



Appeal Decision

Site visit made on 28 June 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 10th August 2023

Appeal Ref: APP/X1545/W/22/3313889

Night Pidgeon, Maypole Road, Great Totham, Essex CM8 3LX

- 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 Ms Fay Marven against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00372, dated according to the appeal form as 8 February 2022, was refused by notice dated 23 June 2023.
 - The development proposed is the construction of a new bungalow in existing garden for a family member to live in.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are (a) the effects of the proposed development on the character and appearance of the surrounding area and (b) whether the proposed bungalow would be in an accessible location.

Reasons

Character and Appearance

3. The proposed development includes the erection of a bungalow within the residential curtilage of Night Pigeon. The host property is located outside any settlement and, although adjacent to a store selling garden and animal goods, is within the open countryside.
4. Policy S8 of the Maldon District Local Development Plan (LDP) refers to planning permission only being granted for specific proposals outside defined development boundaries where the intrinsic character and beauty of the countryside is not adversely impacted upon. The appeal scheme is not one of the specified forms of development referred to in the policy.
5. Although there is a substantial hedge along Prince of Wales Road, the proposed bungalow would be visible from several viewpoints, including the right of way to the south. The appeal scheme would consolidate the existing built forms of development at the junction of Prince of Wales Road and Maypole Road and this would adversely affect, rather than respect, the character and appearance of the surrounding open countryside in this location.
6. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would be contrary to LDP Policies S1, S8, D1 and H4. In

addition to controlling development in the countryside, and amongst other matters, these policies also require development to respect and enhance the character and local context, maintain the rural character of the District and take into account the location and the setting of the site.

Accessible Location

7. LDP Policy T2 refers to development proposals providing safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate. Although as the appellant has identified that there are services and facilities within the surrounding area, including a bus stop, because of the site's location the future occupiers would be required to walk along unlit roads possessing no segregated footway. This would not be conducive to the safety of future occupiers.
8. The safety concerns allied to the location of the site would, as the Council claim, mean future residents would be more likely to use private cars to undertake trips to access the available facilities and services. Indeed, during the site visit it was noted that visitors to the store arrived by private car rather than more sustainable modes of travel. Accordingly, the appeal scheme would not minimise the need to travel and where travel is necessary it would not be capable of prioritising sustainable modes of transport as required by LDP Policy S1.
9. Accordingly, it is concluded that the proposed development would not be in an accessible location and, as such, it would conflict with LDF Policies S1 and T2. LDP Policies S8 and T1 are not considered to be of direct relevance to this issue because they concern matters related to potential types of development outside settlement boundaries and generic transport matters rather than accessibility considerations applicable to the location of appeal scheme.

Other Matters

10. The appellant has not provided an obligation to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy which is sought to secure mitigation to protect the integrity of the habitats of European designated sites, including the Stour and Orwell Estuaries. However, the appeal is not succeeding on other grounds and there is no need to consider this matter further.
11. Although the occupation of the proposed dwelling by a family member has been noted, this matter is significantly and demonstrably outweighed by the unacceptable harm which has been identified and, as such, it is concluded this appeal should be dismissed.

D J Barnes

INSPECTOR