The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/X1545/W/16/3152454
Land at Ratsborough Farm, Burnham Road, Southminster, Essex CM0 7BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs J Oyler against the decision of Maldon District Council.
- The application Ref FUL/MAL/15/01288, dated 14 December 2015, was refused by notice dated 14 March 2016.
- The development proposed is change of use from agricultural to residential and construction of five, two bedroom houses.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council confirms that as of August 2016 it is able to demonstrate a six year supply of deliverable housing land. Whilst the appellant has stated that the Council does not have an up to date development plan, there is no indication as to which specific policies are regarded as out of date. Nor has the evidence on which the Council based its land supply calculation been challenged, other than to say that this has not yet been subject to formal examination and a suggestion that there remains an important role for small housing sites in supporting rural communities irrespective of the housing land supply position. In accordance with paragraph 49 of the National Planning Policy Framework (the Framework), I therefore give full weight to relevant policies for the supply of housing in the Council's development plan and the tilted planning balance described in paragraph 14 of the Framework does not apply.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a broadly rectangular and relatively level paddock on the south side of Burnham Road, in between two small groups of mainly residential buildings. These groups of sporadic development, in a variety of architectural styles, are surrounded by otherwise open countryside. The appeal site and aforementioned buildings are situated south of and outside the settlement boundary of Southminster.

5. The site is bounded by mature trees and hedges which help to blend it in with its rural, countryside setting and give it an attractive appearance in what is a prominent location adjacent to the road.

6. The proposed development would comprise a line of five dormer bungalows, incorporating rooms within the roof space and a new service road to the front. In the context of the sporadic nature of the existing buildings, I consider that the proposal would consolidate and intensify the built form of development here. In so doing, it would be at odds with the predominantly open, rural character of the surrounding area.

7. Furthermore the similarity in design and alignment of the dwellings, including their uniform forward building line and position and proportion of front dormer windows, notwithstanding handed layouts and relatively generous spacing between units and from the edge of the highway, would introduce an uncharacteristic suburban formality to the location.

8. Whilst the incorporation of dormer windows in the roof space would be in keeping with the design of the group of dwellings situated to the east, those properties front onto a private road, Ratsborough Chase, which is perpendicular to the main highway, and are therefore collectively far less prominent when seen from Burnham Road compared to the proposal. In addition, the development would appear incongruous with the more informally laid out grouping of buildings to the west of the site.

9. The retention of the majority of the boundary hedge adjacent to Burnham Road would soften the impact of the development to some degree. However, together with the proposed service road to the front, the scheme would, nevertheless, appear as a suburban and engineered addition, at odds with the rural character of its surroundings.

10. I therefore conclude that the proposal would result in material harm to the character and appearance of the surrounding area. Accordingly it would be in conflict with Policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan 2005 and Policies S1, S8 and D1 of the emerging Maldon District Local Development Plan (LDP) insofar as they seek to protect the landscape value of the countryside outside development boundaries and ensure that development is compatible with its surroundings. However, there is no evidence before me to suggest that the development would result in harm to biodiversity interests. In this regard I find no conflict with Policy N2 of the LDP.

Other Matters

11. The appellant has made a number of points in support of the development. In terms of access to essential services and facilities, I recognise that the village of Southminster which has a range of day to day services, is situated a relatively short distance to the north of the site. From there, it is also possible to commute into London.

12. Despite the need to cross the main road at least twice for continuity, there is a roadside path connecting the site with Southminster. This would make for a relatively short walk from one to the other. Although the route is unlit and would not be universally regarded as safe and convenient at all times, the two places are also linked by a bus route. It is also undisputed by the parties that

it would be possible to catch a bus travelling in the opposite direction to the nearby settlement on Burnham-on-Crouch, which also offers a range of services and facilities.

13. I accept that the convenience of private car use will always be an attraction. However, I consider that the appeal site is in a location where realistic sustainable transport choices are available which would allow for access to a range of essential services without needing to be dependent on a private car. In addition, the development would bring some limited benefits in terms of investment in the local economy.

14. I have taken into account that the Council previously granted planning permission for a single dwelling on land to the east of the appeal site. However, the Council advises that, at the time, it could not demonstrate a sufficient supply of housing land, which added weight in favour of granting consent. In any event I must consider the present case on its merits.

15. The proposal would offer the opportunity of securing a contribution to affordable housing. Whilst I note that the appellant would be agreeable to an affordable housing contribution equivalent to 1.5 units, there is no formal undertaking before me to secure this, were the appeal to succeed.

16. The appellant further argues that each of the proposed dwellings would be two bedroom units, in relation to which there is a shortfall locally, compared with the national average. Whilst the Council does not dispute this, it makes the point that the dwellings are relatively large and could easily be converted to provide additional bedroom accommodation for example at the expense of a study. It seems to me that it would be impossible to control the use of individual rooms within the dwellings, and I therefore concur with the Council's point in this regard.

17. I also acknowledge that the appellant considers the physical constraints of the site, including access difficulties, mean that it would be of little economic value in its present agriculture related use. This, however, is not a justification for harmful development.

Conclusion

18. Whilst future occupiers would have reasonable access to essential services and facilities without undue reliance on the private car, I have found that the development proposed would result in material harm to the character and appearance of the area. Even were the scheme to have secured a contribution towards affordable housing, the limited scale of any such benefit means that the harm that I have identified would not be outweighed. For the above reasons, the proposal cannot be considered as sustainable development and the presumption in favour of such, as set out in the Framework, is not engaged.

19. Therefore, having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

Roy Merrett

INSPECTOR