



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: 07th April 2020

Appeal Ref: APP/X1545/W/19/3236645

Land Rear of Hill Barn, Rectory Lane, Woodham Mortimer, Maldon CM9 6SW

- 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 Mervyn Clarke against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00121, dated 31 January 2019, was refused by notice dated 10 April 2019.
 - The development for the proposed conversion of existing equestrian/storage buildings to form 1No. new dwelling including the addition of a first floor, front extension, replacement single storey side extension, demolition of the existing open bay lean-to, changes to the fenestration and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the header above is taken from the Council's decision notice, although I have slightly amended it. It accurately reflects the development proposed.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposed dwelling; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location of appeal site

4. The appeal site lies outside the defined settlement boundary of Woodham Mortimer and is located within the countryside. The proposal is to convert and extend the existing barns which are part of an equestrian use. The site is accessed off Rectory Lane, which is a single-track lane with no footpath or streetlighting. There are limited services and facilities in the nearby small village of Woodham Mortimer. A public footpath leads to this nearby village, but it is unlit and across fields which would limit its use.

5. According to the appellant the towns of Danbury and Maldon are located 2.8km and 3.8km away respectively. There is a local bus service close by. I understand it serves Chelmsford, Maldon and Burnham-on-Crouch which have a range of services and facilities. The Council highlights they do not operate on Sundays. I have not been provided with the bus timetable to establish how frequently it operates on other days.
6. However, to access the bus stop future occupiers would have to use Rectory Lane which does not have a footpath or streetlighting. The appellant notes school children walk along Rectory Lane to access the school bus. However, school buses mainly operate during daylight hours. I accept people may choose to walk along Rectory Lane but the lack of streetlighting would make walking more hazardous in the hours of darkness. The appellant has referred to various guidelines in respect of acceptable walking distances, but this does not alter the problems regarding the lack of footpath or streetlighting.
7. Rectory Lane links to Maldon Road (A414) and Burnham Road (B1010) which both have no footpaths at the junctions. Maldon Road has a footpath on the opposite side of the road, but pedestrians would be required to cross a busy national speed limit road to reach it; which is likely to deter people from walking to reach services and facilities.
8. There is an option for future occupiers to cycle. However, Rectory Lane links to the A414 and B1010 which both lack designated cycle paths, along these stretches of roads. Cyclists would also have to cross these busy roads to either turn into or out of Rectory Lane. I do not consider this would encourage many future occupiers to cycle to services, facilities or commute. Due to the site location, it is likely future occupiers would be heavily reliant on private vehicles.
9. Paragraph 103 of the National Planning Policy Framework (the Framework) identifies that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Although, I note that it is not uncommon for there to be greater car reliance in a rural setting, it has not been demonstrated to me that there are suitable alternatives to private vehicle usage.
10. Accordingly, the appeal development does not constitute a suitable location for the proposed dwelling as the proposal would fail to comply with Policies S1, S2, S8 of the Maldon District Approved Local Development Plan 2014-2029 (2017), which seeks amongst other things, to deliver homes in the most sustainable locations.

Character and appearance

11. The appeal site comprises of stables, storage barns and a horse walker. Fields lie to the north, east and south of the site and slope away from the site. An existing access road links the site to Rectory Lane. This access road runs between two residential properties, and these properties help to screen the site from Rectory Lane. The surrounding area is characterised by grass fields, hedges, trees and scattered houses. Overall the area has predominantly a rural character and appearance.
12. The proposal involves the removal of an open bay lean to, a small extension addition and conversion of two storage barns into a residential house. It would

combine the barns and insert windows and doors, along with a brick plinth. The existing corrugated roof would be replaced with plain tiles. The equestrian walker would be removed and four car parking spaces, turning area and garden introduced. I note the car parking spaces would be located where there is existing hardstanding. The proposal would reuse the existing barns to provide a high quality home and would meet national standards for sustainable construction methods. I observe that no alterations are required to the existing vehicular access. Notwithstanding this, the proposal would result in the domestication of the site's appearance.

13. I accept the site is not visible from nearby Rectory Lane, but a public footpath lies to the north and there would be glimpses of the site from this public right of way. Although the site contains existing structures and the proposal is for a not too dissimilar sized building, the domestication of the site would alter the existing rural character of the site and in my view would adversely impact upon the intrinsic character and beauty of the countryside.
14. The access into the site is located adjacent to Hill Place which is a Grade II Listed Building. The access into the appeal site is existing and the proposal is behind the property of Hill Barn. I therefore consider it would have a negligible impact upon the setting or significance of this nearby listed building.
15. I find that the proposed development would harm the character and appearance of the countryside, thus being contrary to Policies S1, S2, S8 and D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017), which seeks amongst other things, that planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

Other Matters

16. The appellant argues that the appeal development would not harm protected species; is within Flood Zone 1 where there is a low risk of flooding; meets accessibility criterion; and constitutes sustainable development. They also argue future occupiers would support local facilities and services and it would create construction jobs. I acknowledge these comments but they do not alter my view that the scheme would be inappropriate in this location.
17. The appellant argues that residential use is likely to be less intensive and generate less vehicle movements than the existing use. There are two stables on site, along with associated equestrian structures. I have no details of the existing number of vehicle movements or how intensively the site is currently used, however, due to the scale of the equestrian set up it is unlikely the proposal would greatly differ in these respects.
18. Planning permission was granted for the conversion of an existing barn group of buildings into a new residence at the neighbouring site of Hill Place, Rectory Lane, Woodham Mortimer (FUL/MAL/93/0684/B). I acknowledge there are similarities between both schemes, however planning permission was granted in 1996 under different planning policies. Also, over this time the locality may have changed in some respects.
19. An appeal was allowed (APP/X1545/W/18/3207171) in May 2019 for the demolition of an existing dwelling, buildings and removal of a caravan and the erection of 3 single storey dwellings at Stapleton, Stoney Hills, Burnham-on-

Crouch. However, it would appear the site is located close to services and facilities and is within a suburban setting. This differs to the appeal site.

20. The appellant has highlighted several cases where residential development has either been granted planning permission or allowed on appeal. Some are outside of Maldon District or were approved prior to the adoption of the current Local Plan. These are therefore not directly comparable as they were assessed against different planning policies.
21. The appellant has questioned the consistency of the LDP with the Framework, especially in terms of Policy S8 (Settlement Boundaries). The LDP has relatively recently been adopted, having been found sound through the examination process. The Council is able to demonstrate a 5 year housing land supply and therefore the LDP policies should not be treated as out-of-date or as having diminished weight. The relevant legislation requires that determinations be made in accordance with the development plan, unless material considerations indicate otherwise. I find the relevant policies of the LDP to be in overall in compliance with the Framework. Therefore, I do not consider there to be a material reason not to determine the appeal in accordance with the development plan.
22. The appeal development would constitute a windfall site. The appellant argues appeals have been allowed for windfall development in circumstances whereby the Council has a five-year housing supply. However, owing to the Council's housing land supply and the site not being in a highly sustainable location, I consider the appeal development would not comply with the LDP.

Planning Balance and Conclusion

23. The proposal would provide a family dwelling that would make a modest contribution to the Council's housing land supply and it would offer limited economic benefits through construction jobs and spending in the local economy by future occupiers. Future occupiers would support local services and the scheme would use previously developed land; it would meet national standards for sustainable construction methods and would provide a high quality scheme; the site is at low risk of flooding. However, the harm associated with future occupiers' heavy reliance on private vehicles, together with the domestication of the site, thereby harming the character and appearance of the countryside, means that there would be a conflict with the development plan. Consequently, the material considerations in this case do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

24. For the reasons set out above, I conclude the proposed development would not accord with the development plan. The appeal should therefore be dismissed.

L Gilbert

INSPECTOR