

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	25/07/18
Planning Development Manager authorisation:	AN	26/7/18
Admin checks / despatch completed	SB	26/07/18

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Application: 18/00857/OUT **Town / Parish:** Wix Parish Council

Applicant: Mr Lumley

Address: Land Adj to Dove Cottage Colchester Road Wix

Development: Outline planning application with all matters reserved for a replacement of a single storey dwelling (formerly twin caravans).

1. Town / Parish Council

Wix Parish Council

Wix Parish Council makes no comment at this stage, but will consider the application if/when a full application is made. Further detail regarding visibility splays and access onto the highway is also required.

2. Consultation Responses

ECC Highways Dept
(Dated 15 June 2018)

HOLDING RESPONSE: REQUEST FOR ADDITIONAL INFORMATION.

Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below for clarity and the avoidance of doubt:

1. A scaled drawing showing the vehicular accesses for Dove Cottage and the proposed development.
2. The claimed vehicular visibility splays.
3. The location of the proposed off road car parking and turning facilities.

Upon receipt, the Highway Authority may properly consider this proposal.

ECC Highways Dept
(Dated 10 July 2018
following the submission
of visibility splay drawings)

I have now reviewed the visibility splays drawings with the additional information requested and would comment as follows:

This section of Colchester Road Wix is derestricted which means speed of traffic can be as much as 60 mph legally, the visibility splays usually required for a new or intensified vehicular access would be 215m x 2.4m x 215m in these conditions. The accesses as shown fall below this standard. The visibility splay across the frontage of Dove Cottage does not appear to take into account the porch which is an obstruction to the splay. The requirements of the splay would also mean that any boundary treatments would be removed clear to ground which then may introduce additional hazards to the occupiers

of each dwelling.

To enable the Highway Authority to accept a reduced visibility splay the applicant would need to submit an independent traffic speed survey outside of school holidays over at least four days including a weekend day which demonstrated a significant reduction in expected speeds along this section of carriageway.

Until that has been submitted, the Highway Authority is likely to recommend refusal citing unacceptable visibility splays

Tree & Landscape Officer

The main body of the application site is set to grass and contains several established trees. There is an established hedgerow on the boundary with the adjacent highway that provides a good level of screening.

As the development proposal is in outline form it is not possible to assess the actual impact of the proposal on the trees on the land. Nevertheless there are three Oaks of such a size and quality that their removal would have a significant adverse impact on the local environment and its enjoyment by the public.

Therefore a new Tendring District Council Tree Preservation Order has been made to afford the three trees formal legal protection. The TPO reference is TPO/18/11 Dove Cottage, Colchester Road, Wix.

In order to show that the development proposal could be implemented without causing harm to the trees described above the applicant will need to provide a tree survey and report. The report should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations

The report will need to show the extent of the constraint that the trees are on the development potential of the land show the positions of the protective fencing that will need to be erected to ensure roots within the Root Protection Area (RPA) are not damaged during the construction phase of any development that may be granted planning permission.

In addition to the below ground constraint resulting from the extent of the roots of the protected trees it will also be important to consider the above ground constraint caused by branches and canopies of the trees. The above ground element of the constraint that the trees are on the development of the land affects the relationship between the proposed building and the trees.

Experience shows that if a satisfactory relationship between new dwellings and retained trees is not achieved in the development process then it results in pressure to prune trees, to address this issue, in a way that is not beneficial to the continued good health and longevity of the trees.

3. Planning History

94/00254/FUL	Alterations and modernisation	Approved	20.04.1994
13/00986/HHPNO T	Rear extension to create 3rd bedroom and kitchen diner, 4.27m depth and 4m high.		04.10.2013

15/00533/OUT	Outline planning application with all matters reserved for a replacement of a single storey dwelling (formerly twin caravans) having a maximum gross floor area of 130m2.	Refused	30.06.2017
17/00681/FUL	Proposed stepped access.	Approved	05.06.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP3 Housing Density and Standards

PPL3 The Rural Landscape

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (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. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is located on the northern side of Colchester Road to the west of the settlement of Wix. The site currently forms part of the garden land associated with the use of Dove Cottage which is a two storey detached dwelling. The site measures approximately 0.1 hectares. It is predominantly laid to grass aside from several mature trees to the boundaries. A vehicular access exists to the western point of the site onto Colchester Road. This access was investigated by the Council as an enforcement case in 2000. The case was closed. The access remains in situ but appears unused as the area between the gate and highway is grassed and shows no signs of vehicular tracks.

To the east of Dove Cottage (within its curtilage) are two mobile homes which are linked by a structure that the applicant advises was erected in 2012.

Dove Cottage and the mobile homes currently share a vehicular access, driveway and parking area located to the east of the main house. There is no physical separation of the curtilage between the main house and the mobile homes.

In this location, Colchester Road maintains a rural character due to the presence of roadside vegetation and a sparse scattering of properties.

The site is located outside of any defined development boundary as contained in the saved and emerging local plans.

History

Under planning reference 15/00533/OUT, the same application was refused. It was considered that the information supplied was not sufficient to demonstrate that on the balance of probability the residential use of the mobile homes was lawful as it was not proved they had been occupied for a continuous period of four years.

The proposal was therefore considered as a new residential dwelling, and was refused on the grounds that as the Council could demonstrate a five year housing supply and it represented unsustainable development located outside of a recognised Settlement Development Boundary. Further, insufficient information was provided that demonstrated there would be no harm to highway safety and efficiency, whilst failing to provide a satisfactory vehicular access with adequate visibility splays.

Proposal

This application seeks outline planning consent with all matters reserved for the replacement of a single storey dwelling (formerly twin caravans).

The application is supported by a Planning Statement that can be summarised as follows:

- o the mobile homes were introduced onto the site 20 years ago (originally two separate units in different parts of the garden);
- o the two units were extended and altered to conjoin them to provide permanent accommodation for the applicant's children more than four years ago;
- o the Council investigated an enforcement complaint relating to the creation of a vehicular access and residential occupation of a caravan in 2000;
- o the two caravans have since been occupied as a separate and independent dwelling for residential purposes;
- o the caravans have been extended and conjoined and therefore are no longer defined as caravans under the Caravan and Control of Development Act 1960;
- o the extensions and alterations took place more than 4 years ago and are so are lawful;
- o the application should be considered against Policy HG12 - Replacement dwellings in the Countryside;
- o the Council has not provided evidence to dispute the claim the access has been in existence for more than four years and is therefore immune from enforcement action;
- o evidence to substantiate these claims include a photo of the extension as newly constructed; three letters from associates of the applicant who confirm the existence of the mobile homes; a series of photographs dated in 2001 which show the two caravans in their current position, a photo of the applicant and his granddaughter inside the mobile home in 2008; an aerial photo dated 2012 which show the two caravans in their current location; and a series of letters confirming occupancy by the applicant's granddaughter and grandson;
- o the applicant's daughter lived in the mobile home from 2001 until 2004 and then the applicant's other daughter occupied it until 2012;
- o since 2012 it has been occupied by the applicant's grandson;

- o the existence of a permanent dwelling is a material consideration in the determination of this application;
- o the proposed dwelling would be comparable in size and would provide a sustainable development to modern standards to meet rural housing needs and the personal circumstances of the applicant
- o the existing access is long established and provides better access than to the existing dwelling. Visibility splays of 2.4m x 100m can be provided to the west and 2.4m by 75m to the east

Appraisal

The main issues in this case are:

- o Whether the location of a dwelling in the countryside meets the plan led management of growth in the District;
- o Whether the location of the proposed dwelling would provide future occupiers with reasonable access to services and facilities;
- o The effect that the dwelling would have on the character and appearance of the area; and
- o Highway safety.

Whether the location of a dwelling in the countryside meets the plan led management of growth in the District

The applicant has provided information to attempt to demonstrate that the mobile homes have the benefit of a lawful use as a dwelling but the evidence is not conclusive. The application proposal is not considered to be for a replacement dwelling and therefore Policy HG12 of the adopted Local Plan is not relevant. The development falls to be considered as a dwelling in the countryside.

Evidence to demonstrate the lawful use as a dwelling for a continuous four year period can be anything which helps support the case, but can include:-

- o Photographs (dated)
- o Statutory Declarations (to be signed in the presence of a solicitor)
- o Electoral roll records
- o Utility bills
- o Accounts
- o Receipts for materials or services
- o Leases and tenancy agreements

Upon a detailed site inspection, it was apparent that the units forming the basis of the application can at this time be considered as a building as they could not be notionally towed in one piece to the nearest road as a caravan unit, due to the link unit and the rear sauna extension. It is also likely that gaps would be exposed in the external walls if the link unit was notionally removed, leaving the resulting unit unusable for accommodation. Further, the site has its own curtilage and letter box, and access is not possible from the garden of Dove Cottage but only from its own separate entrance off the parking area.

However, the information submitted is not sufficient to demonstrate on the balance of probability that the residential use of the mobile homes is lawful in that they have been occupied as an independent dwelling for a continuous period of four years.

The photos (except from the aerial view) are dated as 2001 and purely show the building in existence, not showing details of how it is occupied. The letters written by the applicant's associates merely say that the mobile homes have been on site for 20 years and give no evidence of how they have been occupied, whilst the additional letters confirming occupancy by the applicants' granddaughter and grandson are all addressed to Dove Cottage. Further, no Council Tax has been paid and there is no evidence of a separate postal address or separate utilities.

The application therefore cannot be considered as a replacement dwelling.

The application site is located outside of the defined Development Boundary of Wix as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

The planning principles under paragraphs 15, 17 and 20 of the NPPF state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

- 5 year Housing Land Supply and Plan-led approach

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Wix is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

Whether the location of the proposed dwelling would provide future occupiers with reasonable access to services and facilities

The site is in a relatively isolated position within and surrounded by open countryside to the west of Wix and just to the south of the A120. Development in the immediate vicinity is sporadic and the site is well separated from the main village of Wix by approximately 485 metres to the western extremity of the settlement boundary. There are no footpaths or street lighting along this section of Colchester Road.

The village has a primary school; village store/post office; public house; is on a bus route and has some limited employment opportunities. The nearest services such as a railway station; GP/medical centres; food stores; secondary schools and employment opportunities are in the main urban areas of Clacton and Colchester. Despite the bus service this would be a location where the occupants of new housing would generally find it more convenient to use a private car to reach regularly required services such as shops, medical services, employment, and secondary schools.

Policy QL1 of the Tendring District Local Plan 2007 provides a spatial strategy which adheres to the principles of sustainability by directing the majority of new development, including housing, to main centres. Such locations are easily accessible by a choice of means of transport and provide accommodation closer to jobs, shops and other facilities so as to reduce the need to travel.

Policy QL1 is consistent with the core aim of paragraphs 15, 17 and 20 of the NPPF to actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations that are or can be made sustainable.

The effect that the dwelling would have on the character and appearance of the area

The site is enclosed by mature vegetation on its perimeters and is used as amenity space associated with the occupation of Dove Cottage. The screened nature of the site and its current use therefore ensure that views of the property would be limited. Upon site inspection it was clear that the site contains several established trees, in particular three Oaks of such a size and quality that their removal would have a significant adverse impact on the local environment and its enjoyment by the public. Therefore, a Tree Preservation Order (reference TPO/18/11) has been issued to afford the three trees legal protection.

In order to show the proposed dwelling could be implemented without causing harm to the three Oak trees, a tree survey and report to show the extent of a constraint the trees are on the development potential of the land and also to show positions of protective fencing to protect the Root Protection Area of the trees during any construction is required. In this instance no such report has been submitted to demonstrate the development would not result in any harm to the trees present on the site.

The application is in outline form with only access being considered. However, it is considered that the plot could accommodate a detached dwelling with adequate private amenity space without appearing cramped.

Nonetheless, the introduction of a dwelling in this location would be an incursion of residential development into an area that is semi-rural in nature and which is defined by a semi-rural nature interspersed with sporadic residential development.

The fact that the dwelling might be of an intrinsically satisfactory design would perform only a neutral factor in the planning balance if the Council could not demonstrate a five year land supply, which it can.

As a consequence, the proposal would conflict with Policy QL9 in that, although the eventual design might be able to incorporate the existing boundary screening, the resulting development would introduce further built development into the semi-rural character of the area and would not make a positive contribution to the quality of the local environment or protect and enhance its local character. Consequently, there would also be a clear conflict with the aims of Policy EN1 which seeks to protect, and where possible, enhance the quality of the District's landscape and its distinctive local character. Both policies QL9 and EN1 are consistent with the core aim of the NPPF to recognise the intrinsic character and beauty of the countryside and can be afforded significant weight.

Highway Safety

The plans and supporting information show that the access to the western most point of the site would be utilised to gain vehicular access to the site. The applicant's agent has attempted to demonstrate that visibility splays of 2.4m x 150m can be provided to the west and 2.4m x 87m to the east can be achieved. The information submitted however shows visibility splays below the required 215m x 2.4m x 215m, whilst the visibility splay provided does not account for the porch to the front of Dove Cottage or the existing mature boundary vegetation, which are clear obstructions to the splay.

Essex County Council, as the relevant Highway Authority, has objected to the application on the basis that the information submitted fails to demonstrate that the impact on the highway network caused by the proposal would not have unacceptable consequences in terms of highway safety and efficiency, with information provided showing inadequate visibility splays which would be to the detriment of highway safety and efficiency.

The site, however, is of a sufficient size to provide two parking spaces and a turning area and to retain parking and turning facilities for Dove Cottage in their current location.

The proposal therefore conflicts with Policies QL9, QL10, QL11 and TR1a of the adopted Local Plan that, amongst other things, requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

Other Considerations

Wix Parish Council makes no comment at this stage, but will consider the application if/when a full application is made. Further detail regarding visibility splays and access onto the highway is also required.

No further letters of representation have been received.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The application site is located outside of the defined Development Boundary of Wix as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to the planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework that development should be genuinely plan-led and that the Council should actively manage patterns of growth.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the National Planning Policy Framework. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Wix is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives.

Within the Established Settlement Hierarchy (2016), Wix has no GP Surgery, defined village centre or railway station. Further, the site is located approximately 600m to the Wix settlement, whilst there are no footpaths or street lighting connecting the site to the Wix settlement. The occupiers of the proposed dwelling would therefore be likely to use private motor vehicles for the vast majority of trips, including their day-to-day needs and therefore the proposal fails to meet the social dimension of sustainable development with regard to travel patterns.

The site is in a relatively isolated position within and surrounded by open countryside to the west of Wix and just to the south of the A120. Development in the immediate vicinity is sporadic and the site is well separated from the main village of Wix by approximately 485 metres to the western extremity of the settlement boundary. There are no footpaths or street lighting along this section of Colchester Road.

The village has a primary school; village store/post office; public house; is on a bus route and has some limited employment opportunities. The nearest services such as a railway station; GP/medical centres; food stores; secondary schools and employment opportunities are in the main urban areas of Clacton and Colchester. Despite the bus service this would be a location where the occupants of new housing would generally find it more convenient to use a private car to reach regularly required services such as shops, medical services, employment, and secondary schools.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of

the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The application provides insufficient information to demonstrate to that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency. The proposal fails to provide information to demonstrate that a satisfactory means of vehicular access with adequate visibility splays at the junction with the public highway can be provided that would not be to the detriment of highway safety and efficiency.

The plans and supporting information show that the access to the western most point of the site would be utilised to gain vehicular access to the site. The applicant's agent has attempted to demonstrate that visibility splays of 2.4m x 150m can be provided to the west and 2.4m x 87m to the east can be achieved. These visibility splays fall below the required 215m x 2.4m x 215m, whilst the visibility splays provided do not account for the porch to the front of Dove Cottage or the existing mature boundary vegetation, which are clear obstructions to the splay.

The proposal therefore conflicts with Saved Policies QL9, QL10, QL11 and TR1a of the adopted Local Plan that, amongst other things, requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

- 3 The introduction of a dwelling in this location would be an incursion of residential development into an area that is semi-rural in nature and which is defined by a semi-rural nature interspersed with sporadic residential development.

As a consequence, the proposal would conflict with Saved Policy QL9 in that, although the eventual design might be able to incorporate the existing boundary screening, the resulting development would introduce further built development into the semi-rural character of the area and would not make a positive contribution to the quality of the local environment or protect and enhance its local character. Further, the site contains several established trees, in particular three Oaks of such a size and quality that their removal would have a significant adverse impact on the local environment and its enjoyment by the public, and which are afforded formal legal protection via a Tree Preservation Order (reference TPO/18/11). In order to show the proposed dwelling could be implemented without causing harm to the three Oak trees, a tree survey and report to show the extent of a constraint the trees are on the development potential of the land and also to show positions of protective fencing to protect the Root Protection Area of the trees during any construction is required. In this instance no such report has been submitted to demonstrate the development would not result in any harm to the trees present on the site.

Consequently, there would be a clear conflict with the aims of Saved Policy EN1 which seeks to protect, and where possible, enhance the quality of the District's landscape and its distinctive local character. Both Saved policies QL9 and EN1 are consistent with the core aim of the National Planning Policy Framework to recognise the intrinsic character and beauty of the countryside and can be afforded significant weight.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.