

Appeal Decision

Site visit made on 25 October 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Reference: APP/X1545/W/22/3298644

Lower and Middle Farm, Blind Lane, Tolleshunt Knights CM9 8EP

- 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 Mrs Nicola Gudgeon against the decision of Maldon District Council.
 - The application (reference FUL/MAL/22/00109, dated 1 February 2022) was refused by notice dated 29 March 2022.
 - The development proposed is described in the application form as a “proposed dwelling”.
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Decision

1. The appeal is dismissed.

Main issue

2. 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

3. The appeal site is located in a rural landscape, dominated by agricultural land with some scattered buildings. Blind Lane is a country lane off the B1023, which is a busier through route, and the site is situated at a bend in the lane, where an existing driveway provides access to a group of farm buildings and silos. A new house has been built to the west of the silos and a large modern agricultural shed has been constructed to the east. An older house, ‘Grove Hall’, is situated to the north of the farm buildings (and the appeal site).
4. The appeal site itself is partly occupied by the older farm buildings and silos and the existing access to the modern agricultural shed runs through the site, between the buildings and the silos. The six silos are unattractive and in a poor state, while the existing buildings are solidly built but are not of particular interest.
5. Two extant permissions are relevant to the site. Approval has been granted for the conversion of the barns to a dwelling under permitted development rights (under reference 20/00398/COUPA) and, subsequently, planning permission was granted for part of the site, to convert and partially re-build the barns to form a residential dwelling (under reference 20/00954/FUL).

6. The current appeal relates to a new proposal for a dwelling on the site, in place of the previously approved schemes.
7. 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.
8. Policies in the Development Plan share those aims. Policies S1 and S8 of the 'Maldon District Approved Local Development Plan 2014-2029' (dated July 2017), particularly identify the presumption in favour of sustainable development, focussing new housing on existing settlements. Other policies emphasise the importance of protecting the countryside, achieving good design that respects and enhances existing character and local context.
9. The previous approvals have produced a realistic "fallback" scheme and consideration of the current proposal must have regard to that important planning consideration. The fallback scheme would permit the construction of a substantial new dwellinghouse, which would overlap the footprint of existing buildings and would make use of traditional construction features and materials.
10. The scheme that is now proposed would be somewhat more striking and would not reflect the original agricultural context, rather creating a bold new residential unit. Moreover, it would be located further into the site, across the existing driveway and even partly beyond the existing silos, although the building volume would be reduced. A new access to the agricultural shed to the east would be created but the built form and new garden area would extend significantly beyond the area of the existing buildings and structures, encroaching into the countryside and creating a more suburban character.
11. The removal of the existing unsightly silos would improve the surroundings, of course, but that benefit does not depend upon an expansion of the curtilage of the new property, since it could be secured by condition in any case and would be obviously advantageous to the new house itself.
12. The new house would be set back from the road and would not be very visible, especially if a well designed landscaping scheme were to be implemented. Nevertheless, the new building and its curtilage would intrude beyond the area that has been built upon and would compromise the rural character of the surroundings. The same might not be true of a more modest scheme, within the existing area of the buildings and structures and associated with more thoughtful landscaping proposals (including a more sympathetic garden configuration) but, nevertheless, it is necessary for me to consider the scheme that comes before me.
13. In this case, the proposed new dwellinghouse would not amount to sustainable development, since the rural location does not enjoy ready access to a substantial existing settlement. I am convinced that the benefits of the scheme do not justify the increased intrusiveness of the new development and the suburbanisation of the location, by comparison with the existing agricultural buildings or the previously approved "fallback" proposal, and I have formed the

opinion that this proposal would, indeed, have a harmful effect on the character and appearance of the rural surroundings.

14. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. 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