
Appeal Decision

Site visit made on 8 May 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/X1545/W/17/3169919

Land adjacent the Old Forge and Thornley Cottage, Burnham Road, Althorne CM3 6DP

- 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 Ryan Thame against the decision of Maldon District Council.
 - The application Ref OUT/MAL/16/01182, dated 17 October 2016, was refused by notice dated 18 January 2017.
 - The development proposed is the construction of 2 bedroom detached residential Bungalow with some other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted in outline with all matters reserved apart from access and scale. I have treated the appeal in the same manner and have therefore considered all plans submitted as indicative, aside from those relating to access and scale.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area, and whether occupants of the proposed development would have acceptable access to shops and services.

Reasons

4. The appeal site is a rectangular shaped piece of land located on the north side of the busy Burnham Road, on the eastern side of the village of Althorne. Althorne is centred on the junction of Summerhill Burnham Road and Burnham Road/B1010 to the west of the appeal site, with development along Burnham Road primarily linear and development along Summerhill more nucleated, particularly to the east of the road where some cul-de-sacs are located. Close to the central junction there is linear housing development along both sides of Burnham Road, with Thornley Cottage immediately to the west of the appeal site and Cliffords Farm opposite representing the last properties in this pattern of development.
 5. The appeal site therefore marks the start of a new pattern of development, where properties become more sporadic and are primarily located on the northern side of the road. A field lies opposite to the site and the neighbouring
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- dwellings to the east, the Old Forge and Capri, with a further gap in development then to The Three Horseshoes public house.
6. The construction of the proposal would fill in the gap in development that the site constitutes, making the north side of the road from Thornley Cottage to the east more built up. Although I note that both The Old Forge and Capri are sited adjacent to the road, I do not consider that they represent a 'bookend' to the end of the village. The appellant is of the view that the character of the area only changes significantly after Old Forge, with loose scattering of development only in this area. However, I consider that the Old Forge itself falls within this identified character; this property and the adjacent Capri are more representative of the countryside and when heading from the east appear before the more suburban fringe of the village commences, close to the change in the speed limit to 30 mph.
 7. The proposal would consolidate the development along the stretch of road leading to a more solid ribbon of built-up development along the north side of the road, in contrast to the open fields beyond, and would, I consider cause harm to the character and appearance of the area. Whilst the appeal site is not of any particular landscape value by itself, as an area of land beyond the physical extent of the village it contributes to the wider area of countryside surrounding Althorne. As such I do not consider that the proposal would represent infill development within a village; whilst it would physically infill land between two properties, such land is outside the village in my view.
 8. Althorne itself has some limited community facilities, with the appellant confirming that there are 2 pubs in the village and a railway station. A shop/post office is located in the northern part of the village, some distance along Summerhill Burnham Road. The train station is located to the south of the village, and is located down a separate access road with no footpath and limited street lighting. Given the nature of this access, and the distance of the site from the station and the post office I consider that potential future residents of the proposal would likely use a car to access the majority of their day to day needs.
 9. There is no dispute between the parties that the Council are able to demonstrate a five year supply of deliverable housing land. The appellant considers that the site would count towards the windfall allowance within this supply and that there is an identified need for 2 bed dwellings in the Strategic Housing Market Analysis. I also acknowledge that the development of one property would have certain limited economic and social benefits. Such factors weigh in favour of the scheme.
 10. Saved policies S2 and H1 of the Replacement Local Plan¹ (the RLP) together state that new housing will not be allowed outside development boundaries unless it complies with other policies in the plan. Outside such boundaries the countryside will be protected for its own sake. The development boundary for Althorne follows the western side of the site, thus leaving the site outside the boundary and Thornley Cottage inside the boundary. The boundary heads due south across the road to also include Cliffords Farm and leave out the open field opposite the site. The proposal would thus fall within the countryside where development is restricted, and would be contrary to the development plan. However, I note the age of this plan and consider these policies to be out

¹ Maldon District Replacement Local Plan, November 2005

of date due to their limited consistency with the more permissive approach to housing of the National Planning Policy Framework (the Framework). Such policies cannot simply be judged to carry no weight or be disregarded as a result of being deemed out-of-date. However, given their disparity with the Framework I consider them to hold only limited weight.

11. Similarly, I consider that policy S8 of the Local Development Plan² (the LDP), which states that outside development boundaries planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon, also only holds limited weight; the LDP has been through public consultation and examination in public in the early parts of this year but no firm conclusions have yet been reached.
12. However, due to the reasons given above, I consider that the proposal would be contrary to the core planning principle within the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. The location of the proposal would also be contrary to the planning principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; this adds weight to my view that the adverse impacts of the proposal would significantly and demonstrably outweigh the identified benefits of the proposal, and thus the proposal would not constitute the sustainable development for which there is a presumption in favour of embodied within the Framework.
13. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area. I also do not consider that occupants of the proposed development would have acceptable access to shops and services. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

² Maldon District Pre-Submission Local Development Plan 2014-2029