



Appeal Decision

Site visit made on 15 October 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2018

Appeal Ref: APP/P1560/W/18/3202993

Land south of Main Road, Alresford, Colchester CO7 8DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Go Homes Limited against the decision of Tendring District Council.
 - The application Ref 17/01761/OUT, dated 11 October 2017, was refused by notice dated 26 March 2018.
 - The proposal is residential development of up to 56 dwellings incorporating affordable housing, infrastructure and public open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for later consideration apart from access and the appeal has been dealt with accordingly. Regard has been given to the indicative layouts, street scenes, density arrangements and storey heights showing how the development might proceed, as well as the underpinning technical reports over matters such as surface water drainage, ecology and transport.
3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

Main Issue

4. Following the appeal the appellant has provided a Unilateral Undertaking (UU) which addresses the Council's second reason for refusal over the failure to secure affordable housing and public open space provision, as well as financial contributions towards demands on education and health care. The Council has confirmed the obligations made in the UU are acceptable and that the second reason is no longer defended.
5. As a consequence, the main issue is whether the proposal would reflect an appropriate spatial pattern of housing growth when assessed against development plan policy and other material planning considerations.

Reasons

6. Planning law requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. The

development plan is therefore the starting point and this comprises the saved policies of the Tendring District Local Plan of 2007 (LP). The policies in the Framework are also important material considerations. Paragraph 213 advises that I give due weight to the LP policies according to their degree of consistency with these (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

7. As of 16 June 2017, the emerging Local Plan is the *Tendring District Local Plan 2013-2033 and Beyond Publication Draft* (ELP). Section 1 of the ELP (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Following this, further work is progressing to demonstrate the soundness of the ELP and examination of Section 2 will take place once the outstanding matters in relation to Section 1 have been resolved.
8. As paragraph 48 of the Framework advises that the weight given to the ELP should accord to, amongst other things, its stage of preparation, the further work required means only limited weight can be given to its policies, with the greater amount placed on those of the current LP.
9. The strategic objectives of the LP include making efficient use of urban land, particularly that previously-developed, directing development to places with good accessibility by a choice of transport modes and close to jobs, shops and other facilities and seeking the regeneration of towns whilst supporting rural communities and a balanced rural economy.
10. To this end the spatial strategy of LP Policy QL1 is to steer most development to the urban areas, where there is a wide range of services and choice in travel means, and a more limited amount consistent with community needs within the settlement development boundaries (SDB) defined for villages. Unless part of a specific land allocation, development outside of a SDB is permitted only where consistent with countryside policies.
11. These countryside policies are not specifically identified in LP Policy QL1, but the supporting text explains that outside SDBs policies that aim to conserve and enhance the countryside for its own sake will apply, and that only development that does not detract from its appearance or character is to be permitted. The appeal site lies adjacent to but outside the Alresford SDB and in this respect conflicts with LP Policy QL1, the terms of which would restrict development beyond this limit. The ELP also defines a SDB for this village, which includes the more recently consented housing, and the appeal site lies adjacent to and outside of that. Whilst attracting limited weight at the present time the proposal would conflict also with ELP Policy SPL 2 for this reason.
12. Alresford is a quite large settlement containing much modern estate housing and a reasonably good range of services and facilities relative to its size. Development is focused mainly in the triangle of land between the B1027 and Wivenhoe Road, bisected by the railway line, with some further housing extending outside of this, including of a ribbon form. The SDB in the LP was drawn tightly around this quite consolidated and clearly defined built-up area.
13. The aim of LP Policy QL1 in steering housing growth within the SDB around Alresford is to focus this close to its existing services and facilities, so inhabitants would not be reliant on private car journeys to access these, and at

the same time protect the countryside setting of the village from further sporadic and ribbon development. The latter aim is complemented by LP Policy EN1 which seeks to protect, and where possible enhance, the quality of Tendring's landscape and distinctive local character. This policy resists development significantly harming landscape character or quality, including the settings of settlements.

14. However, housing land supply considerations have previously led to residential development being allowed by the Council or on appeal adjacent to but outside the Alresford SDB as defined in the LP. I have had regard to these subsequent developments, including the schemes south of the appeal site either side of Cockaynes Lane, where quite large housing developments will when complete create a new rounded edge to the western side of the settlement which lines up with the current northern extent of frontage housing along the B1027.
15. The appeal site is a flat, arable field. The housing would retain the mature oak trees along the frontage with the main B1027 and any hedging lost due to the site access could be replaced. The open space is indicated at the far end of the development whereby the rural character of Cockaynes Lane could be preserved. For these reasons the housing might be quite well screened, which would mitigate the degree of landscape harm.
16. The site is not the subject of any special protective designation and is a relatively ordinary parcel of farmland. Nevertheless, the housing would project into otherwise mainly undeveloped countryside. But for the location of the open space the proposal would connect the built-up area of Alresford with the more sporadic amount of development lying beyond it within the small hamlet of Elmstead Heath.
17. The scheme would have a harmfully suburbanising impact by extending significantly beyond the even edge of the settlement and almost coalescing with the development in Elmstead Heath. It would therefore conflict with LP Policy EN1 which seeks to preserve the distinctive local character of the district's landscape, which in this location is that of undeveloped countryside. For similar reasons there would be conflict with the ELP Policy PPL 3 which seeks to protect the rural landscape and resist development causing overriding harm to its character and appearance. There would also be further conflict with LP Policy QL1 in this respect, the strategy of which includes seeking to protect the countryside setting of villages.

Planning Balance and Conclusion

18. Paragraph 11 of the Framework applies the presumption in favour of sustainable development. For decision making this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against Framework policies taken as a whole. This is commonly referred to as the 'tilted balance'.
19. For applications involving the provision of housing, footnote 7 to paragraph 11 qualifies out-of-date to include situations where the local planning authority cannot demonstrate a five year supply of deliverable sites. The appellant is not contesting the Council's current position that a five year housing land supply

can be provided, as confirmed by a recent appeal decision¹ made on 17 September 2018 over residential development at Clacton-on-Sea. However, in line with another recent appeal decision² allowing up to 145 dwellings in Ardleigh, I am taking the position that because the spatial strategy set by LP Policy QL1 was drafted to meet development needs up to 2011 it must in any case be considered as out-of-date and the tilted balance engaged.

20. To achieve the interdependent economic, social and environmental objectives of sustainable development the Framework seeks that the planning system pursues these in mutually supportive ways. There would be moderate economic benefits to the local construction sector and through occupation supporting the retention and possible addition to the range of village services and facilities. This would bring further social benefit in enhancing the vitality of the community, towards which I also give moderate positive weight to the contributions secured towards education and health services through the UU.
21. The five year housing land supply position is marginal and could significantly change in the near future following revised planning practice guidance. This therefore does not reduce the moderate weight that can be given to the social benefits of up to 56 additional dwellings supporting a significant boost in housing where the five-year supply should not be taken as a ceiling. There appears to be no particular physical constraints over the development of this site and so the housing would provide the benefit of being quite readily deliverable. The social benefits of this are enhanced by a policy compliant level of affordable housing, for which there is a demonstrable need not fully met by the recent residential consents nearby.
22. Despite the modest attributes of this site in terms of landscape quality, and the scope to retain and enhance surrounding trees and hedging to screen the housing, the proposal would nonetheless result in the harmful extension of a suburban form of development into quite open countryside.
23. The development of arable land would result in no material harm to biodiversity which might be slightly enhanced by the landscaping and open space provided, combining with the benefits of on-site recreational opportunities and sustainable drainage. However, a range of sites might offer similar benefits and, on balance, I find there to remain significant environmental harm through a suburban-scale of housing projecting into the countryside setting of this settlement.
24. Although the good range of services in this village, including a train station, primary and infant school, village shop/post office and medical centre, would be within walking distance, the proposal would be further out on a limb relative to the developments approved to the south, with comparatively poorer cycle and pedestrian connectivity into the village. Although this might be improved by internal routes, there is not shown to be the more direct permeability for non-motorised access to the village services, which in any case appear quite spread out.
25. The lack of secondary schools, large supermarkets, a wide offer of retail outlets and other services and major employment areas all would suggest the proposal would exceed the more limited amount of housing appropriate for this

¹ APP/P1560/W/16/3164169

² APP/P1560/W/17/3185776

- settlement. Despite the available rail and bus services, this would result in a significant amount of outward private car journeys by occupants to meet regular needs, not consistent with Framework aims to reduce congestion and emissions, and improve air quality and public health. The site is not a highly sustainable location comparable with residential developments allowed in the referenced appeals at Ardleigh and Mistley³ where these were on the edge of much larger towns with proximity to a fuller range of services.
26. Of more direct relevance is the quite recent appeal decision⁴ made on 11 January 2018 over a site on the edge of Alresford at Tenpenny Farm. Here the Inspector had concluded that the amount of development granted permission in this settlement recently was more than could be considered limited as set out in LP Policy QL1 and the appeal over the further 50 dwellings sought was dismissed partly for this reason.
27. Although in the Ardleigh decision and other recent appeals Inspectors have given the conflict with LP Policy QL1 only moderate weight, it is necessary to consider each case on its own merits. Whilst Alresford has a good range of services for an expanded village these are insufficient to provide the basis for significantly more than the limited amount of development consistent with community needs required by policy. I find a significant degree of harm resulting from the conflict with the amount of housing proposed and the spatial strategy of LP Policy QL1. Whilst out-of-date, this strategy remains consistent with the Framework principles for plan-led sustainable development and patterns of growth which maximise the use of previously-developed land and recognise the intrinsic character and beauty of the countryside.
28. The general need to boost housing in this District in the context of a marginal and volatile five year supply is acknowledged and given weight. However, the moderate social and economic benefits would be significantly and demonstrably outweighed by the adverse effects of the proposal breaching development plan policy to focus only a limited amount of development within smaller settlements to avoid its unplanned spread further into the countryside.
29. On this basis the proposal would not achieve the presumption in favour of sustainable development as provided through the Framework. Consequently, material considerations would not indicate this proposal should be determined other than in accordance with the development plan. I conclude that the proposal would not reflect the appropriate spatial pattern of housing growth sought through the LP and that therefore the appeal should be dismissed.

Jonathan Price

INSPECTOR

³ APP/P1560/W/17/3176089

⁴ APP/P1560/W/17/3177219