



Appeal Decision

Site visit made on 6 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/P1560/W/25/3371750

West Manston, Windmill Road, Bradfield, Essex CO11 2QR

- 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 Mrs K Rees against the decision of Tendring District Council.
 - The application Ref is 24/01734/OUT.
 - The development proposed is the erection of three dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of three dwellings at West Manston, Windmill Road, Bradfield CO11 2QR in accordance with the terms of the application, Ref 24/01734/OUT, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by the appellant Mrs K Rees against Tendring District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly.
4. A plan has been submitted as part of the appeal which indicates how three dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

Character and appearance

6. The appeal site consists of a relatively flat, rectangular shaped plot of land located on Windmill Road within the village of Bradfield. The site contains an existing single storey residential dwelling with an extended garden to the rear with mature

vegetation and trees. Access to the site is from Windmill Road, which is currently used by the host dwelling, to access a driveway to the front of the property, with a low brick wall fronting the street. The surrounding area mainly consists of one and two storey detached brick-built residential dwellings.

7. A number of backland developments have occurred in recent years to the south of the appeal site, with the construction of a number of small cul-de-sacs or closes which now form part of the character and appearance of the area. One such development is immediately adjacent to the appeal site.
8. The appeal scheme would result in three new homes being constructed in a backland location, with access from Windmill drive along the boundary with an adjacent property immediately to the north.
9. The proposed backland development identified in the outline application is similar in character to existing backland development in the wider area and immediate vicinity directly adjacent to the appeal site to the south, following a similar pattern of development and layout. The proposed dwellings are indicated to be of one storey and would therefore not dominate the surroundings or be overbearing to existing neighbouring properties or the host dwelling.
10. Whilst the development would extend the built form beyond the established rear building line of the one remaining neighbouring property to the north, given the existing backland developments nearby, and adjacent to the appeal site which have extended the built form back from the original line of development, this would not be out of character and would not create a hard urbanised area.
11. The appeal site currently contains verdant and mature vegetation which screens much of the rear garden of the appeal site from the neighbouring properties. The arboricultural plans indicate trees to be removed and maintained, illustrating it would be possible to maintain a significant degree of screening by vegetation. Once constructed, there would remain the opportunity for future planting of vegetation and tree growth.
12. As such, the proposal is in line with Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond (TDLP) Section 1, adopted January 2021, which seeks for development to respond positively to the local character and context to preserve and enhance the quality of existing places and their environs and protect the amenity of existing and future residents and users. In addition, the proposal is in line with Policy LP8 of the TDLP Section 2, adopted 25 January 2022, which specifies backland residential development must not be out of character with the area or set a harmful precedent for other similar forms of development. The proposed development would also accord with Policy SPL3 of the TDLP Section 2, which seeks for all new development to make a positive contribution to the quality of the local environment or enhance local character.
13. I consider the outline proposal to be inline with Policy SP7, Policy SPL3 and Policy LP8 of the TDLP Sections 1 and 2, and consider an acceptable development as described in the proposal could be devised based on the evidence provided.

Location

14. The appeal site is located along Windmill Road towards the edge of the defined settlement boundary of the residential area of Bradfield in the TDLP 2013-2033.

The boundary line of the defined settlement, cuts directly through the rear garden of the appeal site, in an approximately central location, such that part of the area proposed for development falls outside the defined settlement boundary. This results in the eastern section of the appeal site being located within the settlement development boundary for Bradfield as defined within the adopted TDLP 2013-2033, while the western section of the appeal site lies outside of the settlement development boundary.

15. Policy LP8 of the TDLP Section 2, cites specific criteria with which backland residential development must comply. This includes criteria e) which states 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.
16. Policy SP3 of the TDLP Section 1, encourages growth to be focused within or adjoining existing settlements and to be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.
17. The appeal site is both on the edge and outside the boundary of the defined settlement. Nevertheless, the appeal site has residential development and curtilages located to the south, north, east and west of the site. Its development would not form a hard urban edge, out of character in its particular setting, due to the presence of existing backland development immediately to the south of the appeal site and in the wider area. Instead, it would form a continuation of the prevailing development which now forms part of the character of the area and would therefore accord with Policy LP8 of the TDLP Section 2. In addition, there is no substantive evidence before me that identifies any specific harm related to part of the location of the site being outside the defined settlement boundary of Bradfield as there is no encroachment into the wider countryside, and therefore I consider the proposed development would accord with Policy SP3 of the TDLP Section 1.
18. Therefore, I conclude that the appeal site would be a suitable location for the proposed development, having regard to local and national policy. The proposal would accord with Policy LP8 and Policy SP3 of the TDLP as set out above. The proposal would also accord with the National Planning Policy Framework (the Framework) where it supports rural housing that would not be isolated.

Other Matters

19. Whilst there would be a substantial loss in rear garden size for the host property (West Manston), the outline layout presented provides me with confidence that it would be possible to design a considerate final layout with adequate amenity space for the future dwellings and the host dwelling. I conclude that based on the indicative plans the proposal would accord with criteria a) of Policy LP8 of the TDLP Section 2.
20. Although the proposed development would be served by a single access, the access would be safe and suitable, adequately laid out and would not cause undue harm. I note the Parish Council have indicated they are not in support of shared accesses, but I note this was not a specific concern in the reasons for refusal given by the Council. Taken in the round, the scale of the proposed development could be accommodated, and would not be in conflict with the development plan when considered as a whole.

21. It has been brought to my attention that some properties in the area have been on the market for several years. However, there are no upper limits on development and I must consider this appeal based on its own merits.
22. In addition to the matters addressed above, concerns have been raised regarding a number of other matters. These include loss of biodiversity and carbon reduction. These are all matters which would be addressed as part of the reserved matters applications and are not considerations to be dealt with at this stage.
23. The appeal site lies within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area (SPA), a European designated site. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
24. This SPA is an important recreational and economic resource and it is likely that occupants of the proposed development would visit it. In this regard and considering the evidence before me, it is clear that the proposal, when combined with other development in the area, would have a likely significant effect on the qualifying features of this European site, particularly to birds, through increased disturbance as a result of recreational activity. Considering the conservation objectives for the SPA this would adversely affect the integrity of the SPA. I must therefore consider whether measures could be put in place to avoid or mitigate these impacts.
25. I have been provided with the Supplementary Planning Document for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by the Council. This states Natural England has endorsed the Essex coast RAMS as a strategic approach to deliver the necessary mitigation to avoid in-combination effects from residential developments.
26. I am satisfied on the basis of the evidence before me, that the submission to the Council of detailed proposals to address the mitigation of the development's impact on protected Essex Habitats Sites in accordance with the joint RAMS (or a demonstration of mitigation measures of equivalent effectiveness to the satisfaction of the Council), secured through a condition, would be sufficient to ensure that this proposal would not have an adverse effect on the integrity on the Stour and Orwell Estuaries SPA from recreational disturbance when considered alone or in combination with other development.
27. The development would therefore comply with the Conservation of Habitats and Species Regulations 2010 (as amended) and Policy PPL4 of the TDLP Section 2, insofar as it seeks to secure the long term protection of SPAs and mitigate any adverse effects on their integrity.

Conditions

28. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have had regard to the advice in the Planning Practice Guidance and the conditions

- suggested by the Council and where necessary I have amended and simplified the wording for several of the conditions in the interests of effectiveness and precision.
29. In the interests of certainty and clarity, I have imposed conditions relating to the approval of reserved matters and the commencement of development.
 30. In the interests of precision and proper planning I consider it necessary to require the submission of reserved matters prior to the commencement of development and to limit the number of dwellings approved to three.
 31. To protect the integrity of designated habitat sites and their special features in accordance with the Framework and the Habitats Regulations, it is necessary to impose conditions to secure the provision and implementation of appropriate mitigation measures.
 32. To minimise detriment to nearby residential and general amenity, I consider it necessary to require the submission of a construction methodology and timetable to be submitted and approved and thereafter the development carried out in accordance with the approved scheme.
 33. In the interests of highway safety, a condition securing full details of the proposed access, including the provision and maintenance of visibility splays throughout the development's lifetime are required. I have combined suggested wording from the Council regarding access into one condition.
 34. In the interests of proper planning and to safeguard archaeological assets, I consider it necessary to require the submission of a scheme of archaeological evaluation and the confirmation by the local planning authority in writing, that no further investigation work is required. I have combined requirements regarding archaeology into one condition.
 35. In the interests of proper planning it is necessary to impose a condition to ensure the development adequately manages the trees on site and to provide a scheme for the protection of the existing trees.
 36. In the interests of proper planning, I consider it necessary to require conditions securing the provision of a construction environmental management plan, Biodiversity Enhancement Strategy and lighting design strategy for biodiversity.
 37. To enhance the sustainability of the development, a condition relating to water and energy efficiency measures is necessary to ensure the development will accord with policies PPL5 and PPL10 of the TDLP Section 2.
 38. It is not necessary to include a condition on biodiversity net gain as this is now a requirement of the Environment Act Schedule 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.
 39. I note that much development in the area is of single storey but the number of storeys of the proposed development is a matter related to the appearance which is reserved for later consideration. Therefore, it is not necessary to prescribe the number of storeys through a condition.

Conclusion

40. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

Ms Beloe

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved, in writing, by the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Any application(s) for approval of all the outstanding and the reserved matters, for any phase of the development, shall be made to the local planning authority not later than three years from the date of this permission, and shall limit the number of dwellings approved to three.
- 3) The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites shall be submitted to and approved in writing by the local planning authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the local planning authority. These proposals may require on site or off-site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation. The approved mitigation shall be provided prior to the first occupation of the dwellings hereby permitted. For any on site mitigation proposals approved, it shall be carried out in full, prior to first occupation, and thereafter shall be maintained as approved.
- 5) No development shall take place until details of a construction methodology and timetable have been submitted to and approved, in writing, by the local planning authority. The said methodology shall be implemented in its entirety on commencement of development and shall operate at all times during construction.
- 6) Prior to the first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site, measured from the nearby edge of the carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway or highway verge. The access shall then thereafter be retained in accordance with the outline plans. The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter. Before the access is first used, clear visibility shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

- 7) No development shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the local planning authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the local planning authority, and that confirmation in writing by the local planning authority has been provided that no further investigation work is required. Should the local planning authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.
- 8) All mitigation measures or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Stuart Elsom Ecology, August 2024) and Results of Ground Level Tree Assessment (Hybrid Ecology Ltd, July 2025).
- 9) No development shall take place until a scheme for the protection of the existing trees has been submitted to and approved in writing by the local planning authority, other than those the removal of which has been granted express permission in writing by the local planning authority. Such a scheme will comply with the provisions of BS5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed. Any tree(s) dying or becoming severely damaged as a result of any failure to comply with these requirements, shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the local planning authority up to first use or first occupation of the development, following the death of, or severe damage to the tree(s).
- 10) No development shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 11) No development shall take place until, a Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Stuart Elsom Ecology, August 2024) and Results of Ground Level Tree Assessment (Hybrid Ecology Ltd, July 2025), shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 12) Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances

should any other external lighting be installed without prior consent from the local planning authority.

- 13) No development shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the local planning authority. The scheme shall be fully implemented prior to the first occupancy of the development. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

END OF SCHEDULE