



Appeal Decision

Site visit made on 6 November 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/X1545/W/24/3341731

4 River View Terrace, Althorne, Essex CM3 6UT

- 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 Miss Abbiegail Cranfield against the decision of Maldon District Council.
 - The application Ref is FUL/MAL/23/01131.
 - The development proposed is new 3-bed house with new highways access onto B1010.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft National Planning Policy Framework (the Framework) is limited given that no final document has been published and it is subject to potential change in the future.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.

Main Issues

4. The main issues are:
 - whether the appeal site is an appropriate location for the proposed development, having particular regard to the development plan's spatial strategy; and
 - the effect of the proposed development upon the character and appearance of the area.

Reasons

Location

5. Policy S1 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (LDP) sets out the presumption in favour of sustainable development and provides a list of key principles to be applied in decision making, including

- minimising the need to travel, and where travel is necessary, prioritising sustainable modes of transport. Policy S2 of the LDP states that the Council will promote sustainable development to deliver economic and residential growth, whilst contributing to protecting and enhancing the area's natural, built and historic environment.
6. In order to achieve this Policy S2 seeks to focus development at the district's main settlements as they constitute the most suitable and accessible locations in the district, with the majority of new strategic growth delivered through sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch. Policy S2 does state that a proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities, and the rural economy. This strategic growth in rural villages will however be related to the settlement hierarchy, reflecting the size, function and physical capacity of the settlement.
 7. It is not disputed that the appeal site lies outside a settlement and is therefore within the open countryside. Policy S8 of the LDP states that outside the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon, and where the proposal meets one of a list of criteria (a) – (m).
 8. Whilst I will consider the impact of the proposal on the character and appearance of the open countryside later in this decision, my attention has not been drawn to any criteria at (a) – (m) which specifically apply to the development proposed as part of this appeal.
 9. LDP Policy H4 also requires all development to optimise the effective use of land, having regard to considerations including the location of the site, its proximity to public transport, and access to local services and facilities.
 10. I note the Council's first reason for refusal on the decision notice states that the appeal site is not well located to the existing settlement of Southminster. Whilst I have not been provided with the details of the distance from the appeal site to Southminster, or details of the facilities and services within Southminster, I observed on site that the appeal site is located a substantial distance from this settlement. I therefore conclude that the appeal site is not well related to the settlement of Southminster by foot.
 11. Notwithstanding the above however, the nearest settlement to the appeal site is Althorne. This settlement is defined as a "smaller village" within LDP Policy S8 and this policy states that "smaller villages" contain few or no services and facilities, with limited or no access to public transport, and very limited or no employment opportunities.
 12. The appellant's submission states that the settlement of Althorne includes a village store and Post Office, a village hall, public houses, restaurants, churches, recreational ground and a mobile library. Whilst I acknowledge the submission does include a map, the locations of all these specified facilities are not clearly identified on this map.
 13. Nevertheless, during my site visit I found that the settlement of Althorne contains only limited facilities and services, including a church, a parish hall, a restaurant / public house, and a recreational area with children's play equipment. Critically, I

did not observe a village store or Post Office within Althorne, only a vacant commercial premise with a 'To Let' sign outside. In support of my observations, I note that an interested party has commented that there is no shop or post office in Althorne.

14. Whilst I am aware the appellant refutes this and states that the Althorne Post Office is located 1.1 miles from the appeal site, I have not been provided with a map or the exact location of this purported facility within the settlement of Althorne.
15. Consequently, based on the evidence that is before me and my observations on site, I find that the settlement of Althorne contains very limited services and facilities to serve the day-to-day needs of future residents of the appeal proposal.
16. Notwithstanding the above, I also experienced that the walk from the appeal site to some of the limited facilities and services within Althorne was considerable in distance. Furthermore, whilst I recognise there is a continual footway along one side of Fambridge Road (B1010) from the appeal site to the settlement of Althorne, significant sections of this footway were very narrow, and the highway does not benefit from street lighting. As such, I also find that the appeal site is not currently well connected to the settlement of Althorne in terms of walking via Fambridge Road, particularly at night, and for pedestrians with buggies and/or a disability.
17. I acknowledge that cycling may be an option, but it is not necessarily an attractive alternative given the lack of separate cycle lanes and street lighting. Additionally, not everyone has access to a bike or the ability to ride a bike.
18. I am aware of the bus stops on both sides of Fambridge Road in close proximity to the appeal site. However, I have not been provided with details of the destinations and routes of the buses which pass by these stops; the frequency of buses by way of timetables; the time the buses take to get to any services or facilities; or any details on bus fares.
19. As such, whilst I acknowledge that future residents would have good access to these bus stops, there is very limited information before me in respect of the bus service that operates from these stops to enable me to make a full assessment of the benefits using the bus would bring to residents of the proposed dwelling. Additionally, I note that these bus stops did not include shelters, or benefit from any street lighting, and this limits the attractiveness the bus would be for use all-year round and during dark or adverse weather conditions.
20. The appellant has also drawn my attention to the proximity of Althorne Train Station to the appeal site, commenting that this train station provides access to Liverpool Street, London. Again however, I have very limited information before me in respect of the frequency of these trains, the time it takes to get to London on these trains, or the costs, in order to allow a full assessment of how realistic using the train would be to access key services and facilities.
21. Furthermore, to access this train station on foot, residents would again need to navigate narrow sections of the unlit footway on Fambridge Road, and then walk a significant distance along Station Road which does not benefit from any footways or street lighting. As such, pedestrian access to this train station from the appeal site is not an attractive option, particularly during the dark, and for pedestrians with buggies and/or a disability.

22. In view of all the above, I find that the settlement of Althorne contains very limited services and facilities to serve the needs of future residents of the appeal proposal. Furthermore, the appeal site is not, in any case, well connected to the limited facilities within the settlement of Althorne by sustainable modes of transport, including walking, which provide a realistic alternative to the car. I also have insufficient evidence before me that the appeal site is well-connected to any settlements by means of public transport. Consequently, I find that future residents of the appeal site would be heavily reliant upon the use of a private car to access services and facilities, which is the least sustainable mode of transport.
23. For the reasons given above, the appeal site does not represent a sustainable location for the proposed development. The proposal would therefore conflict with Policies S1, S2, S8, D1, H4, T1 and T2 of the LDP, insofar as they together seek to, amongst other things, resist development outside settlements which do not meet specific circumstances; minimise the need to travel and prioritise sustainable modes of transport over private vehicles; maximise connectivity to the surrounding areas; provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate; and require all development to have regard to accessibility to local services and facilities, including proximity to public transport.

Character and appearance

24. The appeal relates to a parcel of land located on the south side of Fambridge Road, with the appeal site sloping down towards a row of dwellings accessed via River View Terrace. The surrounding landscape is largely rural although there are scattered developments of dwellings along both sides of Fambridge Road in the vicinity.
25. The existing development on the southern side of Fambridge Road is mainly sporadic, with varying sized gaps between buildings. The appeal site however forms part of a relatively large gap between a cluster of detached dwellings to the east and the mobile home park to the west.
26. This existing gap created by the appeal site, along with the land directly either side, contributes significantly to the visual separation between the built development on this side of the highway and reinforces the verdant setting of the locality and its wider rural landscape. As such, the appeal site currently makes a positive contribution to the intrinsic rural character of the area.
27. The appeal proposal seeks to erect a dwelling on this site and create a new vehicular access off Fambridge Road, with car parking and turning space provided between the front of the dwelling and the highway. The residential development of the appeal site would result in the loss of a significant part of the gap between the existing built development on this side of the highway. The loss of this gap would erode the existing open and rural character the appeal site currently provides, to the detriment of the visual qualities of the wider countryside landscape.
28. In coming to this view, I acknowledge the proposed dwelling would be set back from the road, that it would be single-storey where it faces the highway, and the appeal site currently contains a very modest sized timber shed. Nonetheless, the proposed dwelling, with its new vehicular access and car parking area to the front, would introduce a scale of built development and domestic paraphernalia on this site that would be visually prominent and harmful to the intrinsic rural character of

the area, particularly in comparison to the positive contribution the existing site currently provides to the area.

29. Whilst I observed that existing trees and vegetation on land either side of the appeal site would provide some visual screening from Fambridge Road, there is no guarantee that this neighbouring vegetation will be retained in perpetuity. Furthermore, this vegetation would not in any case fully screen views of the proposed dwelling, its access and frontage car parking from the highway.
30. In conclusion, the appeal proposal would result in the loss of an existing gap between built development, eroding the open character the appeal site currently provides within this rural location. It would therefore cause harm to the verdant character and appearance of the appeal site and the wider countryside landscape. Consequently, the proposal conflicts with LDP Policies S1, S8, D1 and H4, insofar as they seek to secure development that respects and enhances the character and local context of an area, including optimising the use of land having regard to the setting of the site, and the existing character of the area; and where they also seek to maintain the rural character of the district and protect the countryside for its landscape, intrinsic character and beauty.

Other Matters

31. The proposed development is identified within the appeal documentation as being located within the Zone of Influence of one or more of the European designated sites covered by the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy Supplementary Planning Document (2020).
32. Had I been minded to allow the appeal I would have carried out an appropriate assessment (AA) of the effect of the proposal on the integrity of the European designated sites. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as doing so would not change the outcome of the appeal.

Planning Balance

33. The proposal would support the Government's objective of significantly boosting the supply of housing. There would also be economic benefits arising from the construction of the development and ongoing economic benefits from future occupiers spend in the area. However, the extent of these benefits would be limited by the scale of the development for one dwelling.
34. The appellant has pointed to the implied support for the application from the main consultees, on the basis that they raised no objection to the proposal. A lack of objections from consultees is however a matter that does not weigh in favour of the appeal scheme.
35. The appellant comments that the dwelling has been designed to incorporate south facing habitable rooms which would provide wider views of Blackwater River. Whilst I note an interested party contests whether there are views of Blackwater River from the appeal site, nevertheless, even if the proposed dwelling would provide future occupiers with views of Blackwater River, I find this matter carries limited weight in favour of the appeal scheme.
36. In view of the above, whilst I have found that there would be some limited benefits arising from the proposal, these benefits do not outweigh the clear conflict with the

development plan in terms of its policies relating to the appropriate location of housing development within the district and the impact of the proposal upon the character and appearance of the area.

Conclusion

37. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR