



Appeal Decision

Site visit made on 2 September 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/P1560/W/25/3363468

Land South of Chartfield Drive, Chartfield Drive, Kirby Le Soken, Frinton-on-Sea CO13 0DR

- 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 Messrs Pickett, Brown and Low against the decision of Tendring District Council.
 - The application Ref is 24/01605/OUT.
 - The development proposed is the erection of 3no. detached self-build bungalows with garaging and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application subject of this appeal was made in outline form with all matters reserved for future consideration. Accordingly, the submitted plans can only be taken as indicative at this stage.

Main Issues

3. The main issues are:
 - whether the proposed development would be suitably located having regard to relevant development plan policies concerning the provision of housing in the district; and
 - whether the proposed development would lead to the coalescence of settlements, with particular regard to the Strategic Green Gap.

Reasons

Location

4. The appeal site is an irregular grassed parcel of land to the south of Chartfield Drive. To the north are rear gardens and dwellings, and to the south and east there is open countryside. The site lies outside the settlement development boundary for Kirby-le-Soken.
5. Policy SP3 of Section 1 of the Tendring District Local Plan 2013-2033¹ (TDLP) sets out the broad spatial strategy that focuses new housing according to the

¹ Tendring District Council, North Essex Authorities' Shared Strategic Section 1 Plan, Tendring District Local Plan 2013-2033 and Beyond, adopted January 2021.

settlement hierarchy, directing growth to the most sustainable locations and resisting dispersed development in the countryside. Policy SPL1 of TDLP Section 2² identifies Kirby-le-Soken as a Smaller Rural Settlement - the least sustainable category with limited services and facilities, whilst Policy SPL2 defines settlement development boundaries to manage where growth occurs. Policy LP7 is the specific mechanism allowing limited self-build/custom-build housing outside boundaries, but only where strict locational criteria are met.

6. When read as a whole, these policies do not preclude the principle of new residential development on sites 'adjoining' the settlement boundaries, subject to a consideration of the patterns and scales of growth set out within the settlement hierarchy. Small-scale extensions can, in some instances, represent an appropriate rounding-off of existing development. However, whether such development is acceptable depends on the scale of the proposal and the degree to which residents would have access to services and facilities without being heavily dependent on private vehicles.
7. Within Kirby-le-Soken there are a few basic amenities, including two public houses, a post office and a small village shop. There is no supermarket, primary school or a range of shops, services and facilities within the village, and employment opportunities are very limited. A bus service connects Kirby-le-Soken to Walton-on-the-Naze, which has a wider range of facilities, but the service is relatively infrequent. There is a roadside footway along Walton Road linking the two settlements, but it would be of limited practicality for routine needs, such as carrying groceries, given the distance involved. Even to reach the nearest supermarket in Walton would require a walk of around 30 minutes each way.
8. As such, whilst the settlement is not wholly isolated, everyday needs and access to employment or larger shops would still rely predominantly on private motorised vehicles. This reliance would be compounded by the site's location beyond the defined boundary of the village. The proposal would therefore run counter to the Local Plan's spatial objective of steering housing growth to locations that offer the greatest opportunity to travel by sustainable modes.
9. Policy LP7 provides a limited exception for self-build and custom-build housing outside settlement boundaries, but only where strict locational criteria are met. These include being within 600 metres of a strategic or smaller urban settlement boundary, within 400 metres of a rural service centre boundary, or on previously developed land that is demonstrably unsuitable for employment use. On the submitted location plan the site lies about 850 metres from the boundary of Walton-on-the-Naze, is not close to a Rural Service Centre, and is not previously developed land. The proposal therefore fails to meet any of the LP7 criteria.
10. The appellant also cites other appeal decisions in Thorpe-le-Soken³ and Frating⁴. In the Thorpe-le-Soken case, part of the site lay within the boundary, and the settlement was a Rural Service Centre with substantially more services than Kirby-le-Soken. The Inspector in the Frating case considered that there were good employment opportunities in Frating and a sufficient range of services and facilities available to the future residents. This is not the case in Kirkby-le-Soken.

² Tendring District Council, Section 2, Tendring District Local Plan 2013-2033 and Beyond, adopted January 2022.

³ Appeal reference APP/P1560/W/22/3308970.

⁴ Appeal reference APP/P1560/W/22/3292186.

Accordingly, these references are not directly comparable and are not persuasive precedents that weigh in favour of the scheme.

11. The proposal would result in harm because it would undermine the Council's spatial housing strategy. The settlement boundaries and Policy LP7's distance thresholds are the tools by which the Local Plan concentrates growth at suitable locations, supports viable service centres, and avoids incremental, car-dependent spread around lower-order settlements. Introducing three new dwellings beyond the boundary of a Smaller Rural Settlement would erode that distributional hierarchy, create pressure for further edge-of-settlement incursions, and cumulatively weaken the plan-led pattern of sustainable growth the hierarchy is designed to secure.
12. For these reasons, I find the proposal would not be suitably located having regard to relevant development plan policies concerning the provision of housing in the district. It would not adhere to the Council's housing strategy, resulting in significant harm. It would conflict with Policies SP3, SPL1, SPL2 and LP7 of the Local Plan insofar as they seek to ensure housing development proposals outside settlement boundaries are appropriately located in sustainable locations and according to the settlement hierarchy.

Strategic Green Gap

13. The site lies at the southernmost end of Chartfield Drive, beyond which the land forms part of the designated Strategic Green Gap (SGG) between Kirby-le-Soken and the settlement of Kirby Cross. The site itself is grassed and open, forming a clear termination point to the settlement's built form. The adjoining fields contribute to the openness of the gap and to the separation of settlements.
14. Policy PPL6 of the Local Plan seeks to protect the SGG in order to maintain the individual identity of settlements and to prevent their coalescence. Development will only be permitted if it does not, individually or cumulatively, lead to coalescence.
15. The submitted site layout shows three dwellings projecting southwards beyond the existing built form. This would extend development into land that currently performs an important role as part of the open break between settlements. Even though the depth of incursion is limited, the proposal would alter the perception of the settlement edge and reduce the sense of openness that currently exists when Chartfield Drive gives way to open countryside and agricultural land.
16. The appellant argues that the encroachment is modest, that landscaping could provide a strong new boundary, and that physical features such as Turpin's Lane and tree belts to the east would continue to maintain separation from Kirby Cross. Whilst such features exist, they do not negate the fact that the site is within the SGG and that the dwellings would project built form into presently undeveloped land.
17. The appellant also points out that Policy PPL6 does not impose an absolute prohibition on development within the gap and compares the appeal proposal to a larger scheme for a solar farm dismissed in February 2024. They argue the proposal would not alter the character of the green gap or significantly impact the visual break. However, the purpose of the policy is preventative and seeks to stop incremental erosion that cumulatively undermines the function of the gap. That

larger schemes might have been more damaging does not render this proposal acceptable.

18. The effect of the development would be to weaken the established settlement edge, blur the boundary, and diminish the amount of open land with the green gap. Taken together, this would diminish the openness of the gap and compromise its role in preventing the coalescence of Kirby-le-Soken with Kirby Cross.
19. I therefore conclude that the proposal would contribute to the coalescence of settlements and harm the characteristics and objectives of the Strategic Green Gap. It would therefore conflict with Policy PPL6 of the Local Plan which seeks to protect the SGG and prevent settlement coalescence.

Other Matters

20. The Council can demonstrate a five-year supply of deliverable housing sites. Accordingly, the “tilted balance” in paragraph 11(d) of the National Planning Policy Framework (NPPF) is not engaged. Notwithstanding this, the NPPF seeks to significantly boost the supply of homes. The proposed delivery of three self-build dwellings would contribute to housing supply. Whilst this would represent a modest quantitative benefit, given the Council can demonstrate a five-year supply of deliverable housing sites, and Policy LP7 provides for self-build opportunities in sustainable locations, the weight of this benefit is limited.
21. Some short-term economic benefits would arise from construction activity and subsequent local spending by future occupants, but these would be modest given the small scale of development. Landscaping and new planting are presented as visual improvements, but such measures are primarily mitigation rather than enhancement.
22. The appellants also refer to design quality, ecological enhancements, and the absence of highways or amenity impacts. These matters weigh neutrally in the planning balance. They do not overcome the proposal’s fundamental conflict with the spatial strategy and the harm to the Strategic Green Gap.

Planning Balance and Conclusion

23. The proposal would not be suitably located with regards to the spatial strategy and would harm the characteristics and objectives of the Strategic Green Gap. The adverse impacts and harm identified would significantly and demonstrably outweigh the limited benefits of the proposal.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR