

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: 21 December 2016

Appeal Ref: APP/X1545/W/16/3156019

Land South of Strathmore Road, North Farmbridge, Essex, CM3 6NB

- 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 R Roe, Roe Partners against the decision of Maldon District Council.
 - The application Ref OUT/MAL/16/00247, dated 12 February 2016, was refused by notice dated 18 May 2016.
 - The development proposed is erection of four detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

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

Main Issues

3. The main issues are i) the effect of the development on the character and appearance of the surrounding area and ii) whether there would be adequate provision for surface and foul drainage in relation to the development.

Reasons

Character and Appearance

4. The village of North Farmbridge essentially comprises linear residential development along a north-south spine road, Farmbridge Road, and a small number of cul-de-sacs running off the spine road in an east-west alignment. Dwellings are generally large and set back from the highway in spacious well planted grounds. The maturity of planting in and around the village is generally very effective in terms of assimilating built development into the surrounding landscape. The mature landscaped setting more readily defines the character of the village than the built form itself, which tends to have a recessive quality.
 5. The appeal site is located outside the settlement boundary, on the south side of Strathmore Road. Whilst this is one of the aforementioned east-west spurs, in practical terms it is an unmade track, generally devoid of buildings with the exception of the somewhat isolated Grove Cottage further to the east and on
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the north side of the road. The site would adjoin the rear boundaries of large detached dwellings immediately to the west, however it is bounded by wide open fields to the south and east.

6. It is undisputed by the parties that the site is located within a Special Landscaped Area (SLA). The Council's Landscape Character Assessment 2006 recognises the open, panoramic long distance views to the north, as an important part of the character, which create a sense of space and tranquillity. Consequently, the Assessment notes that the area has high sensitivity to change.
7. The proposed development would be prominent in views looking northwards from public viewpoints within the southern part of the village, including from the public recreation ground. It would be visible from the permissive footpath which runs in an east-west direction through the Blue House Farm SSSI. During my visit I walked along part of this route, from which I noted the extensive views over open countryside to the north, within the peaceful setting of the SSSI. Though relatively limited in scale, the linear nature of the proposed layout would appear as a prominent intrusion of sporadic ribbon development that would interrupt the open and tranquil surroundings of this part of the SLA, currently substantially devoid of prominent buildings. Furthermore, despite the separation distance, the parallel orientation of the development in relation to the permissive path would make its visibility sustained rather than fleeting therefore compounding the harm to the rural character of the SLA.
8. Whilst the appellant argues that the proposal would follow the east-west characteristic pattern of development within the village and would not extend as far to the east as the road to the north of the railway line, this would not justify the prominent incursion into the surrounding landscape that I have identified. I do not agree with the appellant, therefore, that the development would form a final natural edge to the village. Furthermore, from my visit, the rear gardens of the existing adjacent dwellings did not appear unsightly and in need of screening by the development.
9. I acknowledge that a substantial belt of tree planting is proposed adjacent to the southern and eastern boundaries of the site, with the aim of assimilating the development into the landscape whilst enhancing biodiversity in the locality. However, the argument that the dwellings would be out of public view for this reason would not be compelling in principle as it would take a long time for screen planting to have any beneficial effect and, in any event, is an argument that could be repeated too often to the overall detriment of the rural character and appearance of the countryside. The time that it would take to screen the development, albeit that it would bring some biodiversity benefits, would not justify the relatively minimal contribution to the housing land supply in the locality.
10. I conclude that the proposed development would result in significant harm to this sensitive landscape and therefore to the character and appearance of the surrounding area. Accordingly it would be in conflict with Policies H1, BE1, CC6, CC7 and CC11 of the Maldon District Replacement Local Plan 2005 (LP) and Policies S1, S8, D1, H4 and N2 of the emerging Maldon District Local Development Plan (LDP) insofar as they seek to protect the landscape value of countryside outside development boundaries and ensure that development is

compatible with its surroundings. It would also be in conflict with the National Planning Policy Framework (the Framework) insofar as it seeks to protect and enhance valued landscapes.

Drainage

11. The Council and local residents have referred to a 2014 Joint Position Statement (JPS) relating to the foul and surface water drainage situation in North Farmbridge¹. In respect of foul drainage, the JPS indicates that the network does not have capacity to accept growth based on the levels projected at the time of its publication.
12. The proposal in this case is to deal with foul drainage through connection to the existing public sewer. Notwithstanding the position as set out in the JPS, Anglian Water Services, whilst not formally commenting, responded to a pre-application query by the appellant in August 2015 stating that the system would have capacity to accommodate the four dwellings proposed.
13. However the Environment Agency, in more recent correspondence, whilst raising no objection in principle to a foul sewer connection, has cited the lack of capacity and inability to receive flows from development at the local Latchingdon Water Recycling Centre. There is no suggestion from the appellant that increased mains drainage infrastructure would be put in place to support the scheme. Although the appellant has indicated that he would resort to incorporating a private on-site sewerage system in the event of capacity being unavailable in the mains system, the Environment Agency has expressed doubt that it would issue a water permit discharge for such a facility.
14. On the basis of the information before me, the potential to secure a satisfactory foul drainage strategy for the proposal is therefore uncertain. I conclude that, whilst it would be possible to impose a condition requiring details of foul drainage to be agreed prior to commencement of development, in the event of the appeal being allowed, it would be unreasonable to do so given the uncertainty as to capacity and availability of a practical alternative as set out above.
15. In terms of surface water, the appellant proposes a sustainable drainage strategy based on storage within the site using a storm cell system with attenuated release at greenfield rates. Whilst he states that details can be secured by condition, the final disposal route to a receiving watercourse is uncertain at this stage. I acknowledge that the appellant has a significant landholding within the area, however it is unclear whether a disposal route for surface water could be legally secured and in this respect I share the Council's concern that insufficient detail has been provided.
16. The conflicting and incomplete evidence before me on these matters means that I cannot be certain that foul and surface water drainage can reasonably be left to be dealt with by reference to conditions were the appeal to succeed. As a consequence, in the absence of conclusive evidence, there would be conflict, in this regard, with Policy CON5 of the LP, Policies D5 and I1 of the LDP and the Framework insofar as they seek to minimise the risk of flooding and ensure that the appropriate level and type of infrastructure is available to serve new development.

¹ Joint Position Statement on Development in North Farmbridge – Prepared by Anglian Water Services, the Environment Agency and Essex County Council (lead Local Flood Authority) (January 2014)

Overall Planning Balance and Conclusion

17. Previously, a larger scale residential development, which included the current appeal site, was dismissed on appeal (Ref APP/X1545/A/14/2213766). However, the Inspector in that case found that the site was close to the railway station of North Farmbridge and was within easy reach of bus services, albeit infrequent, connecting with larger centres such as Maldon and South Woodham Ferrers. Accordingly, the Council regards the site the subject of this current appeal to be within a sustainable location, and as it would allow for a degree of sustainable transport choice in terms of access to essential services and facilities, I have no reason to take a contrary view.
18. The development would also 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, increase expenditure in the local economy. However, these benefits would be limited due to the small scale of development involved.
19. I have, nevertheless, found that the proposal would result in significant harm in terms of landscape impact, with potential additional harm in the absence of a clear and workable drainage solution. 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 those adverse impacts significantly and demonstrably outweigh the benefits that I have identified when assessed against the policies of the Framework taken as a whole. 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.
20. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR