
Appeal Decision

Site visit made on 25 October 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 15th November 2016

Appeal Ref: APP/X1545/W/16/3152889

Shrub Hill Farm, Maldon Road, Great Braxted, Essex CO5 0QA

- 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 Mr GK Hazell against the decision of Maldon District Council.
 - The application Ref OUT/MAL/15/01214, dated 17 November 2015, was refused by notice dated 04 January 2016.
 - The development proposed is 4 no. four bedroom detached houses with detached garage and access drive.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form and the application form makes it clear that all matters are reserved for future consideration. Although the plan is not marked as 'indicative' or 'illustrative', because all matters are reserved for future consideration I have dealt with the appeal on the basis that the plan is indicative.
3. The Council has referred to Policies S1, S8, D1, H4 and N2 of the emerging Maldon District Local Development Plan ('ELP') in the reasons for refusal and have provided me with a copy of the Secretary of State's letter dated 6 March 2016 confirming that the examination of the plan can proceed under a newly appointed Inspector. I have no information to suggest the plan is likely to be adopted in the near future and as the newly appointed Inspector has not yet delivered his findings and the policies do not form part of the development plan, in accordance with paragraph 216 of the National Planning Policy Framework ('the Framework') I have given them only limited weight in my decision.

Main Issue

4. The main issue is whether the proposal would provide a suitable location for housing, having regard to the effect on the character and appearance of the area.

Reasons

5. The appeal site is formed by part of a grassed agricultural field to the side of Shrub Hill Farm, a two storey residential property and part of its side garden and parking area. There is a clear demarcation of the boundary of the side
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- garden area by a post and rail boundary fence but there is no such demarcation between the appeal site and the remainder of the open field. The surrounding pattern of development is formed by a linear pattern of retail, commercial and residential properties along Maldon Road, including detached dwellings, a reclamation yard, garden centre and farm shop complex opposite.
6. The appeal site has a gentle slope away from the road and the wider landscape area is characterised by woodland and arable fields with well-established hedgerow boundaries. Overall, the majority of the appeal site has a strong connection to the open countryside which surrounds this part of the settlement, providing a sense of spaciousness and openness that positively contributes to the character and appearance of the area.
 7. The site lies outside of any settlement boundary and there is no dispute between the parties that the proposal would conflict with Policies H1, S1 and S2 of the Maldon District Replacement Local Plan ('RLP') which, seek to direct development to the district's more sustainable locations and protect the countryside for its own sake.
 8. I have not been referred to any published landscape character assessment by the Council or any local landscape designation such as those listed in Policy CC7 of the RLP. However, the appellant has submitted a 'Landscape and Visual Impact Appraisal' in recognition that the site lies within the 'Tolleshunt Knights Wooded Farmland' character area¹. Although the Council contend that it was not submitted as part of the original application, nevertheless it is commented upon in the Council's statement and I have had regard to it in the determination of this appeal.
 9. In longer views from the undulating open countryside that surrounds the appeal site, there are a few limited view points, in particular from Loamy Hill Road and Public Rights of Way off Braxted Lane where the development would be seen. I am also mindful that it would be seen in the context of a rural landscape interspersed with large detached residential properties and in the context of existing development along Maldon Road.
 10. However, closer to the appeal site the introduction of a much harder edge to the existing pattern of development on this side of Maldon Road would result in the considerable presence of development, beyond the existing pattern of development and it would be clearly conspicuous from Maldon Road. The appeal site is currently free of buildings and the proposal would result in an intensification of built form in an area where such openness contributes positively to the locally distinctive settlement pattern. When combined with the amount and likely scale of development, it would erode the openness and spaciousness of the appeal site and diminish the contribution that it currently makes to the character and appearance of the area.
 11. Although all matters of the scheme would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme at the reserved matters stage for four, four bedroom detached dwellings and associated garaging, there are a limited number of ways in which the appeal site could be developed. Moreover, because of the shape, size and nature of the site such buildings are highly likely to end up being uncharacteristically close together

¹ 5.6 of Nigel Cowlin Landscape and Visual Impact Appraisal.

with very limited space in-between. This would not be reflective of development along this side of Maldon Road.

12. Overall, the proposal would result in the loss of the rural and undeveloped character of the appeal site, appearing as an alien and uncharacteristic intrusion into this open area that would be at serious odds with the spacious and open quality of the appeal site and the character and appearance of the area. I do not consider that this harm could be mitigated by the retention of existing landscaping or additional landscaping in the form of new hedgerows and tree planting.
13. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would not therefore be a suitable location for housing. It would conflict with Policies BE1 and CC6 of the RLP which, amongst other things, require that development is compatible with its surroundings, makes a positive contribution to the landscape and open countryside and that the District's landscape is protected, conserved and enhanced.
14. Although the blanket protection of the countryside is not supported by the Framework I find these policies are, when taken as a whole, consistent with the Framework insofar as the need to recognise the intrinsic character and beauty of the countryside, that development should respond to local character, reinforce local distinctiveness and that good design is indivisible from good planning. Accordingly, the proposal would also conflict with the Framework.

Other Matters

15. I am aware that outline planning permission has been approved by the Council for a four bedroom detached house with detached garage in October 2014². The dwelling was under construction at the time of my site visit and in my view, has significantly lesser effects than the appeal proposal before me would have. It therefore does not alter my view in relation to the main issue.
16. I note that the appellant contends the dwellings will meet current Building Regulations, will include energy efficiency measures and could be appropriate for home working. Furthermore that the site is not at risk of flooding and the proposal will not affect any designated heritage assets. However, these matters do not outweigh my findings in relation to the main issue.

Planning balance and overall conclusions

17. There is some disagreement as to whether the Council can demonstrate a deliverable five year supply of housing land and the appellant contends that the proposal would amount to sustainable development. Whilst I have considered the various appeal decisions that have been brought to my attention, the limited evidence before me does not enable me to reach a definitive conclusion in relation to the housing land supply position.
18. Paragraph 8 of the Framework advises that the three roles of sustainable development should not be considered in isolation, because they are mutually dependant. The proposal would bring some limited economic benefits during construction and some limited support for local services. Four houses would also provide a limited contribution to the supply of housing in a location considered to be sustainable by the Council. However, I have found that the

development would cause significant harm to the character and appearance of the area and accordingly, it would fail to fulfil the environmental dimension of sustainable development.

19. Even if I were to conclude there is a shortfall in five year supply as suggested by the appellant and that relevant policies for the supply of housing should not be considered up to date, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.
20. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR