



Appeal Decision

Site visit made on 18 November 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/X1545/W/19/3236566

Land adjacent to 24 Catchpole Lane, Great Totham, Maldon, Essex CM9 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andy Marven against the decision of Maldon District Council.
 - The application Ref OUT/MAL/19/00004, dated 2 January 2019, was refused by notice dated 7 March 2019.
 - The development proposed is erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal proposes outline permission relating to the principle of the development and layout only, with all other matters reserved.

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the site is an appropriate location for new development, having regard to national and local policy.

Reasons

Character and appearance of the area

4. The site is part of a large grass field bordered by mature hedges and trees, all within the appellant's ownership. Catchpole Lane is predominantly residential; however, the appeal site marks the start of open fields on the northern side of the road when travelling in a westerly direction. The appeal site provides an important open countryside gap in the road and contributes to a significant break in the residential development. The site has a predominantly rural character and appearance, which helps to define the edge of the village.
5. The proposal would introduce a new dwelling and associated residential paraphernalia such as a driveway, car parking and garden to the site. Although in outline, the plans show a dwelling with a substantial footprint. Whilst it would be set back from the road, it would still be clearly visible from public

vantage points. The site performs an important transition between the residential part of the road and the more rural character to the west. There are mature hedges beyond the appeal site which obscure views from the north and west and a Pump House, which conceals some views of the site. However, there remains gaps in the vegetation along Catchpole Lane, and therefore the site would be visible from the street. I find the domestication of the site and introduction of built form, which would also result in the loss of vegetation from the site, would distinctly alter the character and appearance of the appeal site and would erode the pleasant rural gap in development on the northern side of Catchpole Lane. This in turn would harm the intrinsic character and beauty of the countryside.

6. The appellant has referred to the proposal infilling a gap between the Pump House and No 24 Catchpole Lane. I do not consider the proposal would constitute appropriate infill development, as the appeal site is set back considerably from these nearby buildings, and due to the modest size of the Pump House building.
7. Consequently, I find the proposal would harm the character and appearance of the area as it would fail to comply with policies S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (LDP) and the National Planning Policy Framework. These seek amongst other things, that development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

Whether the site is an appropriate location for new development

8. The site is located on the edge of Great Totham which is classified as a larger village in the LDP, and it has several services and facilities. The site is next to a footpath and close to bus stops along Catchpole Lane. The appellant highlights these serve Maldon and Colchester. Therefore, future occupiers would not have to be solely reliant on private modes of transport to access services, facilities or to commute. I therefore consider the appeal site is an acceptable location, in terms of access to services and facilities.
9. However, the LDP's overall strategy is to concentrate residential development within the defined settlement boundaries. The site is considered countryside in the context of the LDP and therefore the appeal development would not meet this objective.
10. Accordingly, I find the appeal development would not be an appropriate location for the appeal development as it would fail to comply with policies S1, S2, S8 and H4 of the LDP. These seek amongst other things, for strategic growth to be focused at the District's main settlements. As the Council has a five year housing land supply, there is no need to depart from the development plan. It is also noted that the LDP was also relatively recently adopted.

Other Matters

11. Reference has been made to two appeal decisions allowed in 2019, in the nearby village of Purleigh. Both are outside of the settlement boundary. I note the Appeal Decision (APP/X1545/W/18/3203376) refers to the site containing a couple of caravans, large outbuilding and boat. The second

Appeal Decision (APP/X1545/W/18/3207088) also describes the site as containing an outbuilding and a range of building materials, amongst other things. Therefore, there are differences between these and the appeal site, which is a grass field that is undeveloped. In any event, each appeal must be considered on its own merits, having regard to adopted planning policies.

12. Given the contradictory information with respect to flood risk and the absence of a Flood Risk Assessment, I cannot safely conclude the development would be acceptable from a flooding perspective.
13. The site falls within a 'Zone of Influence' of a designated European Site. The Council has said it would be disproportionate and unreasonable to require the appellant to mitigate any impact through a financial contribution and has not objected on this ground. As the appeal is being dismissed for other reasons, it is unnecessary to consider the matter further.

Conclusion

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

L Gilbert

INSPECTOR