
Appeal Decision

Site visit made on 21 November 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 15th December 2017

Appeal Ref: APP/X1545/W/17/3179881

The Olde Eagle, Plains Road, Little Totham CM9 8JG

- 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 Michael Kempen against the decision of Maldon District Council.
 - The application Ref OUT/MAL/17/00102, dated 27 January 2017, was refused by notice dated 5 April 2017.
 - The development proposed is the construction of a 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is outline with access to be considered at this stage. A block plan shows an illustrative layout of a dwelling, hard standing and retained landscaping.
3. The Maldon District Approved Local Development Plan (LDP) 2014-2029 was adopted on 30 June 2017 and replaced the Maldon District Replacement Local Plan 2005. The relevant development plan policies are LDP policies S1, S2, S7, S8, D1 and H4 which were identified as emerging in the Council's report on the application.

Main Issue

4. The main issue is whether the site would provide a suitable site for housing, having regard to the local and national policies.

Reasons

5. The appeal site comprises a plot of land close to the end of a loose scattering of dwellings on the north side of Plains Road. There are fields and paddocks in front and to the rear of the plot.
 6. LDP policy S1 states that the Council will take a positive approach in considering development proposals that reflect the presumption in favour of sustainable development by applying certain key principles. This includes a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations. It also requires the need to maintain the rural character of the District and to minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all the community.
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7. In the interests of sustainable development, LDP policy S2 directs new strategic growth to major settlements and allocations, and a proportion of new development to rural villages. Sustainable economic development within rural villages will be supported through neighbourhood plans under LDP policy S7. Based on sustainable development principles, a settlement hierarchy is set out under LDP policy S8. Within defined settlement boundaries, sustainable development will also be supported and countryside protected for its landscape, natural resources and ecological value, as well as its intrinsic character and beauty.
8. The appeal site lies outside of the settlement boundaries of Little Totham and Great Totham. Under the settlement hierarchy of LDP policy S8, Little Totham is a settlement with few or no services, with limited or no access to public transport and very limited or no employment facilities. Little Totham has a public house, a sports and social club, and a church. Great Totham is a larger village with greater services including a primary school, general store and post office, but it is over 3.5km away from the site.
9. The nearest bus stop is less than a mile away and there are school buses passing along Plains Road collecting children. However, despite this, walking or cycling to services, bus stops, and facilities, would be along roads, with limited footpath or pedestrian walkways. In rural areas, access to services, bus stops and facilities will be inferior compared to urban areas but here, the accessibility would be limited given the distances and the lack of lighted footways. As such the need to travel would not be minimised and sustainable modes of travel would not be prioritised in conflict with one of the identified principles of LDP policy S1. Furthermore, the proposal would also direct development to a countryside location in conflict with the settlement strategy and hierarchy approach under LDP policies S2 and S8.
10. In terms of character and appearance, the site forms a significant sized gap within the end of a loose group of dwellings fronting onto Plains Road. The plot is surrounded by countryside to the front and rear and is located at the end of a scattered row of dwellings, with just one dwelling located to the west. In the vicinity of the appeal site, the dwellings vary in their positions on generally extensive sized and differently shaped plots. Further to the east, there is another distinct gap within the frontage containing an access leading to some rural buildings behind. Together with trees and vegetation, the pattern of development does not indicate a defined settlement and gives rise to distinctly rural character and appearance.
11. Although the application is in outline form, a dwelling would result in a loss of an existing gap within the frontage which contributes to the character and appearance of the area. Together with domestic activity and paraphernalia (such as garages, sheds, etc), the development would result in an urbanising form of development. The existing site has mature frontage hedgerow and trees, and elsewhere on the site which shields it from view. However, it is inevitable some vegetation would be lost in order to ensure an adequate useable plot for any new occupiers. Furthermore, there is no guarantee that vegetation would be retained. There can be any number of reasons, such as disease or accidental damage, for vegetation to die back or become removed, and inevitably, replacement vegetation takes time to establish. Consequently, the proposal would adversely affect the rural character and appearance of the area.

12. In summary, the appeal site would not be a sustainable location for development because it would conflict with LDP's settlement strategy and hierarchy approach, fail to minimise the need for travel and harm the character and appearance of the area. As such, the proposal would conflict with policies S1, S2, S7 and S8 of the LDP. In respect of character and appearance, the proposal would also conflict with policies D1 and H4 of the LDP, which requires proposals, to respect and enhance character and local context, and to be considered on a site-by-site basis taking into account local circumstances, context and overall merit of the proposal.
13. Under the National Planning Policy Framework (the Framework), the proposal would boost housing supply providing social and economic benefits. Under paragraph 55 of the Framework, the housing would enhance or maintain the vitality of a rural community. However, the social and economic benefits would be limited by reason of only a single dwelling being proposed. Paragraph 55 also states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The appeal site is located within the countryside isolated physically and spatially from the nearest community/settlement at Little Totham. The proposal would not fall within any of the listed special circumstances and nor have any others being identified. The proposal would also not contribute to protecting and enhancing the natural environment. For these reasons, the development would not be sustainable under the Framework.
14. My attention has been drawn to several planning permissions in the surrounding area, many of which have been allowed on appeal. However, these decisions were taken under a different development plan context, before the recent adoption of the LDP. The sites are also mostly within different locations and contexts, either directly adjacent to or very close to defined policy boundaries. In the case of the permitted dwelling between Poplars and Wallis Farm, less than 400m from the site, there is an absence of information on the reasons why the Council granted planning permission. As such, it is not possible to compare the two sites. For all these reasons, there are sufficient reasons to distinguish these developments from the proposal before me. In any case, every proposal has to be considered on its particular planning merits.

Conclusion

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

Jonathon Parsons

INSPECTOR