
Appeal Decision

Site visit made on 18 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/X1545/W/24/3347722

White Horse Cottage, Tillingham Road, Dengie, Essex CM0 7UD

- 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 Kenneth Gunner against the decision of Maldon District Council.
 - The application reference is OUT/MAL/24/00267.
 - The development proposed is to construct 1no. new 3 bedroom detached bungalow with detached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development would be in a suitable location and with regard to access to services and facilities.

Reasons

3. The appeal site relates to the side/rear garden of White Horse Cottage, a two-storey dwelling that lies on the junction between Tillingham Road and Manor Road. The wider area comprises mainly open fields and arable land.
4. Policy S1 of the Maldon District Local Development Plan 2017 (LP) supports growth in sustainable locations. It seeks to minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport.
5. The appeal site is situated in an area designated, in policy terms, as countryside, and most development in the vicinity is primarily arranged in a linear pattern along one side of Manor Road to the south. The appellant states that the nearest settlement at Tillingham is around a 600 metres away, accessed via the B1021, which has no lighting. Policy S8 of the LP categorises Tillingham as a 'Smaller Village', which is defined as a settlement containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities.
6. Whilst I acknowledge that it would be possible to walk or cycle to the village, the journey would only appear to be practical via Tillingham Road, which is a country lane that has no street lighting along most of its length. I saw that there is also a footpath opposite the appeal site in the direction of Tillingham, but this route would be across fields that have no pavement and no lighting.

7. The appellant has provided local bus timetables and I am informed that there are bus stops near the appeal site that run to Tillingham and further afield. However, the bus services are limited to 6-7 times a day, with none on Sundays. There are considerable waiting times between some services and the absence of any late evening and Sunday provision weighs against this mode of transport as a realistic and attractive alternative to private vehicles. Within this context, I do not consider that the closest services or facilities are within a distance of the site that makes them readily convenient by sustainable modes of transport for day-to-day purposes such as shopping and working.
8. Accessibility to services, facilities and employment from the site other than by car would therefore be poor, and it is likely that those occupying the dwelling would rely heavily on the private car. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. To my mind this weighs against the development.
9. Paragraph 83 of the National Planning Policy Framework (the Framework) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution one additional dwelling and its occupants would make to the vitality of the rural community would be small. Consequently, whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
10. I have read the two appeal decisions provided by the appellant at Seamer Road and Park Lane, however ultimately these were determined at a time when the Council could not demonstrate a 5-year supply of deliverable housing sites as required by the Framework. From the evidence before me, the Council can now demonstrate a five-year supply of deliverable housing sites and therefore paragraph 11(d) of the Framework would not be automatically engaged. Therefore these other examples are not directly comparable to the scheme before me.
11. The appellant has also referenced the implementation of a scheme on land adjacent to The Haven, however I have not been provided with the particular circumstances surrounding the determination of this permission. In any event, in my view such matters would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
12. The appellants submits that policy S8 is out-of-date, and I note the committee report extract presented to the Full Council on 3rd November 2022. Even if I were to agree, I am satisfied that there are other policies in the LP that direct development generally towards sustainable locations with provision of services and facilities in accordance with its settlement hierarchy. The Local Plan does not rule out new development in villages provided it does not result in unsustainable spatial patterns to the detriment of the wider area. This reflects the thrust of the Framework insofar as it advises that patterns of growth should be managed in support of objectives which include identifying and pursuing opportunities to promote walking, cycling and public transport use; and that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

13. I therefore conclude that the proposal would not provide a suitable location for new housing. It would be contrary to the relevant provisions of Policies S1, H4 and T2 , which amongst other things seek to minimise the need to travel and require new development to be located where there are walking and cycling routes to nearby services, facilities and public transport. It would also be inconsistent with the Framework which identifies that housing in rural areas should promote sustainable transport.

Other Matters

14. I recognise that the scheme would not give rise to any material harm to issues of character and appearance or visual intrusion into the countryside. Also the garage will incorporate electric vehicle charging, a new family home would be created and no objections have been raised in respect of the design of the scheme. However, the development would not be in a suitable location for new housing and these matters do not outweigh the detriment that would result.

Conclusion

15. Having regard to the above and all other matters advanced, the appeal is dismissed.

C Hall

INSPECTOR