



TENDRING DISTRICT COUNCIL

Planning Services

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AGENT: Mr P Johnson - The Johnson
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Colchester
CO3 0NY

APPLICANT: Mr & Mrs N Moorcroft
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01105/FUL

DATE REGISTERED: 4th July 2018

Proposed Development and Location of Land:

**Proposed single residential dwelling, cart lodge, landscaping & access.
Land adjacent to Willowell Spring Valley Lane Ardleigh Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 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 Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.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. 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. The proposal site itself is detached, approximately 1.5 miles, from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement. As a result the proposal is not considered to be sited within a socially sustainable location and would likely require the use of a private vehicle to complete everyday trips, thereby failing to accord with the social strand of sustainable development.

Further, under appeal reference APP/P1560/W/17/3169159, the inspector stated the application site in question was unable to meet the social strand of sustainability as "despite the availability of a bus service, this would be a location for new housing where future occupiers would generally find it more convenient to use a private car to reach regularly required services, such as shops, schools and employment . . . the nearest services, such as schools, medical centres and foodstores, are within the nearest built suburbs of Colchester to the west. These are accessible via Bromley Road, just to the south of Spring Valley Lane, but are a significant distance away along an unlit country lane initially without footways and lacking an adjacent cycle path, which would not be a convenient walking distance from the appeal 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.

- 2 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 of the The National Planning Policy Framework (2018) states that planning policies and decisions should ensure developments will add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.

Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) seeks to

ensure that development is appropriate in its locality and does not harm the appearance of the countryside.

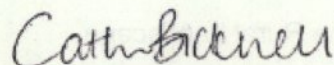
The proposed dwelling would front onto Spring Valley Lane, which is a rural country lane located to the east of the main bulk of residential development located within Colchester. There are some detached dwellings situated in the surrounding area but overall it can be characterised as rural. The application site takes on a form that is mainly screened from the lane by mature hedging and trees. To the west of the site the land forms open agricultural fields. Consequently, the absence of significant built form in close proximity to the site, the narrow nature of the lane in this location and the presence of mature roadside hedging and trees ensure that the site and its immediate surroundings take on a strong rural character and appearance. As such the resultant dwelling and the removal of sections of hedgerow and trees to achieve the required visibility splays and accesses would have a significant urbanising effect on the character of the area and result in the unplanned advance of urbanisation into the countryside, eroding the rural character of the lane and resulting in a significant detrimental impact upon the rural appearance of the area. Furthermore, whilst it has been demonstrated there is not to be significant harm to the root protection area of trees afforded protection by a Tree Preservation Order as a result of the development, it has not been demonstrated that a satisfactory relationship between the proposed dwellings and the retained trees can be achieved.

This view was supported by the inspector of appeal reference APP/P1560/W/17/3169159, who stated the application site in question was unable to meet the environmental strand of sustainability as "the three dwellings would be an incursion of residential development into an area that is mainly open countryside and of an undeveloped rural character. Notwithstanding the examples of permissions granted elsewhere in this locality, this proposal would quite clearly constitute a harmful encroachment of development into the relatively unspoilt countryside . . . the resulting housing in the undeveloped countryside would fail to make a positive contribution to the quality of the local environment or protect or enhance its local character."

Therefore for the reasons given the development would not meet the environmental dimension of sustainable development.

DATED: 17th August 2018

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.