



Appeal Decision

Site visit made on 15 July 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Appeal Ref: APP/P1560/W/25/3360703

2 Barnfields, Clacton Road, Weeley Heath, Essex CO16 9EF

- 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 John Bourne, Jettco Dry Wall Limited against the decision of Tendring District Council.
 - The application Ref is 24/01443/OUT.
 - The development proposed is '2 no. custom-built dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal seeks outline planning permission with all matters reserved. I have had regard to the submitted plans including the indicative site plans and indicative plans and elevations, but I have treated all details as illustrative.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on the outskirts of Weeley Heath and includes a paddock which is part of a larger field positioned behind development along the B1441 Clacton Road, together with an access which currently serves other properties at Barnfield.
5. Development near to the site predominantly comprises detached dwellings of mixed form and design. Many of these occupy generous plots and are positioned towards their front boundaries forming a loose ribbon along Clacton Road. However, there are also examples of dwellings set behind frontage development, including at Barnfields and Amberwood Way which I saw close to the site. The appellant has additionally referred to planning permissions granted for developments including dwellings to the rear of frontage buildings on sites at Cuckoos Nest/The Oaks and Land Rear of The Gables and the Towers.
6. Nevertheless, buildings and plots in the vicinity of the site typically spread only a comparatively short distance back from Clacton Road and while the distance is not uniform, the variation is generally gradual resulting in a fairly distinct and coherent rear boundary line, albeit with a step out at Barnfields Retreat and 2 Barnfields.

7. For the most part, the area beyond the rear boundary line comprises open fields or paddocks and areas of woodland. The resulting openness and distinctly rural character marks a fairly abrupt transition to the countryside around Weeley Heath, and the impression is of a generally distinct and defined edge to this part of the settlement.
8. The predominantly open and undeveloped condition of the appeal site paddock and surrounding field contribute to the distinctive rural quality of the land to the rear of Clacton Road and the sense of a clear transition from village to countryside.
9. That the proposed dwellings would be set behind existing development along Clacton Road would not in itself be unusual in the area. The appellant also suggests that their distance from Clacton Road would be in keeping with Barnfield Retreat and the dwellings granted planning permission at Cuckoos Nest/The Oaks and Land Rear of The Gables and the Towers.
10. Be that as it may, the main part of the appeal site is set apart from the general rear boundary line along Clacton Road beyond a section of the adjacent field. The dwellings would neighbour the rear garden of 2 Barnfield to the south east, but the separation provided by the intervening area of field means that buildings here would be appreciated as disconnected from the general pattern of development along Clacton Road. In my view, that is a material difference from the examples referred to by the appellant which sit within the envelope of the broad swathe of development along this part of Clacton Road and I cannot agree that the proposal would be similar in character and layout to these developments.
11. In this arrangement, I find that the proposal would form an awkward and isolated finger of development. Irrespective of its detailed design and the potential for hedgerow planting to provide a soft edge to the site, the development would project out incongruously from the settlement envelope resulting in a marked incursion of built form into the rural landscape and countryside setting to Weeley Heath.
12. I acknowledge that the development would be unlikely to be appreciable from Clacton Road. Vegetation would also offer at least partial screening to views from a right of way which runs from Clacton Road alongside Barnfields and I agree with the Council's Landscape Officer that there would not be a significant impact on the visual qualities of the landscape. Even with potential for new planting though, vegetation would be unlikely to completely obscure the development, particularly in winter when foliage is sparser. Visual impacts would be limited and localised, but I find for the reasons above that the proposal would inevitably result in a discordant encroachment of urbanising development into the countryside, distorting the settlement pattern and detracting from the character and appearance of Weeley Heath and its rural countryside surroundings.
13. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the area in which it is located and it would conflict with Policy SP 7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021 and Policies SPL 3, LP 4, LP 7 and PPL 3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted 2022). Amongst other things, these policies require, broadly, that development protects, enhances and responds positively to local character and the rural landscape and that self-build and custom-built homes should have no significant material adverse impact on the form and character of nearby settlements. For the same reasons, the proposal would be

contrary to the National Planning Policy Framework ('the Framework') insofar as it seeks development that is sympathetic to local character.

Other Matters

14. From the information before me, the Colne Estuary Special Protection Area ('SPA') and Ramsar site, the Hamford Water SPA, Special Area of Conservation ('SAC') and Ramsar site and the Essex Estuaries SAC are vulnerable to the effects of recreation. The appeal site is located within the area from which most visitors to these sites are identified as originating from and the development could therefore result in additional visitors, increasing recreational pressure. This pressure, particularly when taken in combination with other plans and projects, could lead to an adverse effect on the integrity of the sites.
15. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS') Supplementary Planning Document 2020 outlines a package of strategic measures to mitigate recreational effects of development on sites around the Essex Coast. It encourages development to make financial contributions towards the strategic measures according to a tariff, although it notes that development may propose bespoke mitigation as an alternative. In this case, the appellant has indicated a willingness to make a financial contribution in accordance with the RAMS tariff. However, no payment has been made and nor is there any legal agreement before me to secure a payment.
16. The Council has proposed a planning condition intended to secure mitigation, and has at my request provided further comments and clarification in respect of the suggested approach. Had I found the proposal to be otherwise acceptable, I would need to consider further whether the condition would be appropriate and effective to secure adequate mitigation within the framework of an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017. However, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter any further as it could not alter my decision.

Planning Balance

17. The appellant indicates that changes to the local housing need figure according to the Government's standard method would result in an increase of around 35% in the housing requirement for Tendring. However, they have not disputed the Council's evidence that it is able to demonstrate a 5-year supply of deliverable housing sites against the housing requirement set out in adopted strategic policies (plus a 5% buffer to ensure choice and competition in the market). As the adopted strategic policies are less than 5 years old, this is the relevant requirement and so the housing supply position does not engage the presumption in favour of sustainable development set out at paragraph 11. d) of the Framework.
18. Nevertheless, the proposal would deliver two additional custom-built dwellings towards the supply of housing on a site with reasonable accessibility to services and facilities in nearby settlements. I afford this great weight in light of clear objectives within the Framework seeking to significantly boost the supply of housing and offer a mix of housing. However, the proposal would make only a very limited contribution to the overall supply picture. While that does not diminish the weight that I give the contribution, the extent of the benefit would be accordingly limited.

19. There would be some economic and social benefits associated with the construction process including opportunities for employment. Spending by future occupiers could also help to support local facilities and the local economy. However, these benefits would also be likely to be very limited given the small scale of the proposal, and construction effects would further be temporary. I also have no firm evidence of any existing issue with crime in Barnfields that the proposal would address. Overall, I give limited weight to these benefits.
20. The appellant's Biodiversity Impact Assessment suggests that the proposal would offer Biodiversity Net Gain ('BNG'). I note suggested percentage increases, but it seems to me that the level of any gain would depend on the detail of reserved matters and so these figures could change. That said, I have no firm reason to find that the proposal would be unable to achieve BNG or provide biodiversity enhancement measures in principle. I note that self-build and custom built developments may, where properly secured as such, be exempt from mandatory BNG but given that biodiversity enhancement is put forward as a benefit of the proposal, I consider it could reasonably be secured by a planning condition and would attract moderate weight. Nevertheless, the extent of any enhancement is currently uncertain and the small scale of the site means that the overall contribution to biodiversity would be likely to be modest.
21. I have noted references to the thermal efficiency of the dwellings and inclusion of renewable energy sources, electric vehicle charging and gigabit ready technology. However, the outline nature of the proposal means that details and the extent of potential environmental benefits are uncertain and I give limited weight to the suggested measures.
22. Against these benefits, I have found that the development would harm the character and appearance of the area. Although the harm would be localised, I consider it would be significant in the local context and in my judgement, it would outweigh the proposal's limited benefits.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
24. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR