



Appeal Decision

Site visit made on 3 February 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/X1545/W/19/3239765

Sunnyside, Grange Avenue, Mayland, Chelmsford CM3 6BG

- 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 & Mrs Johnson against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00629, dated 31 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is described as the re-positioning of an existing outbuilding for the storage of classic cars.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is on the eastern side of Grange Avenue, in a rural location, outside of any defined settlement boundary, in an area characterised by large open green fields with interspersed properties fronting onto Grange Avenue. Although most of the properties along the avenue appear to be residential, there are also some commercial uses.
4. Evidence indicates that, whilst there are residential dwellings on either side of the appeal site, these are not included within the appeal site.
5. The site is made up of a series of outbuildings, including two separate workshop buildings, one to the front and another to the back of the site, and a mess/welfare building. The rear of the site opens onto fields with panoramic views over the countryside.
6. The development proposal seeks to relocate the workshop building closest to the entrance of the site, from the front to the back, next to one of the existing workshop buildings. Nevertheless, as the building that is proposed to be relocated was due to be removed under conditions imposed by planning application 14/00130/OUT and 15/00683/FUL, the appeal scheme would, in effect, result in the erection of an additional outbuilding within the site.
7. The rural character and appearance of the area is greatly defined by its openness, with generous panoramic views of the fields surrounding the different plots along Grange Avenue. The present proposal, due to its height,

size, scale and location, would create a significant visual barrier along the eastern end of the site, reinforced by its close proximity to another outbuilding of substantial proportions.

8. Given the constrained layout of the appeal site, the proposed level of development would constitute a significant level of urbanization, thereby detracting from one of the key characteristics that define the character and appearance of the area, its openness. Consequently, the proposal would erode the rural character and open appearance of the area, resulting in an incongruous form of development.
9. In conclusion, the proposed development would harm the character and appearance of the area. Consequently, in that regard, it would be contrary to Policies S1 aimed at promoting sustainable development, S8 which supports development within defined settlement boundaries and D1 which promotes high quality design of the Maldon District Local Development Plan (2017).

Other Matters

10. Although my attention has been drawn to the existence of other sites within area where similar forms of development have occurred, I am not fully aware of the details or particular circumstances of these other sites. In any case, I must determine the proposal before me on its own merits and, for the reasons stated previously, I consider the proposed development to be harmful. I have, nonetheless, taken such existing development into account when making my assessment of the proposal's effects on the character and appearance of the area.
11. The appellant has alluded to a fall-back position within its Statement of Case. In the absence of clear evidence that Permitted Development Rights are available, such as a Certificate of Lawfulness, I cannot be certain, at this point, that such an option is available to the appellant. Moreover, I cannot be confident that development under Permitted Development Rights would be implemented were the appeal to be dismissed, given the evident preference of the appellant for the appeal scheme. Accordingly, the 'fallback' attracts only limited weight.

Conclusion

12. For the reasons given above, I conclude the appeal should be dismissed.

Andre Pinto

INSPECTOR