

Appeal Decision

Site visit made on 8 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 December 2016

Appeal Ref: APP/X1545/W/16/3155729

Rosemead, D'Arcy Road, Tolleshunt Knights, Essex CO5 0RR

- 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 B Dwyer against the decision of Maldon District Council.
 - The application Ref FUL/MAL/15/01300, dated 15 December 2015, was refused by notice dated 11 April 2016.
 - The development proposed is erection of detached bungalow with associated parking, landscaping and ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has submitted evidence to the effect that as of August 2016 it is able to demonstrate a 6.04 year supply of deliverable housing land. This evidence has not been challenged by the appellant. 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 Issues

3. The main issues are the effect of the development on i) the character and appearance of the area and ii) the ability of future occupiers to access essential services by sustainable means of transport.

Reasons

Character and Appearance

4. The appeal site is adjacent to a small group of agriculture related storage buildings, accessed from D'Arcy Road via a long concrete driveway. The site lies outside the settlement boundary of Tolleshunt Knights as defined in the Maldon District Replacement Local Plan 2005 (LP). The junction of the access road to the site is within an extensive gap between built development on the western side of D'Arcy Road. This compares to a more continuous line of buildings on the eastern side of that road.
 5. The site is part of a wide open field, which slopes gently towards the south-east and is enclosed with mature planting along its western boundary. It can be
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viewed from the driveway entrance on D'Arcy Road next to the small cluster of buildings, in the context of attractive extensive views over a surrounding open landscape with a backdrop of woodland.

6. The proposed bungalow, whilst close to the existing building group would, nevertheless, be seen as a highly prominent domestic property, separated from the main residential part of the village and extending further into the open countryside. The appellant has drawn my attention to the fact that the current proposal has sought to address the concerns raised by the Inspector who dismissed a previous appeal for an alternative form of dwelling on the site (Ref APP/X1545/W/3023012).
7. The dwelling in that case was larger and more prominent than the current proposal. The Inspector found that, because of its siting, scale and form, it would have been an incongruous and domesticating feature within an essentially rural landscape setting. Whilst the current proposal, by comparison, would be smaller in scale, could incorporate materials in keeping with the existing buildings and would arguably be more likely than the previously proposed dwelling to resemble a converted stable, I do not concur with the appellant that its impact in terms of encroaching into the surrounding open landscape would be made acceptable. Rather, I consider that the proposed dwelling would not assimilate well into its predominantly open surroundings.
8. Nor would the proposed screening of the site constitute an exceptional justification for the development. The argument that a dwelling would be out of public view for this reason would not be compelling in principle. Not only would it take a long time for screen planting to have any beneficial effect, but it is an argument that could be repeated all too often to the overall detriment of the character and appearance of the countryside.
9. I conclude that the proposal would result in material harm to the character and appearance of the area. Accordingly it would conflict with Policies BE1 and CC6 of the LP, Policies S1, S8 and D1 of the emerging Maldon District Local Development Plan (LDP) and with the Framework insofar as they seek to promote good design, sustainable development within settlement boundaries and ensure that development outside defined settlement boundaries makes a positive contribution to the landscape and open countryside. 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.

Access to services

10. In considering the previous appeal at the site, as referenced above, the Inspector found that whilst there were limited facilities and services available within Tolleshunt Knights, the nearby settlement of Tiptree, with a wider range of services, was a 15-20 minute walk away and was accessible by bus. On that basis, he concluded that occupiers of the dwelling would not be entirely reliant on the private car and that the appeal proposal would be reasonably sustainably located with regard to travel. The Council has not produced evidence to challenge this position and I have no reason to take a contrary view.
11. I conclude that the development would allow for a reasonable standard of access to essential services by sustainable means of travel. It would therefore

be in keeping with Policies S1 and T2 of the LDP insofar as they seek to promote safe and direct walking routes to nearby services and public transport.

Other Matters

12. The appellant has referred to other nearby cases where planning permission has been granted for small scale residential development. In terms of the redevelopment of the nearby former Rose and Crown Inn, the Council states that the previously developed status of the land and uncertainty over the five year housing land supply position at the time, were factors that counted in favour of that permission. This has not been disputed by the appellant. It is also apparent that the site is within the more built up part of the village on the eastern side of D'Arcy Road.
13. In terms of the permission granted on appeal (Ref APP/X1545/W/15/3130223) in relation to a site at Wickham Bishops, the Inspector in that case found that the proposed dwelling would appear within the envelope of the hamlet and would be in keeping with the pattern of development in the area. Neither of the aforementioned cases are therefore comparable to the current appeal, which I have considered on its own merits in the light of its location in the countryside.
14. The appellant states that she has recently experienced the theft of equipment from the site and cites the benefits of a dwelling in terms of providing a security presence. Whilst I have sympathy for appellant in this regard, the circumstances of the theft are unclear. For example it is uncertain whether the stolen equipment was secured in a locked building or whether any alternative measures could be put in place to increase the security of the site. In any event this would not carry any significant weight in favour of granting planning permission.
15. The proposed dwelling would add a single unit of accommodation to the supply of housing in the locality and would make a very limited contribution to the local economy as a result of its construction and occupation. However in the context of the Council being able to demonstrate a five year supply of deliverable housing sites, and given the small scale of development involved, I give very limited weight to these considerations.

Conclusion

16. Whilst I have found that future occupiers would have reasonable access by means of sustainable transport to essential services, I have found material harm in terms of the character and appearance of the area. On balance, therefore, I am not persuaded that the development proposed comprises high quality sustainable residential development and the presumption in favour of such, as set out in the Framework, is not engaged.
17. Therefore, having had regard to all other matters raised, including support for the proposal by the Parish Council and other third parties, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR