



Appeal Decisions

Site visit made on 11 June 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2024

Appeal A Ref: APP/X1545/W/23/3331259

The Old Rectory, Rectory Road, Tolleshunt Knights, Essex CM9 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Community of St John the Baptist against the decision of Maldon District Council.
- The application Ref is FUL/MAL/23/00736.
- The development proposed is described as a 'new hall building.'

Appeal B Ref: APP/X1545/W/23/3331260

Hylands, Rectory Road, Tolleshunt Knights, Essex CM9 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Community of St John the Baptist against the decision of Maldon District Council.
 - The application Ref is FUL/MAL/23/00623.
 - The development proposed is described as 'an ancillary building in place of existing former chicken shed storage building.'
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Decision

1. Appeals A and B are both allowed in accordance with the terms of the respective applications and the plans submitted with them, subject to the conditions laid out in the attached schedules.

Preliminary Matters

2. The appeals relate to 2 different sites that form part of the St John the Baptist Monastery with the Community as a single appellant. I have therefore considered the appeals concurrently, but on their own merits, because there are common matters between them.
3. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions do not relate to anything that is fundamental to the main issue in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.

Main Issue

4. As the 2 reasons for refusal essentially reiterate the same concerns, I consider that the main issue in relation to both Appeals A and B is, the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The Monastery of St John the Baptist comprises a series of detached buildings of various ages, forms and architectural styles located in a cluster to either side of Rectory Road. The appeal sites are located on the northern side of the road, on separate parcels of land within the confines of the Monastic complex.
6. The Monastery is located within the open countryside outside of the settlement of Tolleshunt Knights. Policy S8 of the Maldon District Local Development Plan (LDP) 2017 indicates that permission will only be granted for new development in such locations, where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a specified form of development. These include at c) 'community services and facilities to meet local need,' in accordance with Policy E3.
7. Given that Policy S8 allows for certain types of development in the countryside, it cannot be the case that any development on open land will automatically be unacceptable. Otherwise, its purpose in supporting certain exceptions would be defeated. Moreover, the parties agree that the appeal sites are shown as 'Churches and Cemeteries' on the LDP Policies Map. Policy E3 supports proposals including the modernisation and expansion of existing community services such as places of worship¹.

Character and Appearance – Appeal A

8. The congregation of St John's is understood to consist of the circa 53 strong permanent residents of the Monastery as well as approximately 150-200 members of the public that attend Sunday service². The Council has already granted planning permission for a Chapel to serve this congregation which is nearing completion on land directly to the north of the appeal site³.
9. The proposed hall is required to enable the congregation to get together after Sunday services including for refreshment purposes. For these purposes it would be logically sited close to the Chapel. It would meet the needs of the resident and visiting community, some of whom eloquently describe the cultural and religious enrichment that the Monastic community provides.
10. The proposed hall would have a central spherical form with 4 gabled projections to the sides. It would be subservient in scale as a single storey building and plainer in appearance than the Chapel, but nonetheless would share features such as a central domed roof with red tiles. In this respect the proposed hall would be reflective of and sympathetic to the Chapel already permitted by the Council, whilst not competing visually. The use of red brick and render would be consistent with other buildings within the wider Monastic complex. The design aspirations of Policy D1 would therefore be met.
11. The appeal site is currently an open parcel of land used for horticultural purposes. It is located within clearly defined boundaries resulting in the appeal site clearly being understood and read as part of the Monastic complex, rather than as part of the wider undeveloped countryside. Although the proposed hall would stand within open grounds, it would not appear isolated. It would form

¹ As set out at paragraph 4.29 of the LDP in support of Policy E3.

² As set out in the officer report for planning application reference 22/00531/FUL provided at appendix 3 of the appellant's statement of case.

³ Planning application reference 22/00531/FUL.

part of the loose cluster of buildings that include the Chapel, 2 dormitories and a large greenhouse.

12. The visual impact of the proposal would be limited by the extensive and dense hedgerow planting to the southern boundary of the appeal site along Rectory Road, which when in leaf would largely screen the development from open view. This would be in combination with the extensive screening afforded by the orchard to the east of the appeal site. Even when not in leaf, the density of the adjacent planting is nonetheless likely to provide a good degree of screening, such that the proposed hall would not be unduly incongruous within the street scene. Any impression of encroachment of development into the countryside would therefore be limited.
13. Whilst I acknowledge the Council's concerns that the roadside hedgerow could be removed, I have no evidence to indicate that this would be likely to occur. Even if it were to be removed, the proposed hall would be seen in the context of and against the backdrop of other buildings within the complex.
14. The appellant has advised that all of the buildings within the Monastic complex have an existing use, such that the purpose of the proposed hall could not be accommodated elsewhere. I have no substantive evidence to the contrary.

Character and Appearance – Appeal B

15. The appeal site comprises a long, linear single storey building located in the northern-most corner of the Monastic complex. Formally a chicken shed, now in use for storage purposes, it has the appearance of an agricultural building. It forms one of 3 long linear buildings also including the rectory and a dormitory. The proposal seeks to replace the existing structure with a largely 2-storey building that would occupy a roughly similar linear footprint. It would be used for purposes ancillary to the religious activities of the Community⁴.
16. I acknowledge that the length of the proposed building as a predominantly 2-storey structure could be considered unusual for a countryside location. However, each end of the proposed building has been articulated with lower structures which helps to reduce the overall scale. Furthermore, there are other 2-storey buildings within the Monastic complex including 2 dormitory buildings to the south-west, as well as a 2-storey section to the adjacent refectory building, albeit of a relatively limited height and scale.
17. Even though it would add to the amount of built development overall, being tucked into the corner it would not appear particularly dominant when viewed from within the confines of the Monastery. As the wider Monastic complex would retain parcels of open, undeveloped land, I am satisfied that the proposal would not amount to the overdevelopment of the site as suggested by the Parish Council. Moreover, the Council has not raised any specific concerns regarding the overall design of the proposed building in relation to Policy D1 of the LDP.
18. The Council has not directed me to any particular viewpoints outside of the appeal site from which the proposed amenity building would be publicly visible. From my observations, the hedgerow planting to Rectory Road to the west, along with the existing concrete post and rail fence and mature landscaping to the north-western boundary of the appeal site, would provide considerable

⁴ As set out at paragraph 1.2.2 of the Council's officer report.

screening of the proposed building. Even when not in leaf, the proposed building is unlikely to be openly visible from public vantage points. If it was visible, it would be seen only in glimpses and in the context of the other buildings within the Monastic complex, including the existing 2-storey dormitory and the chapel. Whilst the amount of built development would undoubtedly increase at the appeal site, it could not be described as having an urbanising effect.

Conclusion – Character & Appearance Appeals A and B

19. Policies S8 and E3 make some allowance for new community development in the countryside. A new building on an open parcel of land would result in change, but the scale, form and position of the proposed hall would not adversely affect the overall intrinsic character and beauty of the countryside. Neither would the erection of a 2-storey amenity building be particularly out of scale due to its lack of visibility from within and outside of the appeal site. The proposals would therefore comply with Policies S8, E3 and D1 of the LDP as set out above. They would also comply with section 12 of the Framework which seeks to support visually attractive architecture that is sympathetic to local character.

Conditions

Appeals A and B

20. The Council's suggested conditions have been considered and the wording varied where necessary, to ensure precision and compliance with the Planning Practice Guide and paragraph 56 of the Framework. Along with the standard time limit, conditions are imposed to require the submission of materials in the interests of consistency of appearance, and to list the plans in the interests of certainty.
21. Due to the countryside location of the appeal sites, conditions relating to the provision of a biodiversity enhancement strategy and external lighting scheme are necessary and relevant to the proposed developments to ensure that protected species and the environment are not adversely affected.
22. No objections have been raised by the appellant to the Council's recommended conditions⁵. This includes the suggested prior to commencement conditions for the provision of an arboricultural method statement, necessary to ensure that the verdant character and appearance of the area is maintained during and post-development.
23. An interested party's comments regarding drainage capacity at the site are noted. However, foul and surface water drainage matters can be appropriately dealt with by conditions. Such conditions are considered necessary and relevant to the development permitted.

Appeal A

24. Given the public use of the proposed hall, a condition requiring the provision of secure cycle storage is considered necessary and relevant to the development permitted to promote sustainable modes of transport.

⁵ As set out in the appellant's final comments.

Appeal B

25. To ensure that protected species are not unduly harmed by the proposed ancillary building, a condition is required to ensure that the development is carried out in accordance with the Preliminary Ecological Appraisal.

Conclusion

26. For the reasons given, there are no conflicts with the development plan when taken as a whole. Appeals A and B are allowed.

M Clowes

INSPECTOR

******* Schedule of Conditions *******

Appeal A

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;

3669: LP; 3669:01 – Rev B; 3669:02 – Rev C; 3669:03 Rev E and AS1618–01 Rev A.
3. Prior to the commencement of development including any demolition, groundworks and site clearance, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained;
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding's, roads and footpaths;
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained;The development shall be carried out in accordance with the approved Method Statement.
4. Prior to any works above slab level, details and/or samples of the materials to be used in the construction of the external surfaces of the building hereby approved and associated areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
5. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by

the Local Planning Authority. The Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation of the approved building and shall be retained thereafter.

6. No external lighting shall be installed until and unless a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed and maintained only in accordance with the approved scheme.
7. Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained thereafter once provided.
8. No works above slab level shall occur until details of the proposed surface water drainage scheme to serve the development, have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum;
 - a) the development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance;
 - b) run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing runoff rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

In order to satisfy the soakaway condition details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled will be required.

Where the Local Planning Authority accepts discharge to an adopted sewer network, written confirmation from the statutory undertaker that discharge to an adopted sewer network will be accepted, will be required.

9. No development works above slab level shall occur until details of the foul drainage scheme to serve the development, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented prior to the first occupation of the building hereby approved.

Appeal B

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;

3671:01 Rev B; 3671:02 Rev C; 3671:04 Rev - and landscape proposals plan 001.

3. Prior to the commencement of development including any demolition, groundworks and site clearance, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained;
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding's, roads and footpaths;
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained;The development shall be carried out in accordance with the approved Method Statement.
4. Prior to any works above slab level, details and/or samples of the materials to be used in the construction of the external surfaces of the building hereby approved and associated areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
5. All mitigation measures and/or works shall be carried out in full accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, June 2023) as submitted to and agreed by the Local Planning Authority.
6. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;

d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details prior to occupation of the approved building and shall be retained thereafter.

7. No external lighting shall be installed until and unless a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed and maintained only in accordance with the approved scheme.
8. No works above slab level shall occur until details of the proposed surface water drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum;
 - c) the development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance;
 - d) run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing runoff rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

In order to satisfy the soakaway condition details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network, written confirmation from the statutory undertaker that discharge to an adopted sewer network will be accepted, will be required.

9. No development works above slab level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented prior to the first occupation of the building hereby approved.

*****End of Conditions*****