
Appeal Decision

Site visit made on 20 December 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/X1545/W/16/3157906

The Paddocks, Waterside Road, Bradwell-on-Sea, Essex CM0 7QZ

- 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 Mr D Hayden against the decision of Maldon District Council.
 - The application Ref FUL/MAL/15/01175, dated 9 November 2015, was refused by notice dated 4 March 2016.
 - The development proposed is described as a 'full planning application for the construction of one detached bungalow following the removal of mobile homes and demolition of existing structures with associated works.'
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one detached bungalow following the removal of mobile homes and demolition of existing structures with associated works at The Paddocks, Waterside Road, Bradwell-on-Sea, Essex CM0 7QZ in accordance with the terms of the application, Ref FUL/MAL/15/01175, dated 9 November 2015, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application form gives the site description as 'Land north of Woodyards'. However the appeal form refers to 'The Paddocks', and the appellant has requested the use of this address. I have, therefore, used it in the heading and paragraph 1 above. The description of development used in the application form starts 'Full planning application for'. Since these words do not describe an act of development, I have omitted them from paragraph 1.

Main Issue

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

Reasons

4. The appeal site is located to the north of the settlement of Bradwell-on-Sea in a rural area outside of the settlement boundaries defined in the Maldon District Replacement Local Plan 2005 (LP). A detached dwelling (Woodyards) sits immediately to the south. The southern part of the site accommodates a twin linked mobile home, various outbuildings and a caravan. Certificates of lawful use have been granted on application and appeal¹. The effect of the

¹ Application reference LDE/MAL/08/01375, Appeal reference APP/X1545/C/10/2132189

certificates is to allow the twin linked mobile homes to be occupied as a single residential unit. The northern part of the site does not contain any structures, but is used as external space in association with the residential occupation.

5. Policy CC6 of the LP seeks to protect the natural beauty, tranquillity, amenity and traditional quality of the landscape. The site also falls within the Coastal Zone, where LP Policy CC11 sets out five criteria for the consideration development. The Council only refers to those permitting development if the location, siting, design, materials and landscaping would not adversely affect the open and rural character of the area and that the development has minimal impact on views into and out of the area.
6. Policy CC22 deals with replacement dwellings outside of settlement boundaries. Among other things, it requires the new dwelling and its associated outbuildings, walls/fences and landscaping to positively enhance the amenity and character of the landscape. The appellant considers that this policy is not applicable as it deals with the replacement of permanent dwellings. However, by virtue of the site's planning history, permanent residential occupation has been found to be lawful and there is nothing to suggest that any of the existing structures on the site are unlawful. As such, I consider that the policy has relevance. Policy BE1 requires development to be compatible with its surroundings.
7. The Council also advises that the site is within the Tillingham and Latchingdon Coastal Farmland Landscape Character Area, as identified in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) (LCA). The LCA finds that this area is characterised by its rolling topography, its visual links to the Dengie and lower Blackwater estuary drained marshland and its texture of its deciduous trees and shrubs in field boundaries. It also refers to new development being potentially visible within expansive views across the area.
8. The appeal site sits within an open, though essentially flat, landscape. Whilst there are medium range views to the site from Waterside Road to the north and south, it is fairly well contained by boundary planting. Moreover, the southern part of the site has a close association with the buildings and substantial planting at Woodyards. Nevertheless the existing structures in the site are visible in shorter range views. Although individually, they are fairly modest in scale, collectively they have a more substantial presence. They have little visual coherence and extend over a significant portion of the southern part of the site. As such, I consider that they detract from the character of the landscape and the street scene.
9. The proposal would replace the existing structures with a single building located in the southern part of the site. The new dwelling would have a larger footprint and greater scale than any individual structure, as well as being some 1.2m taller than the tallest existing structure. Nevertheless, the Council has not disputed the appellant's figures which show that the new building would have a smaller footprint than the totality of the existing structures. The proposal would also result in a reduction in the spread of built development across the site and the siting of the new building would be well related to the established development and substantial planting at Woodyards. Consequently, I consider that it would not be detrimental to the openness of the countryside.

10. The new building would be set back from the road frontage and fairly effectively screened in views from the south by the established boundary planting at Woodyards and in views from the north by the boundary planting around the appeal site. Conditions could be used to secure details of improvements to the boundary enclosures and landscaping to ensure an appropriate setting for the building. Whilst the appearance of the dwelling would be undistinguished, it would be traditional in form and materials and visually cohesive. As such, I find that it would not be intrusive in the street scene.
11. A previous proposal for a two storey detached dwelling on the northern part of the site was dismissed on appeal². In terms of its siting and its height (reduced from about 8m to 5m), current proposal would be less prominent in the landscape and can, therefore, be distinguished from the previous scheme.
12. Having regard to all of the above factors, I consider that the proposal would lead to a minor improvement to the character and appearance of the area compared with the existing situation. As such, it would not conflict with LP Policies CC6, CC11, CC22 or BE1. The proposal would also accord with Policy D1 of the emerging Maldon District Local Development Plan to the extent that its aims are similar to the LP policies.

Other Matters

13. The Council and the appellant disagree over the extent to which the Council engaged proactively in its consideration of the proposal. However, my decision is based on the planning merits of the proposal.

Conditions

14. The Council has suggested a list of nine conditions. With amendments for clarity, and to accord with Planning Practice Guidance paragraph reference ID: 21a-007-20140306, I find that they meet the tests set out in paragraph reference ID: 21a-004-20140306. A condition specifying the approved plans is necessary in the interests of certainty. Conditions controlling the external materials to be used and the details, implementation and maintenance of the landscaping scheme are required to safeguard the character and appearance of the area. A condition controlling the details and implementation of boundary enclosures is necessary for the same reason.
15. The application form indicates that a septic tank would be used for foul drainage. The Council's Environmental Health department considers that septic tanks should be used only where no other means of disposal is available. In order to allow alternative means to be considered, I will impose a condition requiring a foul drainage scheme to be agreed and implemented. A condition dealing with surface water drainage is required in the interests of public health and to avoid flooding.
16. A condition requiring the provision and implementation of a Construction Management Plan is necessary to ensure highway safety. The submitted plans do not show the details of the car parking for the dwelling. A condition to secure the approval and implementation of a scheme is, therefore, necessary in the interests of highway safety.

² Appeal reference APP/X1545/A/10/2128179

17. In addition the Council and appellant were asked to comment on the need for a condition to ensure the removal or demolition of the existing structures on the site. The Council has suggested a condition. The appellant is content with the suggested wording and I consider that the condition is necessary to safeguard the character and appearance of the area.

Conclusion

18. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

**Schedule of conditions attached to
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The Paddocks, Waterside Road, Bradwell-on-Sea, Essex CM0 7QZ**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HWR-01 and 43419/1.
- 3) Prior to their use within the development hereby permitted, details of the materials to be used in the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until a scheme for the landscaping of the site, including the retention of existing landscape features, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the Local Planning Authority.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

- 5) The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The agreed boundary treatments shall be completed before the occupation of the development hereby permitted.
- 6) Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing

by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- 7) Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) Prior to the occupation of the development a scheme for the car parking areas shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 10) Within three months of the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby permitted the caravans shall be removed and existing structures within the site shall be demolished and the resulting material removed from the site.