



Appeal Decision

Site visit made on 2 July 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/X1545/W/19/3223034

Little Grange Farm, Marl pits Road, Woodham Mortimer CM9 6TL

- 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 Mrs Sarah Chenevix-Trench against the decision of Maldon District Council.
 - The application Ref FUL/MAL/18/01063, dated 5 September 2018, was refused by notice dated 23 November 2018.
 - The development proposed is described as 'Convert 2no. redundant agricultural barns to a live/work unit with an extension. Convert 2no. smaller outbuildings to formal live/work. Demolish 1no. barn and lean-to extension. New build 1no. cart lodge and 1no. cart lodge with office above'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for the full award of costs was made by Mrs Sarah Chenevix-Trench against Maldon District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the countryside; and
 - whether or not the appeal site is a suitable location for the proposal, having regard to local and national planning policy for the delivery of housing.

Reasons

Character and Appearance

4. The appeal site is located outside of the settlement boundary of Woodham Mortimer and for the purposes of planning policy is within the countryside. It is accessed via a narrow rural road and accommodates a complex of buildings known as Little Grange Farm. This includes a residential dwellinghouse, a number of agricultural style buildings of varying age and size, a storage building and a workshop that is currently used by the occupiers of the residential property. The appeal site is divorced from nearby settlements and it is surrounded by large, open, agricultural fields. This gives the immediate area

a distinctly rural feel. Whilst the site may not represent a 'farmyard', the main farmhouse and the collection of associated, largely agricultural style, outbuildings does not appear out of character in this setting.

5. The proposal seeks permission to demolish a large barn and its associated monopitch extension (buildings labelled 'D' on the Existing Block Plan). This would enable adjacent barns to be extended and converted into a new residential dwelling (labelled as building 'C'). The storage building would also be converted into a new dwellinghouse (labelled as building 'B'). In addition, two new cartlodes would be constructed. One would appear to serve dwelling 'B' and the other, which would have office space above, would appear to serve the existing farmhouse. In essence, the proposal would create two additional dwellinghouses at the site, each with ancillary spaces to enable home working, as well as provide facilities for home working for the existing farmhouse.
6. The proposal would reduce the overall footprint and mass of built form at the site. In addition, buildings labelled as 'D' have no historic or aesthetic merit and their demolition would better reveal the historic character of adjacent buildings. Nonetheless, the new dwellings would add urbanising features to the site, including hardstanding for parking as well as gardens with their associated domestic paraphernalia. Consequently, although the proposed buildings would be subservient to the farmhouse, in my view the development would detrimentally change the character of the appeal site to that of a cluster of domestic properties surrounded by their associated paraphernalia. This would appear incongruous in this rural setting. The perforation of agricultural style buildings with additional fenestration, particularly the north western elevation of dwelling 'C', would reinforce the proposal's harmful urbanising impact.
7. The integration of the subsidiary 'work' elements with the existing farmhouse and the proposed dwellings would be acceptable. Furthermore, I do not find that the extension proposed to create dwelling 'C' would disrupt the character of the host building. However, when viewed as a whole, I am not persuaded that the proposal would enhance the appearance of the appeal site. On the contrary, it would represent the conspicuous encroachment of built urban form into the countryside that would erode the rural character of the area. Although the proposal would be screened to a degree by existing vegetation, its incongruity would be apparent from the surrounding highway network, as well as from certain vantage points along adjacent public footpaths.
8. Suitable materials could be used for the proposal and permitted development rights could be removed for extensions to the new dwellings and for outbuildings within their gardens. However, this would not significantly diminish the harmful change in the character of the site identified above. Planting could help further screen the proposal. Nevertheless, the purpose of planting and landscaping is to integrate development into its surroundings; it is not a means of hiding development that is otherwise unacceptable. Consequently, conditions specifying materials, removing relevant permitted development rights and requiring such planting would not mitigate the harm I have identified.
9. My attention has also been drawn to the fact that there are many houses within the surrounding countryside. However, I do not find that such houses and their gardens are defining characteristics of the immediate area. Neither does this

provide a justification for permitting a scheme in the countryside which would fail to integrate effectively with its rural setting.

10. For the reasons given, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policies S1 and D1 of the Maldon District Approved Local Development Plan (LDP). Amongst other things, these seek to ensure that proposals maintain the rural character of the District and respect and enhance their local context.
11. Turning to the National Planning Policy Framework (the Framework), this encourages the efficient use of land and states that windfall developments, in the right location, can make a contribution to meeting housing requirements. However, this should not be at the expense of achieving high quality development which is sympathetic to local character, including the surrounding landscape setting. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

Suitable Location

12. Part of the Council's spatial vision and development strategy seeks to focus new developments to within or adjacent to existing settlements boundaries. Amongst other things, this is to ensure that communities have access to local services to support their health, social and cultural well-being and that patterns of growth make the fullest use of public transport, walking and cycling. To achieve this, when read together, Policies S1, H4 and T2 of the LDP seek to minimise the need to travel, prioritise sustainable modes of transport, ensure suitable access to local services and facilities and provide safe and direct walking and cycling routes to such services.
13. Given that proposed dwellings would be located close to existing buildings, I am content that they would not represent truly 'isolated homes in the countryside' with regard to paragraph 79 of the Framework. Nonetheless, the site is divorced from Woodham Mortimer which, on the evidence before me, has only limited services and facilities. I note that there are public transport services to larger settlements on Post Office Road and Maldon Road (A414). However, accessing these services by foot would be potentially dangerous, given that it would involve walking along unlit routes with no footways, and especially so during hours of darkness and in inclement weather. For the same reasons, cycling would not be a particularly attractive alternative.
14. It cannot be guaranteed that future occupants would work from home rather than travel to employment opportunities which are further afield. Taking this, and all of the above into account, I have no doubt that future residents would not only be some distance from the day-to-day services they need but they would also rely heavily on a private vehicle to get around.
15. Turning to Policy S8 of the LDP, this reinforces the Council's development strategy. Although it does not expressly restrict developments outside of settlement boundaries, it only permits them if they would not result in harm to the intrinsic character and beauty of the countryside and provided that they meet any one of a number of additional exceptions. One such exception is the re-use of redundant or disused buildings that would lead to an enhancement of its immediate setting. Whilst the proposal would appear to re-use disused buildings, I have already found that it would not enhance the appearance of the site and that it would harm the character of the countryside. Consequently, and

as the scheme would not appear to meet any of the other exceptions within Policy S8, I find conflict with this policy. Notwithstanding this, I note that this policy is more restrictive than the approach of the Framework.

16. For the reasons given, I conclude that the appeal site is not a suitable location for residential development due to the lack of access to local facilities and services and the reliance it would place on private vehicles. It would therefore undermine the Council's spatial vision and development strategy. Thus, it would conflict with Policies S1, S8, H4 and T2 of the LDP. However, conflict with Policy S8 carries only moderate weight against the proposal.
17. I have been referred to Policy E4 of the LDP which supports the development of new buildings associated with agriculture and other land-based rural businesses. It also supports developments for the change of use of existing rural buildings to other employment generation uses if they meet a number of criteria. However, the appellant's evidence clearly shows that the 'main driver of the proposal is the change of use of buildings to residential and that the work elements are subsidiary uses'. The proposal is therefore not an employment generating use. Instead, it is residential in nature with ancillary 'work' space. The appellant's evidence also confirms that it does not relate to agriculture or a land-based rural business. Consequently, I find no conflict with Policy E4 of the LDP, which is simply not relevant to this appeal.
18. With regards to the Framework, I note that this supports the growth of all types of businesses in rural areas through the conversion of existing buildings. The proposal would allow for home working which could achieve this. Nevertheless, the proposal would fail to enhance or maintain the vitality of this rural area, would not contribute to giving people a real choice about how they travel and would fail to help towards the achievement of a low carbon future, as advocated by the Framework.

Other Matters

19. The appellant has referred me to the Framework's approach to development within the Green Belt. However, as the site is not within the Green Belt, this is not relevant to this proposal.

Planning Balance

20. I note that the appellant considers that there are no policies concerning the creation of dwellings through the conversion and re-use of buildings in rural areas. She therefore considers the Council's development plan to be 'silent' in this regard. However, to my mind the policies referred to are sufficient to enable the acceptability of the proposal to be judged in principle. Consequently, I do not find that the Council's development plan to be silent on this matter. Under these circumstances, and as the Council appears to be able to demonstrate a five year supply of deliverable housing land (5YHLS), I have no evidence before me to suggest that paragraph 11 of the Framework should be engaged. A 'standard' balancing exercise is therefore required. This is performed below.
21. The Government is seeking to significantly boost the supply of housing and I accept that the Council's 5YHLS position is not a reason to resist additional housing in the District. Nonetheless, the proposal for two dwellings would make only a modest contribution to the Council's housing stock. In addition, the

proposed dwellings would not be of a size for which there appears to be a current shortfall in the District (one and two-bedroom units). Turning to the economic benefits, the proposal's provision for home working would add to the mix of the ways of working within the District. There would also be some economic benefits through construction and conversion at the site. However, I am not persuaded that the proposal would contribute significantly to the Framework's aim of supporting housing development where it would enhance or maintain the vitality of any locally based services and facilities. In this context, I give modest weight to these social and economic benefits.

22. On the other hand, I have found that the proposal would result in harm to the character and appearance of the area and would not align with the Council's strategy of ensuring that new developments have suitable access to services and facilities and reduce the reliance on private transport. These are matters which cumulatively attract significant weight.
23. Overall, although I acknowledge that there are local policies which support live/work accommodation and home working, I consider that, in this instance, the proposal would conflict with the policies of the LDP when read as a whole. This conflict and the associated harm would outweigh the modest social and economic benefits associated with the provision of two dwellings. There are no material considerations, including the advice of the Framework, that justifies a decision other than in accordance with the development plan.

Conclusion

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

M Heron

INSPECTOR