



Appeal Decision

Site visit made on 19 May 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/X1545/W/19/3243343

The Stables, Plains Road, Great Totham CM9 8DT

- 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 P Melia against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00876, dated 13 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is demolition of existing barn and erection of new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site represents an appropriate location for housing, with particular regard to accessibility to services, facilities and sustainable transport options; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location for housing

3. The parties do not dispute that the site is located outside of settlement boundaries. I therefore consider that, for planning purposes, the site is located within the countryside.
4. Policy S8 of the Maldon District Approved Local Development Plan 2014–2029 (the Local Plan) states that planning permission for development in the countryside will only be granted in specific circumstances and where the intrinsic character and beauty of the countryside is not adversely impacted. None of the circumstances included within policy S8 apply to the proposed development.
5. Great Totham is the nearest settlement which is designated by the Local Plan. It essentially consists of two distinct areas, with one to the north and the other to the south. The eastern boundary of the northern area is reasonably close to the site and is connected via Plains Road. It consists mainly of residential development and includes a public house, florist, church and bus stops. However, this limited range of services and facilities, and the bus stops, are all

located on its western side, around 0.7 miles or 15 minutes walking distance from the site, according to the appellant.

6. Whilst Plains Road appears to be in relatively good condition, there are only intermittent and narrow verges and no footpaths, cycle lanes or street lights along it, and vehicles can travel at the national speed limit. Therefore, notwithstanding the relatively short distance to the northern part of Great Totham, the route to it is unattractive for cyclists and pedestrians, especially those with mobility difficulties or small children. Additionally, although the northern part is connected to larger settlements by a fairly frequent bus service that operates every day of the week, the unattractive route to the bus stops limits trips being made by bus. I therefore consider that the occupiers would be reliant on private motor vehicles for day to day living as a result.
7. The southern part of Great Totham has a wider range of services and facilities, including a primary school. However, as it is further away, it is even less accessible by a variety of modes of transport.
8. The appellant has suggested that an electric vehicle charging point could be installed at the property; however, this would not encourage walking or cycling and there would be no way to ensure that the occupiers would use an electric vehicle. I recognise that opportunities to maximise sustainable transport options will vary between urban and rural areas and that travel by private motor vehicles cannot be completely avoided. However, even taking this into account, I do not consider that the accessibility of the site to services, facilities and sustainable transport options is adequate.
9. I therefore conclude that the location of the proposed development is inappropriate and that the proposal conflicts with policies D1, H4, S1, S8 and T2 of the Local Plan and the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure that development is located where it is accessible to services, facilities and sustainable transport options. The Council's decision notice also refers to policy T1 of the Local Plan in respect of this main issue. However, I do not consider that the policy is directly relevant as it seeks to secure provision of additional or improved sustainable transport options through development, rather than ensure that development is appropriately located.

Character and appearance

10. The appeal site comprises a barn and surrounding land. A large, detached dwellinghouse is located adjacent to the barn. At the time of my site visit, the barn appeared to be being used primarily for storage. Small enclosures for alpacas and chickens are located to the front and side of it. The land to the rear features a small vegetable garden and, beyond that, is a grassed area which is described as a paddock within the appeal documents. There are a small number of residential properties and agricultural buildings near to the site, and a large field is opposite. The residential properties generally consist of detached dwellings set within large parcels of land; some of which appear associated with nearby paddocks, barns and stables.
11. Based on my observations of the appeal site and the evidence before me, the site is used in connection with the residential dwelling at The Stables, rather than for agricultural purposes. Notwithstanding this, I consider that the site, particularly the barn and the enclosures to the front and side of it, have an

agricultural appearance which contribute to the rural character of the surrounding area.

12. Although the proposed dwelling would have a smaller footprint than the barn, it would be taller, wider and more prominent. Whilst I note that the proposed dwelling has been designed to be compatible with the appearance of nearby dwellings, it would nonetheless be clearly residential in character, with features including a front porch, dormer windows and a chimney. It would have a wholly different character to the agricultural appearance of the barn, have an urbanising effect on the site and harm the rural character of the area.
13. I note that part of the paddock would be retained. I also acknowledge the appellant's view that any domestic paraphernalia would be consolidated into smaller areas than is the case for the existing property, and that this would improve the appearance of the site and protect the character of the countryside. I have also considered whether a condition to require a landscape scheme to be implemented would mitigate the impacts of the development. However, I do not consider that the existing site appears untidy or that the proposed dwelling would therefore improve the appearance of the site and, in any case, these matters would not address the harm that I have identified.
14. I therefore consider that the proposed development would have a harmful effect on the character and appearance of the area. I conclude that the proposal conflicts with policies D1, H4 and S8 of the Local Plan and the Framework which, amongst other matters, require development to respect and enhance the character and appearance of its surroundings, including the intrinsic character of the countryside.

Other matters

15. I acknowledge that the proposal would contribute to the supply of housing within the district, and I note the appellant's reference to there being a shortage of three-bedroom houses in the area. I also accept that there may be economic benefits as a result of the construction of the development and from the occupiers of the property spending on goods and services in Great Totham and the wider surrounding area. However, these matters do not outweigh the harm that would result from the development.
16. I note the appellant's view that the site constitutes previously developed land and that the Local Plan and the Framework encourage the use of such land. However, even if I were to accept that the site was previously developed, this would not override the harm in respect of the substantive issues or obviate the conflict with the Local Plan and the Framework that I have identified.
17. It has been brought to my attention that residential properties have been approved on Plains Road further from Great Totham. However, many of the planning applications referred to pre-date current national and local planning policies. In addition, the circumstances which were relevant in those cases, such as the use of the land prior to development taking place, are not identical to the circumstances which are relevant to this appeal. In any event, I have determined the appeal on its own merits and found that it would be harmful and the existence of these dwellings does not justify the harm that would arise from the proposal.

18. The Council explains within its officer's report that Natural England has indicated that residential development within the district has the potential to have significant effects on European protected habitats sites (Special Areas of Conservation and Special Protection Areas) and Ramsar sites. If I were minded to allow the appeal, I would need to consider the likely significant effects of the proposal on these sites, including engagement with the requirements of The Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal in respect of the main issues in dispute, it is not necessary for me to reach a conclusion on this matter at this time.

Conclusion

19. For the reasons given above, the appeal is dismissed.

Mark Philpott

INSPECTOR