



Appeal Decision

Site visit made on 3 September 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 9th December 2025

Appeal Ref: APP/P1560/W/25/3361307

Land adjacent to The Moors, Great Bentley, Colchester CO7 8PG

- 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 Hills Residential Construction Ltd against the decision of Tendring District Council.
 - The application Ref is 24/01624/FUL.
 - The development proposed is erection of two detached dwellings, each with a detached garage and associated landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant's planning statement indicates that the appeal site lies within the Great Bentley Conservation Area (CA). While the Council officer's report identifies that the appeal site includes a small section at its northern part that is situated outside the Great Bentley Conservation Area (CA), the Council has confirmed that this segment of the appeal site is nevertheless within the setting of the CA. For the purposes of this appeal, the site has been assessed on the basis that this area lies within the setting of the CA, and therefore its potential impact on the character and appearance of the CA has been duly considered.
3. It is noted that Great Bentley Parish Council has raised an objection to the proposal on the basis that there is no lawful access across the adjacent village green. Although it was observed during the site visit that this access continues to be used in practice, this issue is considered to fall outside the scope of the current appeal. It is therefore regarded as a matter to be resolved separately by the appellant through the appropriate legal or procedural channels.
4. The Council has acknowledged that the statement in the delegated report under the Planning History section, asserting that no extant permissions exist for the site, is inaccurate. Planning permission Ref. 19/00448/FUL remains valid and has been lawfully implemented, as evidenced by a material commencement on site and the absence of any pre-commencement conditions. This consent pertains to a two-storey building situated at the front of the site, along with a detached triple garage positioned to the rear, within the rear boundary line of the two adjoining neighbouring properties.
5. The Council agrees with the appellant that this permission constitutes a fallback position should the current appeal be unsuccessful. Furthermore, the Council has confirmed its satisfaction with the proposal for Plot 1, noting its similarity to the

approved scheme. Accordingly, the reasons for refusal are confined to the Plot 2 element of the appeal and the proposed rear access to the dwellings via Lang Way.

Main Issue

6. The main issues are:

- whether the development would preserve or enhance the character or appearance of the Great Bentley CA and
- the effect on the living conditions of occupants of neighbouring residential properties with particular regard to noise and disturbance and outlook.

The significance of the CA

7. Based on the available evidence and my site visit observations, the significance of the Great Bentley CA stems in part from the built form of the predominantly residential area that is characterised by detached and semi-detached dwellings set within generous plots. These properties exhibit a traditional architectural style, with pitched roofs, brick or rendered facades, and a generally low-rise profile that contributes to the village's spacious and verdant character.
8. The properties along The Green where the appeal site lies are characterised by a distinctive and high-quality built form that contributes positively to the semi-rural character of the settlement. They are predominantly large, detached family dwellings set within maturely landscaped plots. The prevailing development pattern features open frontages, soft boundary treatments, and generous plot sizes, which collectively establish a strong sense of openness and visual continuity across the streetscape. These attributes are further enhanced by the orientation of the dwellings, many of which benefit from uninterrupted views across Great Bentley's expansive village green, a prominent and defining feature of the local context. The low-density layout and spacious arrangement of homes along The Green result in a limited number of properties occupying this stretch, in contrast to the more compact and standardised built form observed along Weeley Road on the opposite side of the village green.
9. In comparison, properties on Weeley Road comprise a mix of detached and semi-detached homes of more conventional proportions. While these dwellings also offer generous gardens and a blend of traditional and modern architectural features, their arrangement reflects a denser development pattern, with less emphasis on openness and landscape integration. Access to the appeal site is gained via a single-track lane crossing the village green from Weeley Road, which connects to The Green, an informal and unmade lane running adjacent to the properties. This route along The Green is substandard in width and construction, and similarly narrow, with limited vehicular activity. The resulting low-speed environment contributes to a quiet and tranquil streetscape, reinforcing the cohesive and semi-rural character of the area. These access arrangements, while constrained, are integral to the established pattern of development and the overall sense of place within this part of Great Bentley.
10. The Council's Great Bentley Conservation Area Character Appraisal and Management Plan (November 2023) acknowledges that the varied architectural styles surrounding the village green are generally sympathetic to the historic character of the area and contribute positively to the streetscape. It further identifies

key views within the CA as typically comprising broad vistas of the village green, with emphasis on the prominent historic building stock.

Effect on the character and appearance of the area and significance of the CA

11. The appeal site comprises a parcel of soft-landscaped land forming part of the private curtilage associated with the host residential property, The Moors. The site is of irregular configuration, extending initially between the dwelling known as Tudor House and the host building, both of which present principal elevations towards the village green, and continuing rearward of Tudor House. During my inspection, I observed only limited vehicular activity along The Green and the connecting lane across the village green.
12. The development proposal seeks the erection of two separate residential units. Plot 1 would accommodate a two-storey dwelling positioned between Tudor House and the host property, aligned to face the village green in a manner consistent with the established orientation of neighbouring buildings. The dwelling would be afforded adequate separation to either side and provision for garage parking, accessed directly from the village green. Therefore, this built form and its relationship with the neighbouring dwellings and the village green accords with the character and appearance of the area and the setting of the CA.
13. Plot 2 is proposed to accommodate a one-and-a-half-storey dwelling positioned to the rear of Tudor House. In contrast to the established pattern of access serving neighbouring properties and the proposed dwelling on Plot 1, entry to this unit would be achieved via an extended driveway originating from Lang Way, leading directly to a detached garage. The dwelling would be set at an angled orientation relative to surrounding development, with its principal elevation not aligned parallel to the access route.
14. The proposed driveway would also extend to the rear of Plot 1, terminating in a gated vehicular turning facility. In contrast to the existing discreet lane access serving the host dwelling and adjacent properties, including the proposed access to Plot 1 from The Green, the new access arrangements and associated gates would present as conspicuous features across an established area of open soft landscaping that currently integrates with the village green. It would be harmful to the view into the CA from Lang Way and village green. Accordingly, when considered in its entirety, the siting, orientation, and access configuration of the Plot 2 dwelling would be discordant with the prevailing pattern of development and would fail to preserve or enhance the character and/or appearance of the Great Bentley CA.
15. The appellant has drawn attention to the recently approved Vaughan and Blyth development within the CA (Ref. 23/00719/FUL), presenting it on the block plan as analogous to the appeal proposal. I do not accept that scheme represents an appropriate comparison. It is evident from the submitted plan that the disposition of the dwellings achieves a more measured and progressive transition from the established properties on Moors Close. The orientation of those dwellings is parallel to the adjoining access routes, thereby reinforcing the prevailing pattern of development.
16. Moreover, although Plot B of the consented scheme faces towards Moors Close, its siting and alignment are such that it integrates satisfactorily with both the dwellings on Moors Close and the adjacent building on Plot A. This arrangement establishes

a discernible rhythm and coherence within the streetscape. Consequently, the approved Vaughan and Blyth scheme is materially different in its relationship to neighbouring dwellings and the wider landscape context when compared to the appeal proposal.

17. The appellant maintains that Plot 1 relates principally to the village green, while Plot 2 is more closely associated with the development to the rear of the host property. The relationship between the dwelling on Plot 1 and the village green, including the neighbouring properties, is evident. However, in my view, the dwelling on Plot 2 would not integrate well with adjoining properties, particularly regarding its orientation relative to the adjacent access route.
18. The appellant observes that the landscaped space between Nos. 2 and 4 Lang Way does not constitute a private side garden, as the land is owned by Hills Residential Construction Ltd. However, my assessment has focused on the impact of the development upon the character and appearance of the area and the setting of the CA, which encompasses both buildings and land regardless of ownership.
19. The appellant indicates that the proposals were informed by pre-application discussions with Place Services, the Council's heritage advisor, and the proposed tyre track should remove the Council's concerns relating to plot fragmentation. I note from the Council officer's report that the gravelled tyre track element of the proposed rear access route to Plot 1 was agreed at the pre-application stage of the development. Nevertheless, I concur with the Council that the plot fragmentation and inclusion of a long narrow access drive in this position would degrade the last open undeveloped area surrounding the Great Bentley Village Green to the rear of the Moors. In addition, the provision of the long access drive, wide gated access point and new dwelling in depth on Plot 2 taken together would emphasise the fragmentation and be harmful to the special character and appearance of the CA and views into it. Furthermore, I agree with the Council that this fundamental objection could not be satisfactorily overcome by landscaping.
20. Accordingly, the appeal proposal would not be in accordance with Policies LP4, LP8 (f) and PPL8 of the Tendring District Local Plan 2013–2033 and Beyond, Section 2 (Adopted January 2022), and Policy SP7 of Section 1 (Adopted January 2021). Taken together, these policies require that proposals must not be out of character with the area and require new dwellings within a designated CA, or which affects its setting to achieve high standards of architectural design, incorporate layouts that contribute to a distinct sense of place, and respond positively to local character and context to preserve and enhance the special character and appearance of the area.

Effect on the living conditions of occupants of the neighbouring properties

21. The Council has raised concerns that the proposed access to the application site, adjoining Nos. 2 and 4 Lang Way, would result in an unacceptable increase in noise and a change in outlook and ambience for neighbouring occupiers due to vehicle movements associated with the development. On the evidence before me, I am satisfied that the dwellings would generate only a limited number of vehicle trips, such that any traffic noise would be negligible and would not give rise to a discernible adverse impact on these properties.
22. Regarding the effect on the outlook of the residents of Nos. 2 and 4 Lang Way, only a short section of the access route, located between the side elevations of these

two properties, lies in proximity. Beyond this point, the route connects with the tyre track, which is set at a noticeably greater distance from neighbouring dwellings. Given that vehicle movements would be infrequent and confined to this short section for only brief periods, I find that the proposal would not materially harm the outlook or ambience of the adjoining occupiers.

23. I therefore conclude that the proposal would not have any significant adverse effect on the living conditions of occupants of neighbouring residential properties. However, this factor is strongly outweighed by the harm that would arise from the lack of conformity with Policies LP4, LP8 (f) and PPL8 of the Tendring District Local Plan 2013–2033 and Beyond, Section 2, and Policy SP7 of Section 1, as established above under the first issue.

Other matters and planning balance

24. Having regard to the National Planning Policy Framework (the Framework), the appeal scheme would result in less than substantial harm to the setting of designated heritage assets, given its limited spatial impact. Paragraph 215 of the Framework requires that such harm be weighed against the public benefits of the proposal.
25. The appellant submits that the delivery of new dwellings constitutes a public benefit, particularly considering what is described as the “chronic undersupply of land that has underpinned the housing crisis.” Reference is made to the revised standard method, which increases the district’s housing requirement from 550 to 1,034 dwellings per annum. Although this modified figure will not take effect until January 2026, the appellant argues that it should not be disregarded solely on the basis that the Council can presently demonstrate a five-year supply of housing land against the earlier requirement of 550 dwellings per annum.
26. The proposal would provide a small addition to the local housing stock, together with related social and economic benefits during both construction and subsequent occupation. However, the delivery of two dwellings would represent only a limited contribution to overall housing supply and does not outweigh the identified harm to the CA. The Council’s evidence indicates that, at the current requirement, a housing land supply significantly more than five years can be demonstrated, with the officer’s report confirming a 6.26-year supply in 2024. There is no substantive evidence before me to suggest that this position will not be maintained up to and beyond January 2026. On this basis, the proposal does not engage the presumption in favour of sustainable development set out in paragraph 11 of the Framework.
27. In this case, I conclude that the proposal would result in lasting harm to the character and appearance of the area and therefore would fail to preserve or enhance the character or appearance of the Conservation Area. When considered against the Framework policies as a whole, I find that the adverse impacts would significantly and demonstrably outweigh the limited benefits of the scheme.

Conclusion

28. The appeal scheme conflicts with the development plan as a whole. No other material considerations have been advanced that would justify a decision other than in accordance with the plan. For the reasons set out above, the appeal should be dismissed.

A Oyeade

INSPECTOR