
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/24/3345804

Montrose, Birchwood Road, Purleigh CM3 6RF

- 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 Shaun McSpadden against the decision of Maldon District Council.
 - The application reference is FULM/MAL/23/00949.
 - The development is a proposed pond on a former equestrian site.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to previous appeals at the site that involved similar proposals (references APP/X1545/W/21/3273450 & 22/3308502). I shall have regard to this background when considering the merits of this scheme.

Main Issue

3. The main issue is the effect of the proposal on character and appearance of the site and surrounds.

Reasons

4. The appeal site relates to a detached house in a row of other residential properties. To the rear of the garden is a large area of grass that I am informed has a lawful use for equestrian purposes, albeit unused at present. The site is situated in a rural area surrounded by open fields and areas of woodland.
 5. At my visit I observed that the local topography is relatively flat in nature. Whilst the appeal site slopes downwards slightly from the residential garden towards the equestrian area, the open, undeveloped land is nevertheless visible through surrounding boundary hedgerows, and exhibits many of the characteristics of the local countryside. In this respect, I share the previous Inspectors' reasoning that *'this openness and the generally flat landscape are strongly positive characteristics of the locality'*.
 6. The current proposal seeks to respond to the previous appeal decision by reducing the overall size and depth of the lake, and decreasing the height of the banks that border the lake. I have been provided with cross section drawings to demonstrate the maximum water level and the extent of sub soil needed to establish the banks.
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7. The Council acknowledges that the reductions to the proposal would lessen the impact of the development to a degree when compared to the latest appeal scheme (22/3308502). However, I am told that the height of the 'island' in the centre of the proposal has not been decreased, and although the appellant asserts that the banks are no more than 0.78m in height, Cross Section B-B shows that the eastern bank/bund would have a height increase of at least 1.1m, which is only marginally less than the previous scheme which measured to a height of 1.4m, and the most southerly point of Cross Section A-A, shows a more abrupt increase in land levels than previously proposed.
8. The appellant does not appear to dispute these arguments specifically or provide alternative figures; taking into account the spot heights on the cross section drawings I am satisfied that the Council's evidence is broadly accurate. As such, I am drawn to find that insufficient alterations have been incorporated into the development to address the reservations of the previous Inspectors, and I share those concerns.
9. To my mind, the extensive re-contoured and raised land forms that would accompany the lake would stand out as a discordant elements with the wider setting. I appreciate that conditions could ensure additional planting on the boundaries, still this would have limited effect in screening such an extensive change. As such, the proposal would be injurious to the character of the rural environs.
10. The appellant contends that banks and raised land are common features in the countryside. However, I would repeat the previous Inspector's explanation that this general observation does not outweigh the harm that would occur with regard to the particular effects of the proposal in this specific location. I also acknowledge that the proposed lake and related planting would have some ecological benefits, that there is no objection in principle to the lake itself, and the scheme would not be for commercial use, but these issues would not outweigh the detriment that would arise.
11. The appellant states that should it be felt there is still an a concern with the earth banks, the only issue, this can be controlled via condition. However, I am not clear how this would be achieved and no further explanation is given.
12. Taking the above into account, I conclude that the proposal would be injurious to the character and appearance of the site and surrounds. It would contravene to Policies S1, S8 and D1 of the Maldon District Local Development Plan 2017, which seek to protect the countryside and local context and emphasise the importance of high quality design in all developments.

Conclusion

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

C Hall

INSPECTOR