



Appeal Decision

Site visit made on 15 August 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2016

Appeal Ref: APP/X1545/W/16/3147228

Land south of allotments, Maldon Road, Goldhanger, Essex CM9 8BE

- 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 D J Bunting & Son against the decision of Maldon District Council.
 - The application Ref OUT/MAL/15/00982, dated 19 August 2015, was refused by notice dated 10 December 2015.
 - The development proposed is outline planning application with all matters reserved for the construction of 10 dwellings with associated off-street parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline; with all matters reserved for future consideration. The appellant has submitted a proposed layout plan 1305/01 which I will treat as for indicative purposes only.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not the proposal should make provision for an element of affordable housing, and
 - iii) whether the proposal would provide an accessible site for housing with particular regard to its location.

Background

4. The Council have stated that they have a five year housing land supply. They refer to three appeal decisions which support their stance (APP/X1545/W/15/3003795, APP/X1545/W/15/3131798 and APP/X1545/W/15/3028031). Furthermore, they consider that policies in the Pre-submission Local Development Plan 2014-2029 Consultation (the LDP) can be given significant weight based on its current advanced stage of preparation.
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5. The appellants dispute this and refer to a number of appeal decisions where the Inspector has found that the Council could not, at the time, demonstrate that they have a five year housing land supply (APP/X1545/A/14/2224678, APP/X1545/W/15/3004973, APP/X1545/W/15/3136324, APP/X1545/A/14/2222965, APP/X1545/A/14/2213722 and APPX1545/W/15/3032632).
6. The Council's statement therefore includes further information regarding the current housing supply situation particularly relying on the contents of the letters dated 6 March 2016 from the Secretary of State and 7 April 2016 from the Inspector appointed to continue the examination of the LDP. Having reviewed the information supplied, particularly the penultimate paragraph of the letter dated 7 April 2016, together with the Inspectors conclusions on the above appeals and the appellant's statement, I consider that I do not have sufficient information in front of me to interrogate and make an accurate assessment as to the state of the current housing supply figure.
7. The Inspector in his letter of 7 April 2016 states that he will be seeking further clarifications and updates on housing. Also the housing policies are closely linked to the policies for economic development which have not yet been examined. While I note that the Inspector does not raise the issue of objectively assessed housing need within his letter, the fact that he is unable to reach a firm and final conclusion on housing matters, in my view, limits the weight I can give to the housing policies in the plan.

Reasons

Character and appearance

8. The appeal site forms a rectangular piece of land adjacent to the south west of Goldhanger. Adjacent, to the north-west beyond a high dense hedge are some allotment gardens and the long rear gardens of residential properties on Blind Lane. On the opposite side of the road to the north east are residential properties set back from the road. Otherwise the site is surrounded by gently undulating open countryside. The boundary to Maldon Road is formed by a high hedgerow. A public footpath runs adjacent to the hedgerow forming the boundary to the properties on Blind Line and the allotments.
9. The appeal site is part of a larger agricultural field. With its hedgerows on two boundaries it forms part of the attractive panoramic rolling countryside landscape within which the small village of Goldhanger is located. As a result, the lack of buildings on the site makes the site unobtrusive in the rural landscape but it nevertheless contributes significantly to the openness and rural character of the area.
10. There is a very clear demarcation of the built domestic environment from the surrounding open countryside formed by the high hedge to the north of the appeal site and Head Street. The allotments already provide an undeveloped frontage on the edge of the village together with the considerable set back of the houses on the opposite side of the road providing a pleasant transition between the rural open countryside and the built up area of the village.
11. The appeal proposal would introduce a more continuous and intensive urban frontage beyond the undeveloped nature of the allotments which would encroach into the rural area reducing the openness. This would be reinforced through the

introduction of residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the houses all of which would detract from the rural character of the area. Consequently the introduction of ten houses on the appeal site, together with the necessary removal of part of the hedge to create a new access, would have a significant visual impact in the countryside location.

12. Travelling north along Maldon Road, instead of the glimpses of the roofs of the built environment of Goldhanger being seen as the outskirts of the village the harsh edge of built development would dominate views. I appreciate that trees and shrubs would be planted along the southern edge of the development. While trees and hedges are an important part of the character here, I have no details of a proposed planting plan to demonstrate that such a scheme would be sufficient to establish an adequate boundary. Furthermore, planting would take some time to establish. In any case the screening and softening of the scheme through landscaping would not be sufficient to overcome the harm I have identified through the encroachment of the built development into the open countryside.
13. The Inspector on the appeal reference APP/X1545/W/16/3147228 found that the proposed nine houses would not be harmful to the character and appearance of the area. However, in that case, there were houses directly opposite the appeal site and the Inspector considered that the proposals would be viewed in the context of that built development. In this instance the houses would be viewed in relative isolation and therefore would fundamentally alter the perception of Goldhanger as a settlement within a wider rural landscape.
14. In addition the view from the public footpath would be considerably altered. As a result, the countryside experience of walkers together with their views over the agricultural landscape would be lost to the detriment of their enjoyment of walking in the countryside.
15. For the reasons above therefore I conclude that the proposal would be considerably harmful to the character and appearance of the area contrary to saved Policies S2, H1, CC6 and BE1 of the Maldon District Replacement Local Plan 2005 (the Local Plan) and emerging Policies S1, D1, S8 and H4 of the LDP and the requirements of the National Planning Policy Framework (the Framework). These require, amongst other things, that development conserves and enhances the natural environment and local character and context. In addition no harm should be caused to the landscape character in the locality and the countryside should be protected for landscape value as well as its intrinsic character and beauty.

Affordable housing

16. The proposal is for 10 dwellings. A Court of Appeal judgement on 11 May 2016 upheld the Secretary of State's appeal on all grounds relating to the High Court judgement in *R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG* [2015] EWHC 2222 (Admin) on 31 July 2015. As a consequence, a Written Ministerial Statement published on 28 November 2014 and Planning Practice Guidance (PPG) are material considerations that set out Government policy defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought for small scale development.

17. I note the Council's comments regarding the likelihood that the proposal would be for larger houses as demonstrated on the layout plan. As a result the cumulative floor space would be over 1000 square metres and therefore the proposal would not fall under the threshold stated in the PPG for which affordable housing contributions should not be sought. Therefore the requirements of Policy H1 of the LDP should be applied. The appellant disputes this, given that the LDP has not yet been adopted and Policy H9 of the Local Plan should be applied which would mean that there would be no affordable housing contribution required.
18. Irrespective of the Policy which is most relevant, the proposal is in outline form. The submitted layout plan is for indicative purposes only, I cannot be sure therefore that the gross floor space in the proposal would definitely be over 1000 square metres. As a consequence, therefore I cannot conclude at this stage that an affordable housing requirement would accord with Policy.

Accessible location

19. New development is directed to sites within the development boundaries of settlements as defined by Policy S1 of the Local Plan. The appeal site would be outside the development boundary of Goldhanger. As such Policy S2 of the Local Plan states that outside of development boundaries the countryside will be protected for its own sake. However I find that such a requirement would not be in accordance with Paragraph 28 of the Framework and therefore I give Policy S2 limited weight in my determination.
20. This approach is followed in the LDP albeit with a degree of flexibility to allow appropriate development outside of development boundaries in order to maintain a sustainable rural economy while protecting the intrinsic beauty and character of the countryside. While Goldhanger is defined as a smaller village with access to few or no services and facilities, limited or no access to public transport and very limited or no employment opportunities, its inclusion within Policy S8 means that it would accommodate some development in the future. However, in this instance, the proposal would be contrary to Policy S8 of the LDP as it is beyond the development boundary and as I have already found would be harmful to the character and appearance of the area.
21. Goldhanger has some facilities including two pubs, a church, a village hall, a private nursery and a doctor's branch surgery as well as areas of open space. However, these would not be safely accessed by pedestrians, particularly those accompanied by small children or with mobility issues due to the lack of a footway from the site and the busy main road into Goldhanger. Furthermore, there is no cycle way and given that the site is located on one of the main roads into Goldhanger I am not convinced that this would be an attractive option for residents.
22. I understand that there is a bus service that provides access to Plume School in Maldon. While Goldhanger is on the bus route to Maldon and Tollesbury the service is infrequent. Furthermore the nearest bus stop would necessitate residents having to cross Maldon Road where there is no safe or convenient pedestrian crossing. I consider it unlikely therefore that many residents would use the bus on a regular basis for their journeys. As a consequence it is likely that most journeys to and from the appeal site would be via the car which would be contrary to one of the core planning principles of paragraph 17 of the Framework to make the fullest use of public transport, walking and cycling.

23. I have had regard to the two appeal decisions APP/X1545/A/14/2213722 and APP/X1545/A/14/2222965 for sites on the edge of Goldhanger where the Inspectors reached similar conclusions regarding the likely reliance on the car for the majority of residents journeys. However, both considered that other modes of transport such as walking, cycling or public transport could be used. In this instance given the sites location on a main road with no footway I consider it unlikely to be the case. Furthermore, I have had regard to two appeal decisions referred to me by the Parish Council (APP/X1545/A/14/2225119 and APP/X1545/A/14/2214218) where the Inspector also concluded that local services in Goldhanger would be relatively inaccessible on foot. In any case I have determined the appeal on its own merits.
24. For the reasons above I conclude that the proposal would not provide an accessible site for housing with particular regard to its location. It would therefore be contrary to paragraphs 7 and 17 of the Framework, Policy S2 of the Local Plan and Policy S8 of the UDP. These require that development has accessible local services, moves towards a low carbon economy and makes the fullest use of public transport, walking and cycling.

Balancing and Conclusion

25. The provision of ten dwellings, which I have no doubt could be high quality, can be considered a social benefit that can be afforded some weight. Furthermore, the proposal would provide economic benefits of temporary employment opportunities during construction and the future occupiers could support local services. However, the reliance of the future residents on the motor car for their journeys limits the weight that I can give to such benefits.
26. The proposed development would be in an isolated location resulting in the inherently harmful effects I have already identified. It would also harm the character and appearance of the area and therefore fail to fulfil the environmental role of planning to protect and enhance the natural environment. These impacts would be contrary to both national and local policy. I therefore give them significant weight.
27. Therefore, even if the Council does have a housing shortfall, and paragraphs 49 and 14 of the Framework are relevant, the significant harm I have found would significantly and demonstrably outweigh the limited benefits that would be accrued by the development. Therefore overall the scheme would not be sustainable development as envisaged by the Framework. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR