Review for the Great Oakley CA 2006 (CAR), the CA encapsulates the historic core of the village of Great Oakley, which is a rural village surrounded by open countryside. The significance of the CA is the predominately linear, tightly knit pattern of vernacular houses grouped around the small-scale road network and its rural setting.
6. Although the CAR notes that Harewood Surgery, formerly known as Bleak House, is an historic building of some character, the Council do not confirm it comprises a

non-designated heritage asset, as asserted by their heritage adviser. In this regard, the reason for refusal identifies harm in respect of the CA only. The appellant asserts that Harewood Surgery is no longer isolated, having regard to the development that has occurred around and opposite the site, including the two dwellings within its former grounds.

7. Notwithstanding this and noting the CAR boundary review section and the modern development opposite, the large, open and verdant grounds, including the appeal site, maintain Harewood Surgery's separation and isolation from the surrounding built development. Moreover, the appeal site provides some views of the surrounding countryside and, as such, allows the rural setting of the village to be appreciated. Consequently, the open and verdant grounds of Harewood Surgery, which include the appeal site, together with its scale and architectural interest, contribute positively to the significance of the CA.
8. The appeal scheme proposes the erection of two detached dwellings, which have been reduced in scale and re-sited following the withdrawal of an earlier planning application. While the proposed development seeks to respect the linear form of development within the locality, the siting of the proposed dwellings, together with their height, scale and detached garages would, nevertheless, substantially erode and urbanise an otherwise open site.
9. The appellant asserts that the appeal scheme constitutes infill development and would be seen in the context of nearby modern development, including the properties adjacent and opposite the appeal site. However, the proposed development, due to its layout, scale and detached garages, would markedly restrict views of the wider countryside and, in turn, the ability to appreciate the rural setting of the village.
10. While historic maps show the area to the east of Harewood Surgery was not historically undeveloped, such development is no longer in situ and there is limited information in respect of its size and scale. In any case, the evidence shows that the historic development was located some distance from Harewood Surgery, thereby maintaining the openness of the appeal site.
11. Consequently, the appeal scheme would fail to preserve or enhance the character or the appearance of the Great Oakley CA as a whole and would result in harm to the significance of the designated heritage asset.
12. As required by paragraph 212 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset is less than substantial.
13. Paragraph 215 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
14. Two dwellings would make a meaningful contribution towards boosting the supply of housing in the area, which the appellant asserts would be constructed in a short timescale. There would also be some economic and social benefits, including through the construction of the proposed development and the activities of future occupants. Moreover, the appellant highlights that the site is in an accessible location, with a variety of facilities and services located nearby.

15. The appellant further states that the use of renewable technologies would facilitate a low-carbon development. The scheme proposes the use of significant insulation, energy efficient white goods, water efficient showers and toilets and electric car charging provision. Ecological enhancements are also proposed. An absence of harm in respect of the principle of development and proposed design are neutral matters. Therefore, while there is support for new housing, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed.
16. Consequently, it has not been demonstrated that the benefits of the appeal scheme would outweigh the harm to the significance of the designated heritage asset which I have identified.
17. For these reasons, I conclude that the proposed development would not preserve or enhance the character or the appearance of the Great Oakley CA as a whole. As such, the appeal scheme is contrary to the Act and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 which states, among other things, that new development within a designated CA will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

Other Matters

18. The Council's heritage adviser highlights that Grade II Listed Mill House and Phone Box are located close to the appeal site. The distance, layout and relationship between the appeal site and these heritage assets, together with the intervening highway and nature of the appeal proposal, leads me to the view that their settings would be preserved.
19. The evidence indicates that the appeal site falls within the scope of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), specifically the Zones of Influence of Hamford Water Special Protection Area and Ramsar site. The Essex Coast Sites are primarily designated for endangered or vulnerable populations of sea birds, in addition to the wider coastal ecosystems and functions that support these and other populations, including plants and invertebrates.
20. A Unilateral Undertaking has been provided with the appeal documentation to secure a financial contribution in accordance with the RAMS, to mitigate the effect of additional recreational disturbance on protected Sites. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites. However, given that I am dismissing this appeal on other grounds, it is not necessary for me to consider the integrity of protected sites any further, nor undertake an appropriate assessment.

Conclusion

21. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce INSPECTOR