
Appeal Decision

Site visit made on 10 January 2017

by Alex Hutson MATP CMLI MARborA

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

Decision date: 26 January 2017

Appeal Ref: APP/X1545/W/16/3158021

Land at Grapnell's Farm, Wood Lane, Heybridge, Essex CM9 4SH

- 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 Miss C Reynolds against the decision of Maldon District Council.
 - The application Ref OUT/MAL/16/00360, dated 5 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is "Outline – erection of a dwelling and garage".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis. However, I consider the illustrative layout as shown on Block Plan SD/1 gives a reasonable impression of the proposal and the likely effect upon its surroundings.
3. The Council's reason for refusal on its decision notice refers to a number of draft policies¹ of the emerging Maldon District Local Development Plan (LDP). The Council considers that significant weight should be attached to these policies given the advanced stage of preparation of the LDP. However, the LDP has not yet been fully examined and the Inspector appointed to carry out the examination has not reached a judgement on the soundness of the LDP as a whole. In addition, I have not been made aware of the extent of any unresolved objections to these policies. In light of this and having regard to Paragraph 216 of the National Planning Policy Framework (the Framework), I afford limited weight to the policies of the LDP at this time.

Main issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would occupy a location with a good level of access to local services and facilities for any future occupiers.

¹ D1- Design Quality and Built Environment; S1- Sustainable Development; S8- Settlement Boundaries and the Countryside; and H4- Effective Use of the Land

Reasons

Character and appearance

5. The appeal site lies outside of the defined settlement boundary of Heybridge and lies in the countryside for planning policy purposes. It comprises an area of paddock and is located approximately 270m along, and to the immediate west of, Wood Lane, which is a single track lane leading to Grapnell's Farm from Holloway Road. A public footpath runs along this lane from which views across the appeal site can be obtained. Whilst the northern boundary of the appeal site adjoins an existing residential curtilage associated with a modest amount of development along Wood Lane, the appeal site has a strong affinity with a number of other paddocks which lie to the west and north-west of it. Wood Lane has a strong rural character and the open, undeveloped nature of the appeal site contributes positively to this character and to the wider rural character and appearance of the area. The presence of nearby power lines and a mast do not, in my opinion, materially detract from the appeal site's rural character and appearance.
6. The proposal seeks to erect a new dwelling and a detached garage onto the appeal site. I acknowledge that the proposed dwelling would follow the linear pattern of development that exists to the north. Nevertheless, the proposal would substantially erode the spatial qualities of the appeal site and area and would introduce an intensified level of residential development along Wood Lane. This would be exacerbated by the likely need for domestic paraphernalia. The proposal would therefore have an urbanising effect on the appeal site and surrounding countryside which would result in significant harm to the character and appearance of the area. This would be notable in views from the public footpath and would be the case no matter what the scale or appearance of the proposed dwelling, given the inherent harm that would arise.
7. I recognise that a number of planning applications² have been submitted to the Council in respect of land to the north, east and west of the appeal site. These planning applications relate to strategic sites within the proposed North Heybridge Garden Suburb (NHGS), as identified with the emerging Maldon District Local Development Plan (LDP). I also note that the Council has resolved to grant planning permission for these applications, subject to formalising the legal agreements associated with them.
8. However, the appeal site does not form part of the proposed NHGS. Nor do the paddocks to the west of the appeal site. In addition, the Council sets out that the agricultural land to the north-east of the appeal site would likely be utilised for open space, including playing fields. Consequently, whilst the wider character of the area is likely to change in the future, the appeal site and its immediate surrounding would maintain a sense of space and openness which would continue to provide a strong rural character and appearance along this part of Wood Lane. As such, I do not consider that these planning applications or any associated subsequent development in the surrounding area justifies a planning permission in this instance.
9. The proposal would therefore be contrary to saved Policies S2- Development Outside Development Boundaries, BE1- Design of New Development and Landscaping and CC6- Landscape Protection, of the Maldon District

² Ref 14/00990/OUT; Ref 15/00419/OUT; and Ref 15/00885/FUL

Replacement Local Plan 2005 (Local Plan). These policies require, amongst other things, development to be compatible with its surroundings, to make a positive contribution to the landscape and open countryside, to respect the landscape character of the locality and to protect the landscape value of the countryside. Saved Policy H1- Location of New Housing, of the Local Plan, requires development for new housing in the countryside to comply with these policies. These policies are consistent with the aims and objectives of the Framework which require planning to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside.

10. The proposal would also be contrary to draft Policies D1, S8 and H4, of the emerging LDP. These policies require, amongst other things, development to respect and enhance character and local context, to have regard to the character of the surrounding area, to maintain the rural character of the area and to protect the intrinsic character and beauty of the countryside. Nevertheless, as set out above, I afford limited weight to these policies at this time.

Accessible location

11. Whilst the appeal site lies outside of the settlement of Heybridge, it is located close to it. There are bus stops near the entrance to Wood Lane along Holloway Road which offer a regular service to local shops, services and facilities within both Heybridge and the nearby settlement of Maldon. Whilst Wood Lane has no formal footpath or lighting along it, I observed that the lane generally has a flat, even surface and it is only a short walk from the appeal site to these bus stops. Moreover, it is unlikely to be subject to significant levels of traffic, given the limited level of development along this lane.
12. Consequently, whilst I accept that there would likely be some reliance on the private motor vehicle, the local bus service and ease of access to it would offer a realistic alternative to the use of a private motor vehicle for any future occupiers to access local shops, services and facilities. The Council also sets out that Bentalls Shopping Centre is approximately 0.6 miles from the appeal site. This does not seem to me to be an unreasonable distance to either walk or cycle to this shopping centre.
13. I therefore consider that the proposal would occupy a location with a good level of access to local services and facilities for any future occupiers. The policies of the Local Plan referred to on the Council's decision notice do not specifically relate to the accessibility of location. However, the proposal would comply, in this regard, with the aims and objectives of the Framework which seek planning to actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to avoid new isolated homes in the countryside.
14. The proposal would also comply, in this regard, with draft Policies H4, S1, S8 and D1, of the emerging LDP, which require, amongst other things, development to have regard to accessibility to local services and facilities, to minimise the need to travel, to prioritise sustainable modes of transport and to maximise connectivity with surrounding areas. Nevertheless, as set out above, I afford limited weight to these policies at this time.

Other matters

15. The appellant indicates that the proposal would be built to high energy efficiency standards and would utilise sustainable construction techniques. I accept that it would provide some short-term construction jobs. There would be a modest increase in local spending by any future occupiers and a modest increase in Council revenue through council tax payments and the New Homes Bonus. The proposal would make a contribution, albeit a limited one, to housing supply in the area. I note the intention to provide a family dwelling for one of the trustees of Grapnell's Farm. I have also found that the proposal would occupy a location with a good level of access to local services and facilities. However, these matters, individually or cumulatively, would not outweigh the harm I have found to the character and appearance of the area.

Conclusion

16. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR