



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: 22nd August 2025

Appeal Ref: APP/P1560/W/25/3359500

Ferndene, Main Road, Great Holland, Essex CO13 0JN

- 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 Linda Middleditch against the decision of Tendring District Council.
 - The application Ref is 24/00720/OUT.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is part of the rear garden currently belonging to the property, Ferndene, with access from Main Road to the side of this host dwelling via an existing driveway. The site is currently occupied by a large single storey detached outbuilding, used as a garage/workshop ancillary to the host dwelling, an area of hardstanding and part of the lawned section of the rear garden.
6. The surrounding area is residential in nature with dwellings of various designs and scales largely set out in a linear fashion along Main Road and other roads in the area. To the rear of the dwellings on this side of Main Road is open and undeveloped countryside. Whilst properties in the immediate area around the

appeal site are generally similar in scale and layout, the appeal site extends further back into the open field to the rear than the majority of the surrounding properties.

7. The proposed development would introduce a detached dwelling on the appeal site to replace the existing garage outbuilding, this would be accessed from the existing driveway to the side of the host dwelling which would be subdivided from this property by a fence. As the application is for outline planning permission with all matters reserved, the specific details of the proposed dwelling are unknown, however the appellant indicates that it would be a bungalow or chalet bungalow.
8. Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 2002 (the Section 2 LP) relates to backland residential development. In section (c) this indicates that proposals must avoid 'tandem' development using a shared access. Whilst the proposed development would represent a tandem development, as a dwelling immediately behind an existing residential frontage, it would not share an access with the host property. Therefore, the proposal would not conflict with this section of Policy LP8.
9. Policy LP8 of the Section 2 LP also states that (e) the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting and that (f) the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.
10. Whilst the appeal site is large enough to accommodate an additional dwelling and still provide a suitable sized rear garden for the host dwelling, as there is no similar development in the area immediately surrounding the appeal site, such an addition would appear entirely at odds with the established pattern of development and existing character of the area. Furthermore, due to the location of the proposed development, to the rear of other dwellings on Main Road, a dwelling in this backland location would create a hard urban edge set against the rural backdrop of the adjacent open fields which would not accord with section (e) of Policy LP8 of the Section 2 LP. This would be exacerbated by the existing protrusion of the appeal site into the open fields to the rear.
11. It is noted that there is already a substantial structure in place on the appeal site. However, it is likely that a separate dwelling would be larger in scale than the existing garage and would be accompanied by the additional domestic paraphernalia associated with a separate dwelling, such as vehicles, garden furniture and additional domestic outbuildings. Therefore, it would have a greater impact on the character and appearance of the area than the existing building on the appeal site.
12. Due to the layout of the site, with two existing access points from Main Road and the size of the rear garden, the proposal would be unlikely to set a harmful precedent for other similar forms of development. However, for the reasons above, the proposal would result in development which is out of character with the area and would therefore still conflict with section (f) of Policy LP8 of the Section 2 LP.
13. There are some cul-de-sac residential development in the surrounding area, including backland development. However, these are some distance from the appeal site and in the area immediately surrounding Ferndene, I have no evidence of any examples which are similar to the appeal proposal before me. The appellant

has highlighted two applications¹ which were granted planning permission for tandem development. However, limited details have been provided regarding these and they appear to be located within Church Lane which is not within the immediate vicinity of the appeal site or contribute to its character. Therefore, they do not set a precedent for the appeal proposal before me.

14. Therefore, for the reasons above, the proposed development would result in harm to the character and appearance of the surrounding area and would conflict with Policies SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 (2021) and Policies SPL3, LP4 and LP8 of the Section 2 LP. These policies collectively seek to ensure that new development responds positively to and respects local character and context and the quality of the local environment and that proposals for the residential development of backland sites must not be out of character with the area and must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting.

Other Matters

15. The appellant has outlined that the proposed development would be served by sustainable transport links, including a bus stop opposite the appeal site, and would be a sufficient distance from the neighbouring dwellings to ensure that the proposed development would not harm the living conditions of the occupiers of these properties. The Council do not disagree with these findings. However, these factors are neutral and would not outweigh the harm I have identified.
16. The Council have highlighted that the appeal site is located within a recreational zone of influence of the Hamford Water Special Protection Area (SPA), a European designated site. Given that the proposal is for additional housing, there is a reasonable likelihood that this European Site 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.
17. 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

18. 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

¹ 19/00560/OUT and 15/00984/FUL