



Appeal Decision

Site visit made on 17 August 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 20th August 2021

Appeal Ref: APP/X1545/W/21/3267932

3 Highams Farm Cottages, Maldon Road, Tolleshunt Major, Essex CM9 8AL

- 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 John Howe against the decision of Maldon District Council.
 - The application Ref OUT/MAL/20/01112, dated 29 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is "erection of 4 bed detached house with double garage, and single garage to existing dwelling".
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Decision

1. The appeal is dismissed.

Clarification

2. The proposal is for outline planning permission, with all details reserved. The submitted plans are agreed to be illustrative.

Main issues

3. The main issues in the appeal are:
 - whether the proposed development would accord with the relevant local plan policies relating to development in the countryside;
 - and the site's accessibility to local facilities and services by sustainable modes of transport.

Reasons for decision

Policies for development in the countryside

4. The appeal site lies in open countryside, about 1.5 km to the south of Tolleshunt Major and 0.5 km to the northeast of Goldhanger. In this location, the site is well outside any of the settlement boundaries defined in the Maldon District Local Development Plan (the MDLDP), which was adopted in July 2017.
5. Policy S8 of the MDLDP supports housing and other development within settlement boundaries. Outside those boundaries, the policy states that development is only to be permitted where it will avoid adverse impacts on the intrinsic character and beauty of the countryside, and where the development is for one of a list of specified purposes. The policy makes it clear that these requirements are not alternatives; development proposals outside settlement boundaries will not accord with Policy S8 unless both requirements are met.

6. In terms of national policy, there is no dispute that these requirements in MDLDP Policy S8 are fully consistent with the relevant provisions of the National Planning Policy framework (the NPPF). These include paragraph 105 which states that the planning system should actively manage patterns of growth in support of the objectives of sustainable development. They also include paragraph 174 which requires planning decisions to contribute to and enhance the natural and local environment by recognising the countryside's intrinsic character and beauty.
7. In MDLDP Policy S8, the types of development that may be acceptable are listed at (a) to (m) of the policy. The only categories that could include any element of housing are those relating to agricultural and essential workers, affordable housing exception sites, and travellers' or showpeople's accommodation. The present appeal proposal is not for any of these, but rather would involve residential development for general housing purposes. As a matter of principle therefore, the proposed development would undermine Policy S8's key aim of concentrating housing and other development within settlements, and restricting most forms of development in the countryside.
8. In addition, the appeal site lies in an exposed position, within a landscape that is generally flat and open, with wide views in all directions. The site is partly bounded by an overgrown hedge, but nevertheless a new dwelling would be clearly visible, in short, medium and longer views from Maldon Road and the surrounding countryside. There is an existing pair of semi-detached houses adjacent to the site, and one further detached property about 100m to the south, on the opposite side of Maldon Road. However, in the context of such an expansive landscape, these appear as isolated features, and as such, their presence would do little or nothing to soften or contain views of the additional new dwelling and garages now proposed. Rather, the proposed development would extend and consolidate the existing building group, and add significantly to the group's overall prominence in the landscape. Consequently, the proposed development would to my mind appear highly intrusive and incongruous in this location. As such, it would cause significant harm to the countryside's character and beauty.
9. In both of these respects therefore, regarding the MDLDP's locational strategy and the protection of the countryside's character and beauty, the proposed development would conflict with the principal requirements of Policy S8 governing development in the countryside.

Accessibility to services and facilities

10. Furthermore, MDLDP Policy S1 requires amongst other things that all developments minimise the need to travel and prioritise sustainable transport modes, and Policy T2 seeks to ensure that developments have safe and direct walking and cycling routes to nearby services and facilities. These policies again seem to me to be consistent with the relevant policies of the NPPF.
11. The present appeal site is potentially within walking or cycling distance of Goldhanger village, but the distance is rather greater than would be convenient for regular access by these modes, and the nature of the route, with fast-moving traffic and no footways would make such journeys hazardous. In any event the range of facilities in the village is small, and for most purposes the nearest destination would be Maldon, about 6km away. Whilst there is a hail-and-ride bus service, the limited frequency would be likely to make this an

impractical option for regular use. The development would therefore be largely dependent on the use of the car, with the attendant issues of emissions, and energy use and congestion.

12. I accept that the advent of electric vehicles and other technological advances may make car use less environmentally harmful in the future, but the question of how planning policies will respond to any such changes remains to be seen. Whereas, in this appeal, I must have regard to the policies of the current MDLDP.
13. For the reasons given above, the proposed development would fail to accord with the relevant provisions of Policies S1 and T2 that I have identified with regard to accessibility.

Other matters

14. The Council's Refusal Reason No 3 (RR3) relates to the development's potential impact on designated sites of international importance for nature conservation, when considered in combination with other new housing in the area. However, there is no dispute that any such impact could be adequately mitigated by a financial contribution to the Council's draft Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, and the appellant has indicated his willingness in principle to make such a contribution. Although no legal agreement or undertaking has been entered into, there appears no reason to doubt that such an obligation could have been agreed, prior to any grant of permission, had the proposed development been acceptable in all other respects. For the purposes of this appeal therefore, it is not necessary for me to consider RR3 any further.
15. The provision of one dwelling would increase the District's housing stock, and would thus contribute in a small way to reducing the accepted shortfall in the 5-year housing land supply. The development would also have some potential to help support the local economy. I agree that these benefits should carry some weight, but nevertheless, that weight is limited.

Conclusion

16. The proposed development would conflict with Policy S8 with regard to the MDLDP's overall locational strategy, and with the policy's aims for the protection of the character and beauty of the countryside. The scheme would also fail to accord with the aims of Policies S1 and T2 with regard to accessibility to local facilities. No MDLDP policies weigh in favour of the appeal. The scheme is therefore contrary to the relevant policies of the development plan as a whole.
17. Although the development would bring some benefits in terms of housing provision and the local economy, these benefits would be minor in comparison to the serious harm that would result to the locational strategy, and to the countryside's character and appearance, and in terms of vehicle emissions and car journeys. In the circumstances, the scheme's benefits would be significantly and demonstrably outweighed by this harm.
18. Accordingly, the appeal is dismissed.

J Felgate

INSPECTOR