
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/17/3168862

Springfields, Steeple Road, Latchingdon CM3 6LD

- 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 Ms C and Mr W Farmer against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/00763, dated 28 June 2016, was refused by notice dated 13 September 2016.
 - The development proposed is the proposed Construction of a Chalet Style Dwelling with Attached Garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would represent a suitable site for housing, having regard to any effect on the character and appearance of the area and access to shops and services.

Reasons

3. The appeal site lies adjacent to a small pocket of development located off Steeple Road, between the two settlements of Mayland and Latchingdon. Heading from Mayland to the east, Steeple Road banks to the north before resuming in a roughly westerly direction towards Latchingdon. An access road carries on and re-joins the road, with a small number of dwellings accessed off the road. One such dwelling is Springfields, a large detached house which has a fairly long drive to the north. This property has gardens to the front and rear, with a narrower side garden to the west. Beyond this lies a large open green meadow of roughly cut grass. The meadow is bordered by trees and hedges, with a small number of properties and outbuildings beyond its western boundary.
 4. The proposal seeks to construct a fairly large 'L' shaped house with integral garage, in a roughly rectangular shaped plot to the side of Springfields. Although Steeple Road contains various sporadic small groupings of dwellings, the road between Latchingdon and Mayland is characterised by open countryside and I consider that the appeal site falls within this category; whilst I note that the appellant states that the appeal site constitutes residential garden land and there is no distinction in the terms of use between any parts of the land, visually this was not the case on my visit. A hedge on the east side of the site appeared to separate the site from the land immediately
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surrounding Springfield and the site has the appearance of a meadow. I also note in this context that the statement of case notes that "a portion of land is used as garden and amenity land the balance is left to grass within a meadow". The meadow adds to the open and spacious character of the surrounding area.

5. The proposal in constructing a single large dwelling primarily on an open green space would encroach into this open countryside, harming the intrinsic character and beauty of the area. Due to its siting further back in the plot than Springfields it would not appear particularly visually intrusive from public views; nevertheless I consider the proposal would still be visible from Steeple Road, above the existing gate and surrounding wall at the entrance to Springfields. The siting of the proposal, behind the building lines of the adjacent dwelling, whilst allowing the property to be more hidden from public view, would also appear slightly out of place within the local environment, and I do not consider that the proposal would appear similarly designed to Springfield. This property is a largely linear two storey house with prominent gables to front; the proposed dwelling is more of a chalet style bungalow with a prominent integral garage located at the front of the property set in a 'L' shape floor plan.
6. The appellant notes the existence of a golf driving range and gun club reasonably close by. However, such uses are not especially uncommon in the open countryside, being uses which generally require a lot of land in the former and a lack of close neighbours in the latter.
7. Steeple Road is a busy road on which the national speed limit applies in the vicinity of the site, and whilst I note evidence relating to services available in the two nearby villages, there is no footpath along Steeple Road to allow easy access to these settlements, which the appellant states are at least a mile away. Public footpaths are stated to be available to Althorne to the south but I have no evidence detailing how close the entrances to such public footpaths are.
8. I understand a bus service runs along Steeple Road which offers hourly services, and that this can be 'hailed' to stop near the site. However I have no further information on how early or late or how many days a week the service runs. I also note evidence stating that the appellant often cycles along Steeple Road. However, given the lack of footpaths along the road, the distance to nearby settlements offering services and facilities, and the speed and frequency of traffic on Steeple Road I consider it highly likely that future residents of the proposed dwelling would use private transport for virtually all of their day to day needs.
9. The proposal would offer social and economic benefits through the construction of a single dwelling and the activities of the future residents of the proposal. I also note that the house would be for a member of the appellant's family given difficulties with house prices elsewhere, and that the home would be designed and built to high environmental standards. However, due to the location of the appeal site and the adverse effect of the scheme on the character and appearance of the countryside, I consider that the proposal would not constitute sustainable development, when taken in the round.

10. Policies BE1 and CC6 of the Local Plan¹ together state that development proposals will be permitted if compatible with their surroundings and the natural beauty of the District's landscape will be protected, conserved and enhanced. In this respect the appellant draws my attention to a very recent appeal decision at Burnham on Crouch, in which the Secretary of State agreed with their Inspector that this Plan is significantly out of date in the manner of the protection of the countryside. I do not have the full details of that case but note that the decision letter only refers to policy S2 in terms of countryside issues.
11. Policy BE1 is a general design policy, is largely consistent with the Framework, and is referred to in the Burnham on Crouch case, where the Secretary of State considered that the proposal would be in accordance with this policy. Policy CC6 still allows development in the countryside where design is appropriate for the area and so is not wholly restrictive, and whilst there are differences within the policy when compared to the Framework I consider that the broad thrust of the policy accords. Furthermore, whilst noting that the Framework states that opportunities for sustainable transport will vary from area to area and that the need to travel should be minimised, but take account of other policies particularly in rural areas, I am of the view that for the reasons given above the proposal would not meet the core planning principles of 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 and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Consequently the proposal does not constitute sustainable development for which there is a presumption in favour of within the Framework. The proposal would therefore be contrary to the Framework, as well as policies BE1 and CC6 of the Local Plan.
12. The Local Development Plan (LDP)² is at an advanced stage of preparation, having been through public consultation and examination in public in the early parts of this year. The proposal would be contrary to policies D1, S1, and S8 of this emerging plan, which together state that all development must respect and enhance the character and local context, that the Council will promote sustainable development and that the countryside will be protected for its intrinsic character and beauty. As no firm conclusions have been made since the examination into the LDP, in line with paragraph 216 of the Framework I can only give limited weight to these policies. Nevertheless, such conflict with these policies adds weight to my overall decision.
13. I therefore conclude that the proposal would not represent a suitable site for housing, having regard to any effect on the character and appearance of the area and access to shops and services.

Other matters

14. My attention is drawn to other consents granted nearby, including Springfields Nursery close to the application site, and a site further to the east. However, I note that the Council state that these consents were granted when they had an acknowledged lack of 5 year housing land supply, and that this formed a material consideration in their decision making. Furthermore, from the limited information I have available to me it appears that both cases appeared to

¹ Maldon District Replacement Local Plan, November 2005.

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

involve land which contained previous structures. For the site further east at Tideway Farm the Council note that the property would be more attractive than the existing buildings which would be demolished. Whilst I note that the Council also considered that this case was in a sustainable location, each case must be considered on its own merits, and for the reasons given above I do not consider that the site for this appeal is in a sustainable position.

Conclusion

15. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR