

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: 22 December 2016

Appeal Ref: APP/X1545/W/16/3156877

Land South of Kelvedon Road, Tolleshunt D'Arcy, Essex, CM9 8EL

- 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 P Le Grys against the decision of Maldon District Council.
 - The application Ref OUT/MAL/16/00295, dated 17 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is construction of 5 dwellings with associated off-street parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all detailed matters reserved for later consideration.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding countryside, with particular regard to the setting of the Tolleshunt D'Arcy Conservation Area (CA).

Reasons

4. The appeal site is situated within countryside outwith the settlement boundary of Tolleshunt D'Arcy, as defined in the Maldon District Replacement Local Plan 2005 (LP). I have no reason to doubt the appellant's assertion that the setting of the village is not mentioned within the Landscape Character Assessment undertaken in 2006. However the CA Review and Appraisal 2004 acknowledges that the village is notable for its attractive rural setting, situated in flattish countryside with open fields forming an important backdrop to the village. The appeal site lies within the setting of the CA, in that it forms part of the surroundings in which the CA is experienced.
 5. Approaching the village from the north-west, there are some small groups of sporadic isolated dwellings on the southern side of Kelvedon Road. Notwithstanding this, the entrance to the village itself is signalled by the definitive edge of the buildings at Nos 1 and 2 Kelvedon Road on opposite sides of the road. The thatched roof of the latter dwelling, in combination with the presence of mature woodland adds visual interest to this gateway location.
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The long range visibility across the open countryside to the north and east, allows for extensive views of the continuation of this strongly defined linear village edge.

6. Despite the presence of a mature boundary hedgerow and scope for additional planting which would provide a degree of screening, the proposed development would, nevertheless, encroach upon the open setting of the village which contributes to its aforementioned heritage significance. Though immediately adjacent to one of the isolated dwellings known as Dalkeith, there would be a significant gap left between the edge of the appeal site and No 2 Kelvedon Road, due to the irregularly shaped intervening garden associated with that property.
7. Accordingly the proposal would form a sporadic, loose cluster of modern dwellings which would consolidate existing ribbon development, appearing obtrusive and poorly related to the village and diluting the definitive built edge of the settlement and the character of its north-west entrance. I do not therefore concur with the appellant's view, that the development would represent a linear extension of the village, reminiscent of the historic formation of the settlement or that it would mark a transition from village to countryside. I conclude that the proposal would result in significant harm to the character and appearance of the surrounding countryside including the setting of CA.
8. The proposal would therefore conflict with Policies S2, BE1, BE13, H1 and CC6 of the LP and Policies D1, D3, H4, N2, S1 and S8 of the emerging Maldon Local Development Plan insofar as they seek to resist housing development outside the settlement boundary, secure high quality design that harmonises with the character of its surroundings, protects the landscape and countryside and preserves or enhances the setting of Conservation Areas.

Conclusion

9. I have found that there would be significant harm to the character and appearance of the area generally. There would also be harm to the heritage significance of the CA. Whilst that harm would be less than substantial in terms of the guidance in the National Planning Policy Framework (the Framework), there would still be real and serious harm which is a consideration of significant weight. In such circumstances, the Framework requires that such harm is weighed against the public benefits of the proposal.
10. The development would result in some job related benefits and support to businesses associated with the construction of the dwellings. Furthermore, future occupiers of the houses would, in all likelihood, give rise to additional expenditure in the local economy. That said, such benefits would be limited due to the small scale of development involved.
11. The village offers a small range of services including a primary school, small shop, restaurant and public house, which would cater for day to day needs. There is also no dispute that the village is served by a number of bus routes that connect with larger settlements in the wider area. This allows for a degree of sustainable transport choice to access a wider range of services. However, the information provided by the appellant suggests that the bus services though regular, are infrequent. Furthermore, I noted during my visit that the site is not connected to the village by a footway and similarly there is an absence of street lighting. This would not therefore lend itself to convenient

and safe access to essential services on foot. I therefore consider that whilst the site would allow for a degree of sustainable transport choice in terms of access to services and facilities, it would be unrealistic to expect future occupiers in this rural area not to be dependent to a large degree on private car use.

12. The development would contribute five units to the supply of housing which I have no reason to doubt would be high quality accommodation adjacent to a village where it is undisputed that there are no other sites allocated for residential development. Whilst this may help to support local services, such benefits would be extremely limited given the small number of units involved.
13. Drawing all these findings together, even were the Council unable to demonstrate a five year housing land supply (the position of the appellant, which is contested by the Council), I am firmly of the view that providing additional housing in a time of need, together with the other public benefits set out above, would not outweigh the harm to the heritage significance of the CA. In the overall planning balance, the adverse impacts I have identified significantly and demonstrably outweigh the benefits when assessed against the policies of the development plan and the Framework. Accordingly, the proposal in this case does not amount to sustainable development and the presumption in favour of such, as set out in the Framework, does not apply.
14. Therefore, for the above reasons, and having regard to all other matters raised, including that there have been letters in support of the proposal, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR