



Appeal Decision

Site visit made on 5 August 2025

by **E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/P1560/W/25/3360146

Land at Montana, London Road, Clacton On Sea, Essex CO16 9QZ

- 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 Freehold Land Buyers Limited against the decision of Tendring District Council.
 - The application Ref is 24/01458/FUL.
 - The development proposed is the demolition of existing domestic garage, domestic stables and glasshouse; and redevelopment comprising a three bedroom bungalow with parking, served by revisions to existing accesses from London Road; new hard and soft landscaping; and other works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

3. The appeal site is an area of land to the side and rear of the host dwelling Montana, which is occupied by a disused stable building and glasshouse to the rear and a garage outbuilding to the side. It is located within a rural area between the town of Clacton-on-Sea and the village of Little Clacton and is surrounded by several other residential properties and some commercial uses interspersed by large swathes of open and undeveloped land.
4. The proposed development would replace the existing glasshouse, stables and garage with a single storey detached dwelling with a new access track to the side of the existing host dwelling and a shared access point from London Road.
5. The appeal site is outside of the settlement development boundary and therefore forms part of the wider countryside. Policy SP3 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 2021 (the Section 1 LP) states that existing

settlements will be the principle focus for additional growth across the North Essex Authorities area. Therefore, the proposal would be contrary to this policy.

6. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 2022 (the Section 2 LP) states that outside of settlement development boundaries the Council will consider any planning application in relation to the pattern and scale of growth promoted through the settlement hierarchy in Policy SPL1 and any other relevant policies in this plan. Neither party have identified any other relevant policies which would support development of housing outside of the settlement boundary and, in turn, the appeal proposal.
7. Within the settlement hierarchy outlined in Policy SLP1 of the Section 2 LP, Clacton-on-Sea is classified as a strategic urban settlement and Little Clacton is classified as a rural service centre. However, the appeal site does not fall within either of these settlements and therefore the proposed development would conflict with both Policies SPL1 and SPL2 of the Section 2 LP.
8. The appellant has highlighted that the appeal site is previously developed land (PDL) where development is supported under paragraphs 124 and 125 of the National Planning Policy Framework. Paragraph 124 of the Framework relates to making as much use as possible of PDL within strategic policies and therefore is not relevant to the proposal before me. Paragraph 125(d) of the Framework, as highlighted by the appellant, supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land support is constrained and available sites could be used more effectively. However, there is no suggestion that there is any such need for housing in this area, with the Council confirming that they can comfortably demonstrate a five year housing land supply. Therefore, I afford limited weight in relation to this.
9. Whilst the Council considers that the future occupiers of the proposed dwelling are likely to be car dependant for their day to day needs, they recognise that the appeal site is located near to local services and facilities, including supermarkets and a retail park. There is a footpath opposite the appeal site, along London Road, which although narrow could still be used with relative ease to access the vast range of facilities within Clacton-on-Sea and nearby bus stops by foot. As such, the future occupiers of the proposed dwelling would have sustainable transport options and would not be largely reliant on the use of a private vehicle to access the necessary services and facilities.
10. Nevertheless, whilst the proposed development would provide accessibility to services and facilities without reliance on the use of a private car, it would not be in a suitable location for housing with regard to the local development strategy and would conflict with Policy SP3 of the Section 1 LP and Policies SPL1 and SPL2 of the Section 2 LP as outlined above.

Character and Appearance

11. Policy LP8 of the Section 2 LP relates to the residential development of backland sites. As the proposed dwelling would be located immediately behind the existing residential frontage of the host dwelling, it would constitute backland development and therefore this policy would be relevant to the proposal before me.
12. The appeal site, and the land immediately surrounding it, is largely open, undeveloped and verdant in nature, located in a locally designated 'Strategic

Green Gap' between the built up areas of Clacton-on-Sea and Little Clacton with a semi-rural character. Whilst there are several buildings on the appeal site, these appear ancillary to the host dwelling and are interspersed with green open space. The presence of a separate dwelling and associated domestic paraphernalia in this backland location, including an extensive driveway and vehicle parking, would appear at odds with the prevailing pattern of surrounding residential development along this section of London Road where dwellings generally front the highway with large open spaces surrounding them.

13. The proposed development would replace existing built form on the appeal site, in the form of an existing glasshouse, stables and garage with a single bungalow dwelling. Whilst the proposed dwelling would have a lesser floorspace than the existing buildings on the site, the proposal also includes extensive hardstanding to provide vehicular access to the dwelling from the existing access at the front of the site. Therefore, I do not consider that the proposal would result in significantly less built form across the appeal site and it would be out of keeping with the semi-rural character of the area and its general verdant nature.
14. As concluded by the Council, the proposed development may not significantly alter the open and undeveloped character of the Strategic Green Gap in this location or result in any overriding landscape harm, due to the existing built form on the appeal site and limited visibility from the public realm. Nevertheless, as the proposed residential development would be contrary to the pattern of development in the area and at odds with the semi-rural character, the proposed development would still be detrimental to the character and appearance of the area.
15. Furthermore, although the form and layout of the proposed dwelling may be considered acceptable, this would not render residential backland development in this location acceptable for the reasons outlined above.
16. Therefore, for the reasons above, the proposed development would harm the character and appearance of the surrounding area and would conflict with Policy SP7 of the Section 1 LP and Policy LP8 of the Section 2 LP. These policies seek to ensure all development responds positively to local character and context to preserve and enhance the quality of existing places and their environs and that proposals for backland residential development are not out of character with the area and its particular setting.

Other Matters

17. The appellant considers that the proposed development would provide highway safety benefits due to the proposed removal of the existing southernmost access. They also highlight that the proposal would provide new open landscaped areas, tree planting and would deliver double the requisite amount for biodiversity net gain, with no ecological impact. However, due to the scale of the site and the proposal, these benefits are limited and would not outweigh the harm and conflict with the development plan that I have identified above.
18. I note that the appeal site is located within the zone of influence of the Colne Estuary Special Protection Area (SPA) and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC), European designated sites. Given that the proposal is for additional housing, there is a reasonable likelihood that the European Sites would be accessed for recreational purposes by future occupiers

of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out.

19. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

20. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR