

# Appeal Decision

Site visit made on 23 August 2021

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

**an Inspector appointed by the Secretary of State**

**Decision date: 23rd September 2022**

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## **Appeal Reference: APP/X1545/W/22/3295787**

### **Land north of Poplar Grove Chase, Great Totham CM9 8NX**

- 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 A Lawson against the decision of Maldon District Council.
  - The application (reference OUT/MAL/21/01071, dated 18 August 2021) was refused by notice dated 9 February 2022.
  - The development proposed is one detached three-bedroom dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary points**

2. The application is made in outline, with all matters reserved.

### **Main issue**

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

### **Reasons**

4. The appeal site lies to the south of the main part of Great Totham, off Broad Street Green Road (the B1022), which leads to Heybridge. Although a major development is in progress to the south of the site (as an extension to Heybridge), the surrounding area is predominantly rural in character, with a ribbon of frontage development extending along the main road (and known as Broad Street Green). An area of development on both sides of the main road and along a side road at Poplar Grove Chase creates a more concentrated area of development in this location, with some development in depth (behind the frontages). This area of development includes various residential properties as well as a relatively large commercial site, 'The Old Dairy', north of Poplar Grove Chase.
5. The appeal site is located to the west of the main road, behind the commercial buildings. The commercial buildings are substantial in nature, mainly of modern construction. Beyond them is a large paddock that appears to be used

for equestrian or leisure purposes, with a large “barn” building to one side, at the northern end of this land.

6. The rear boundary of the commercial buildings is marked by a ditch or dry stream and between the open paddock and the commercial site there is also a more nondescript area. This area is largely overgrown but is occupied by a small, dilapidated and poor quality building (apparently a small stable) that now appears to be used, together with some parts of the land, for minor low key storage.
7. It is in this area, between the paddock and the commercial premises, that a new three-bedroom dwelling is proposed. The planning application was made in outline but an illustrative scheme has been presented, to show how a modest, traditionally designed house could be accommodated on the site.
8. The ‘National Planning Policy Framework’ emphasises the aim of promoting sustainable development and it acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of “achieving well designed places” in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
9. Policy S1 in the ‘Maldon District Approved Local Development Plan 2014-2029’ (dated July 2017) reflects the presumption in favour of sustainable development and aims to maintain the rural character of the District. New development is to be focussed on “planned growth” locations and on sites within existing settlement boundaries in accordance with Policy S8. The Local Development Plan also emphasises the importance of high quality design in all developments, particularly emphasising the importance of good design at Policies D1 and H4. Among other things, Policy H4 deals with backland development specifically, noting that individual proposals will be dealt with “on a site-by-site basis” in the light of various considerations.
10. The ‘Great Totham Neighbourhood Plan’ was “made” on 6 July 2022 and is also part of the Development Plan, therefore. It recognises the special nature of Broad Street Green and the effect of “small scale infill development” as a form of “organic growth”.
11. The proposed new house would be outside the settlement boundary of Great Totham and would not be supported by Policy S8. It would lie behind the developed frontage on Broad Street Green Road and would extend beyond the developed area that is demarcated by the rear boundary of the existing commercial site.
12. The appeal site itself is clearly underused land, being somewhat overgrown, but it forms part of the margin of the larger paddock area, which is evidently well used. Effectively, the new building would encroach into the paddock area, changing its essentially rural character and extending the built-up enclave in a haphazard way. Even though the new house would be largely screened from public views, it would be obvious from properties in Poplar Grove Chase, to the south. Even well screened development may not necessarily be acceptable in principle, of course.

13. Moreover, the scheme would undermine the planned pattern for future development in the District, creating a form of urban sprawl that could too easily be repeated, thereby eroding the rural character of the Essex countryside.
14. In short, I have concluded that the proposed development would not fit comfortably within the existing visual structure of the settlement, but would spread beyond the existing built-up area. It would have a harmful effect on the character of the countryside and would not, therefore, comply with planning policies that are intended to protect the countryside and to achieve high design standards.
15. The site has good access to public transport services, along the main road, but it is not otherwise well served by employment opportunities or social facilities and the new house would be likely to depend on car borne transport. I am not persuaded that the location is clearly sustainable in planning terms, notwithstanding the submissions that have been made.
16. I am aware that planning permission has been granted for other development projects in the locality. In particular, planning permission has been granted for three dwellings on land adjoining the appeal site, at 'The Old Dairy'. This scheme is clearly distinguishable from the current appeal, however, since substantial existing buildings would be replaced that are very different from the overgrown land and the small, dilapidated "stable" of the appeal site. Other sites referred to have also been permitted in different circumstances, and are of limited relevance in this case, as has been pointed out.
17. I have also taken account of the previous appeal decisions at the same site but, again, have noted that the schemes were very different from the present proposals and that different arguments were advanced. I have approached this appeal on its own merits.
18. It has also been pointed out that the Council is unable to demonstrate a five-year housing land supply. Indeed, the supply that has been demonstrated falls some way short of that target. Nevertheless, the appeal scheme would make only a very small contribution to the provision of new housing or to economic activity. On the other hand, I am convinced that the new building would amount to an unacceptable intrusion into an essentially rural site, causing actual harm to the character and appearance of the countryside and adding to development sprawl, contrary to the Council's planning strategy.
19. In short, I am convinced that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that the harm which would be done to the character and appearance of the surroundings would clearly and decisively outweigh the benefits of the project. The appeal must be dismissed, therefore, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

*Roger C. Shrimplin*

INSPECTOR