



Appeal Decision

Site visit made on 6 August 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/X1545/W/19/3227108

Little Oaks, Captains Wood Road, Great Totham, Maldon, Essex CM9 8PU

- 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 John Lawrence against the decision of Maldon District Council.
 - The application Ref FUL/MAL/18/00708, dated 1 June 2018, was refused by notice dated 24 October 2018.
 - The development proposed is a slate roofed, wooden framed, black boarded shed used for shed purposes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site includes a timber clad slate-roofed building and a smaller open shed to the rear. The appeal relates to the larger building that has been constructed. I have considered the appeal on the basis of the building that has been built.
3. The description of development shown on the planning application form and the appeal form both refer to 'retention'. However, Section 55 of the Town and Country Planning Act 1990 (TCPA 1990) describes 'development' as the carrying out of building operations and not as their 'retention'. I have therefore removed the word 'retention' from the description of development in the banner heading.
4. The Council's decision notice refers to Section 73A TCPA 1990. However, as the planning application was not for the removal or variation of a condition, I have dealt with this appeal on the basis that it was a refusal of planning permission.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the countryside.

Reasons

6. The appeal site is located in the countryside outside a defined settlement boundary. It is visually separate from the nearby settlement at Great Totham due to the screening provided by the belt of trees to the east and it is therefore more closely related to the open countryside to the south.

7. Policy S8 of the Maldon District Local Development Plan 2014-2029 ("LDP") states that outside of the defined settlement boundaries, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon. The policy also sets out provisos regarding the purposes of the development, including, amongst other things, agriculture and forestry related development.
8. The development has introduced a large and visually intrusive building, which is visible in the surrounding countryside. The appellant's statement has provided no substantive evidence in relation to any of the 13 criteria set out in Policy S8 to justify the erection of a building in the countryside. Furthermore, the appellant has referred me to nearby buildings and caravans in Captains Wood Road, however there are no details of their history before me and I have considered the appeal scheme on its own merits.
9. As such, I find that the development is harmful to the character and appearance of the countryside, contrary to Policies S1 and S8 of the LDP, which seeks to protect the intrinsic character and beauty of the countryside. The development also conflicts with Policy D1 of the LDP, which, amongst other things, seeks to ensure that development respects and enhances the character and local context. Furthermore, the development fails to accord with paragraph 170 of the National Planning Policy Framework, which, amongst other things, states that planning decisions should recognise the intrinsic character and beauty of the countryside.
10. I have had regard to the representation from an interested party in relation to land ownership, however this is a civil matter which is not within my jurisdiction.

Conclusion

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

C Osgathorp

INSPECTOR