
Appeal Decision

Site visit made on 25 August 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/X1545/W/20/3252016

The Acres, Maldon Road, Bradwell-On-Sea, CM0 7HU

- 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 Adams of Little Belsteads Group against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00882, dated 8 August 2019, was refused by notice dated 23 April 2020.
 - The development proposed is the development of 12 No. children's support dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not it has been demonstrated that there is a need for the proposed development;
 - whether or not the appeal site is an appropriate location for development of this type, particularly with regard to the visual effect on the countryside and accessibility by public transport; and
 - the effect of the proposed development on the setting of the nearby listed building 'The Nook'.

Reasons

Need

3. The proposal is for 12 children's support dwellings, to be used as temporary accommodation for young people in social care while they are awaiting the arrangement of their final care situation. A mixture of anecdotal evidence and isolated statistics have been provided by the appellant to demonstrate the need for this type of accommodation. Contextual examples and statistics have not been provided, making it difficult to place the submitted evidence in context. A bespoke assessment of the specific need for the specific accommodation has not been provided. No justification for the type of accommodation proposed, the size of the dwellings and their gardens, or the layout, has been provided.
4. Letters from Priti Patel MP, Essex County Council (ECC), and Ofsted detailing their generic support for the broad principle of providing accommodation for children in care have been provided. However, none of these letters indicate

support for the specific type of accommodation proposed by the appeal nor do they reference the suitability of the appeal site. Although the appellant has entered into initial discussions with ECC, no evidence has been provided of confirmed funding streams for the proposals.

5. It has not therefore been demonstrated that there is a need for the proposed development and the proposal therefore fails to comply with the relevant parts of Policy H3 of Maldon District Approved Local Development Plan 2014-2029 (the LP). Amongst other criteria, this policy sets out that the requirements for specialist housing provision include that there is a clearly identified need, that revenue funding has been secured, and that the proposal is supported by the relevant statutory agencies.

Location

6. The appeal site is an open field, with a fair degree of vegetation and planting to the boundaries and one large cluster of trees to the centre. It is surrounded by a large variety of residential and commercial development, including terraced and detached housing, fields and other open land, wooded areas, an industrial site, and a gravel pit. The appeal site has an intrinsic value as a fairly large piece of open land within the countryside and it positively contributes to the character and appearance of the area.
7. The proposal would domesticate and urbanise the appeal site by the introduction of 12 houses, their gardens, access road, and associated paraphernalia such as bike stores and sheds. The proposed landscaping scheme, and any further landscaping as could reasonably be provided by condition, would only provide partial screening and softening of this, and the developed and residential elements of the site would be prominent from surrounding roads and properties. Therefore, the proposal would harm the intrinsic character and beauty of the countryside through the domestication and urbanisation of the site.
8. The main parties agree that the appeal site is in a location poorly served by public transport. The proposal would be almost entirely reliant on the car for access by staff, servicing, and visitors. The appellant states this is by design because one of the requirements of the proposed accommodation is to house children in a location not easily accessible to towns and cities, which could place the children at risk, and to make absconding from the site more difficult. A further requirement set out by the appellant is for a site that while inaccessible by public transport is nevertheless a short drive from facilities, for the efficient operation of the development.
9. However, apart from a letter from ECC stating that a rural location would be welcomed but not specifically referencing the acceptability of the appeal site or proposal, little robust evidence has been provided in support of these positions. No detail has been provided of the management of the proposal and the children and how this might interact with the location. No alternative assessments have been provided of how the management in facilities in more accessible locations might be able to mitigate some or all of the concerns about absconding and risk. It has not therefore been demonstrated that a site poorly served by public transport is a necessary requirement of the proposed use.
10. Consequently, the appeal site is not an appropriate location for the proposed development, both due to the harm to the intrinsic character and beauty of the

countryside and also because it has not been demonstrated that an inaccessible location is a necessity for the functional operation of the development. The proposal therefore fails to comply with the relevant parts of Policies S1, S8, D1, D2, H3, H4, and T2 of the LP. Amongst other criteria, these policies collectively seek development to be located in accessible locations, confirmation that the use cannot be provided elsewhere, and that development would not harm the intrinsic character and beauty of the countryside.

Listed building

11. The grade II Listed building, 'The Nook', is adjacent to the site. The appeal site provides an open setting to the building and its garden. The building is a modestly sized, 2-storey house with a garden which stretches between a road and the site boundary. The significance of the building derives mostly from its intrinsic architectural quality. However, it also derives significance from the calm and open setting provided by the immediately adjacent appeal site, particularly the positive relationship this creates with the garden. Further significance is derived from the sympathetically designed immediately adjacent buildings that reinforce each other's settings and architectural quality.
12. The open setting would be significantly diminished as a result of the appeal proposal, as a result of the built form and domesticated garden areas that would be introduced to the site. A hedgerow and trees are proposed along the boundary of the listed building, which would be overbearing on the building and in particular its garden and would negatively affect this important part of the setting. Although the proposed use of timber cladding would be broadly consistent with the cladding used to the adjacent properties and would therefore be acceptable, the proposed red concrete roof tiles would be out of keeping with the roof materials to the listed building and these properties, further harming its setting.
13. I am aware that on the opposite side of the road to the listed building is a gravel pit. However, this is well screened from the building by a fairly substantial hedgerow and in any event neither the pit itself nor deliveries to it detract from the open setting to the other side of the building created by the appeal site. The development at St Peter's Court is much further from the listed building than the majority of the appeal site, and has a much lesser, if any, effect on the setting of the building.
14. Consequently, the proposal would not preserve the setting of the listed building. The proposal therefore fails to comply with the relevant parts of Policies S1 and D3 of the LP which, amongst other criteria, seek the protection of heritage assets. I find the harm to the setting of the listed buildings to be less than substantial, as defined in Paragraph 193 of the National Planning Policy Framework (the Framework). Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
15. The proposal would provide temporary accommodation for children in care. However, it has not been demonstrated that there is a need for the accommodation, or that the proposed location is suitable. I therefore place limited weight on this benefit. The proposed development would also provide temporary economic benefits during construction, and long term economic benefits from the creation of jobs and the use of local services by the staff,

visitors, and potentially occupiers, of the development. I place moderate weight on these benefits. As set out in Paragraph 193 of the Framework, I place great weight on the less than substantial harm to the setting of the listed buildings that I have identified, and this outweighs the public benefits.

Other Matter

16. The site falls within the Zone of Influence for the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA and Ramsar, the Colne Estuary SPA and Ramsar, and the Foulness Estuary SPA and Ramsar, as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.

Conclusion

17. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR