

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	06/08/18
Planning Development Manager authorisation:	AN	6/8/18
Admin checks / despatch completed	AN	7/8/18

ER

Application: 18/00963/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs C Mead

Address: Land Adj Lamberts Chapel Lane Ardleigh

Development: Proposed erection of a dwelling.

1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council objects to the planning application 18/00963/OUT.

The site is not within the settlement development boundary and the TDC Local Plan (both old and emerging) is clear about protecting the areas outside settlements from development and therefore further housing should be refused.

2. Consultation Responses

ECC Highways Dept

The Highway Authority observes that the red line boundary extends over the highway verge but no Certificates appear to have been served upon Essex County Council (Highway Authority).

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the proposed access to the proposed dwelling, vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to enable cars to join the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Tree & Landscape Officer
(Dated 12 July 2018)

The main body of the application site is being used as paddock land and does not contain any trees or other significant vegetation.

On the boundary with the highway there are several established Oaks that make a significant and positive contribution to the character and appearance of the local environs.

In order to show that the development proposal could be implemented without causing harm to the trees on the boundary of the application site the applicant should provide details of the extent of the Root Protection Areas (RPA's) of the trees and the way that they would be physically protected for duration of the construction phase of any

planning permission that may be granted. This information should be in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

Access to the site would be by way of an existing access that would not cause harm to the boundary trees. Any metalling of the surface within the Root Protection Areas of the boundary trees should be carried out by way of 'no-dig' construction techniques

This information should be provided prior to the determination of the application.

Tree & Landscape Officer
(Dated 26 July 2018
following the submission
of a tree plan)

The information supplied is now acceptable and sufficient.

3. Planning History

00/01027/FUL	Retrospective planning consent for double garage	Approved	24.07.2000
00/01028/LBC	Retrospective planning for double garage. Rendered painted walls with interlocking clay tiles to roof		19.06.2000
02/00801/FUL	Erection of open fronted timber barn for storage of hay/straw	Approved	28.05.2002
91/00578/FUL	Two storey extension and alterations	Approved	23.07.1991
91/00597/LBC	Two storey extension and alterations	Approved	23.07.1991
92/01213/LBC	Residential extension - kitchen and utility	Approved	07.12.1992
92/01214/FUL	Residential extension - kitchen and utility	Approved	07.12.1992
93/00128/LBC	Extension to existing rear single storey extension	Approved	15.03.1993
93/00129/FUL	Domestic extension to form kitchen	Approved	15.03.1993
04/00564/FUL	Extension and detached barn		17.05.2004
04/00565/LBC	Conservatory and barn.	Approved	17.05.2004
74/00079/FUL	Two pre-fabricated stables	Approved	08.03.1974
79/01325/FUL	Sun lounge extn	Approved	14.11.1979

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

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)

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 The Paddocks, Chapel Lane, Ardleigh, which currently forms paddock land, with a series of trees to the front boundary. The character of the surrounding area is typically rural; however there are examples of nearby detached residential properties to the south. The site is not situated within a recognised Settlement Development within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. To the south of the site is a Grade II Listed Building, known as 'Lambert Place'.

Proposal

The application seeks outline consent with all matters reserved for the erection of one dwelling.

History

Under planning reference 17/00457/FUL, planning permission was refused for the erection of one detached dwelling approximately 15m to the north of the application site on the grounds that the Council was, at that time, very close to being able to identify a five-year supply of deliverable

housing and could therefore give greater weight to the core planning principles of the National Planning Policy Framework. The site was therefore considered to be located within a socially unsustainable location.

Under planning appeal reference APP/P1560/W/17/3180509, the application was allowed at appeal. The inspector acknowledged that the proposal would not adhere to Policy QL1 and would be sited within the countryside; however considered that the conflict with the policy was not of such significance to withhold permission, given the modest scale of development and that a dwelling had previously been approved in close proximity to the site (planning reference 17/00494/FUL - when the Council was unable to demonstrate a five-year supply of deliverable housing).

Since this appeal decision, the Council considers it is in a far stronger position and can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions.

Assessment

1. Principle of development

The site lies outside of the Settlement Development Boundary for Ardleigh as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). 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. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The core planning principles under paragraphs 15, 17 and 20 of the NPPF state that development 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.

Ardleigh 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.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF. However, until such time as the emerging local plan has been adopted, and for the purposes of completeness in assessing sustainable development, the 3 dimensions as set out under Paragraph 8 of the NPPF can be addressed as follows;

Economic:

Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

Social:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

In the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station. Ardleigh is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. There are links to Colchester, in particular the Greenstead Estate, and all the services it has to offer, including a mini-supermarket, primary and secondary school, a dentist and doctor's surgery, the Beehive public house, a hairdresser and takeaway restaurants. However, the site is inaccessible on foot as there are no footpaths from the site and also no street lighting to what is a rural lane. Furthermore, the proposal site itself is significantly detached, approximately two miles from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement, and as a result the proposal is not considered to be sited within a socially sustainable location.

Environmental:

Paragraph 193 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the National Planning Policy Framework (2018) states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Tendring Local Plan 2007 states that development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this policy are carried forward in Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. Although the site is located in a fairly rural area there are examples of dwellings nearby to the south, as well as the dwelling previously approved via appeal decision APP/P1560/W/17/3180509 to the north.

However, approximately 15 metres to the south-west of the proposal is a Grade II Listed Building, known as 'Lambert Place' and as such, the applicant has submitted a detailed Heritage Statement in order to justify that the proposal will either preserve or enhance the historic setting of this building.

In the recent appeal decision relating to the adjacent site to the north (reference APP/P1560/W/17/3180509), the inspector stated "*The plot for the dwelling would occupy the north eastern corner of a quite extensive paddock area. The paddock being sited to the north of Lamberts, a grade II listed cottage dating from the eighteen century. To the south of the site on Chapel Lane there are around fifteen dwellings, including a new bungalow approximately 200 metres away...The dwelling would come within the setting of Lamberts. The setting to the north of this listed building is characterised by the openness of the paddock and that openness would be unaffected given the modest size of the chalet bungalow and the limited extent of what would be its grounds. I therefore consider that the development would preserve the listed building's setting.*"

The proposed plot abuts the boundary of the Grade II Listed Building known as 'Lambert Place'. 'Lambert's' extensive thatched roof can be seen in views from the north along Chapel Lane and across the application site. Views of the listed building contribute significantly to the rural character of the locality. The siting of a dwelling on the application site in such close proximity and sited in front would limit important views of the listed building from the north within Chapel Lane and diminish its open historic setting. Consequently, the construction of a property on the plot would harm the setting of the listed building to its significant detriment. Further, given the Council being able to demonstrate a five year supply of housing land there are no public benefits to the proposal that can outweigh the harm as highlighted above, and therefore the development fails to accord with the above policies.

2. Layout, Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application, and as such no elevational drawings have been submitted. However, an indicative layout shows the proposed location of the dwelling to the eastern section of the site, being accessed via an existing access point from Chapel Lane to the east. The pattern of development across this section of Chapel Lane is relatively linear and fixed, with the exception of 'Lambert Place' being sited approximately 20m further back than other nearby

properties. The proposed dwelling is more in-keeping with the rest of the existing building line and would therefore be acceptable. In terms of the design of the dwelling, within any future application it should look to be in-keeping and not detrimental to the character of the surrounding area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwelling.

3. Impact upon neighbours

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

4. Highways

Essex County Council Highways have been consulted as part of the process of this application and have stated that they have no objections subject to conditions relating to the width of the vehicular access, details of construction and future maintenance of bridging or piping of the drainage ditch/watercourse, visibility splays, parking and turning facilities and the submission of a Construction Method Statement.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. There is considered to be sufficient space to accommodate this with any future detailed application.

5. Tree Impacts

The main body of the application site is being used as paddock land and does not contain any trees or other significant vegetation. On the boundary with the highway there are several established Oaks that make a significant and positive contribution to the character and appearance of the local environs. Access to the site is via an existing access point that would not cause harm to the boundary trees

In order to show that the development proposal could be implemented without causing harm to the trees on the boundary of the application site the applicant has provided details of the extent of the Root Protection Areas (RPA's) of the trees and the way that they would be physically protected for duration of the construction phase. The Councils Principle Tree and Landscapes Officer has confirmed that the information supplied is sufficient.

Other Considerations

Ardleigh Parish Council objects as the site falls outside of a Settlement Development Boundary.

In answer to this, the principle of development has been addressed in the main body of the report above.

There have been no other letters of representation received.

Conclusion

For the reasons set out above, the proposal is considered to represent an unsustainable form of development contrary to the aims of national and local plan policy and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary for Ardleigh as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). 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. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

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 (2018). 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.

Ardleigh 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 the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station. Ardleigh is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. There are links to Colchester, in particular the Greenstead Estate, and all the services it has to offer, including a mini-supermarket,

primary and secondary school, a dentist and doctor's surgery, the Beehive public house, a hairdresser and takeaway restaurants. However, the site is inaccessible on foot as there are no footpaths from the site and also no street lighting to what is a rural lane. Furthermore, the proposal site itself is significantly detached, approximately 2 miles, from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement, and as a result the proposal is not considered to be sited within a socially sustainable location.

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.

- 2 Paragraph 193 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the National Planning Policy Framework (2018) states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Tendring Local Plan 2007 states that development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this policy are carried forward in Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Approximately 15 metres to the south-west of the proposal is a Grade II Listed Building, known as 'Lambert Place'. 'Lambert's' extensive thatched roof can be seen in views from the north along Chapel Lane and across the application site. Views of the listed building contribute significantly to the rural character of the locality. The siting of a dwelling on the application site in such close proximity and sited in front would limit important views of the listed building from the north within Chapel Lane and diminish its open historic setting. Consequently, the construction of a property on the plot would harm the setting of the listed building to its significant detriment. Further, given the Council being able to demonstrate a five year supply of housing land there are no public benefits to the proposal that can outweigh the less than significant harm as highlighted above, and therefore the development fails to accord with the above policies national guidance.

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.