
Appeal Decision

Site visit made on 23 September 2025

By David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 9th October 2025

Appeal Ref: APP/X1545/W/25/3366603

Latchingdon Hall, Rectory Lane, Latchingdon Essex CM3 6HD

- 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 Mr Roy Gandy against the decision of Maldon District Council.
 - The application Ref FUL/MAL/24/00842, is dated 25 October 2024.
 - The development proposed is erection of a self-build elliptical house.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The Local Planning Authority's (LPAs) decision notice contained three reasons for refusal. The second and third reasons for refusal are no longer contested by the LPA as part of this appeal following the submission by the appellant of an updated Preliminary Ecological Assessment (PEA) and a signed and dated Unilateral Undertaking (UU) containing obligations to pay a financial contribution towards mitigating the adverse impacts of increased recreational disturbance on proximate protected habitats. The LPA has assessed the updated PEA and the submitted UU and confirmed they satisfactorily address its previous concerns. I have read the updated PEA and the submitted UU and find no reason to disagree with the LPA.
3. There is little dispute that for the purposes of development plan policy contained in the Maldon District Local Development Plan 2014-2029 (the MDLDP), the appeal site is in the countryside. The appellant considers the appeal proposal would meet the requirements of paragraph 84e) of the National Planning Policy Framework (NPPF).
4. Accordingly, the main issues in this appeal are as follows:
 - (i) The development plan in respect of the principle of what is proposed having regard to its location;
 - (ii) Whether the proposal would comprise an isolated home in countryside;
 - (iii) Whether the proposal would comprise a design of exceptional quality; and
 - (iv) The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Development Plan and location

5. There is a clear spatial strategy in the MDLDP to direct most growth to the main settlements and then the larger villages to secure a sustainable pattern of development. Policy S1 of the MDLDP sets out a raft of key principles for decision making to secure sustainable development in a Maldon District context. This includes, amongst other things, delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations, minimising the need to travel, and where travel is necessary, to prioritise sustainable modes of transport.
6. The appeal site is some distance from principal settlement in Latchingdon and Althorne. These are both defined as 'smaller villages' in Policy S8 of the MDLDP, reflecting limited facilities and public transport. The overall approach through Policy S8 is to support sustainable developments within settlement boundaries and to protect the countryside for its intrinsic value. Policy S8 identifies a range of developments that could be supported in terms of requiring a countryside location. This does not include houses of exceptional design quality or proposals that would raise the standards of design more generally in rural areas.
7. Rectory Lane connects the appeal site directly into Latchingdon, albeit over an appreciable distance. It is generally a narrow rural byway where the speed limit is 60mph until you reach the B1018. There is no lighting and there are limited verges to safely step off when encountering vehicular traffic. There are notable stretches without any natural surveillance from properties. Consequently, it would not be an attractive route for pedestrians or cyclists from the appeal proposal to access the local services in the village.
8. The appellant refers to an alternative public footpath network into Latchingdon. These unmade paths are largely remote and exposed across intervening farmland. They may provide for a pleasant occasional recreational trip into the village, but they would not be appealing for regular walking, particularly in winter months. Overall, I do not find that future occupants of the appeal proposal would readily walk or cycle into Latchingdon to access the services and facilities.
9. With regards to Althorne, the distance from the appeal site is even greater compared to Latchingdon. The most direct route is along the B1010 Lower Burnham Road. Whilst this has a speed limit of 50mph, there is generally no street lighting and footways only begin at Riverview Park such that there is a long stretch between this point and the appeal site where pedestrians would have to walk in the carriageway. It would not be safe or convenient for pedestrians from the appeal site to walk into Althorne on a regular basis. Cyclists would need to negotiate the B1010 which at the time of my site visit (which coincided with the end of the AM peak) was a heavily trafficked road, reflecting that is one of the main routes across the Dengie Peninsula to Burnham-on-Crouch. In my view, only a very confident cyclist would be prepared to use the B1010 to access services in Althorne, including the railway station. All of this points to future occupants of the appeal proposal being highly unlikely to walk or cycle into Althorne.

10. There is little dispute that public transport at the appeal location is very limited and comprises just 3 services each way (Monday to Friday)¹. There is reference to bus stops on the B1010 close to the Rectory Lane junction but there is no evident physical infrastructure such as bus shelters. Consequently, future occupiers of the proposed dwelling would be highly unlikely to use public transport to any meaningful extent.
11. Whilst I recognise that the NPPF at paragraph 110 states that opportunities to maximise sustainable transport solutions vary between urban and rural locations, it is nonetheless the case that the appeal site is distant from main settlements, local services and facilities and very poorly served by public transport. Sustainable transport solutions, other than using ultra low or zero emission vehicles, at the appeal location are negligible. Consequently, future occupiers of the proposed dwelling would be heavily reliant on the car. Whether that is an electric car, powered by on-site renewables, does not overcome the policy conflict with the development plan of directing growth to sustainable locations where the need to travel is minimised.
12. In conclusion, the appeal proposal would be contrary to Policy S1 of the MDLDP in that it would not be sustainably located or minimise the need to travel. The appeal proposal is not one of the circumstances where development would be supported in the countryside and so it would be contrary to Policy S8 of the MDLDP. Given the circumstances described above in terms of the rurality of the location I find the appeal proposal would give rise to a significant degree of conflict with these policies.

Whether an isolated home in the countryside?

13. The appeal site comprises part of the verdant grounds surrounding the former rectory known as 'Latchingdon Hall'. Directly to the north of the appeal site is open countryside. Immediately to the west is a modern barn-style residential building, to the south-west the former Church of St Michael which has been long converted into a dwelling. A short distance to the east on Rectory Lane there are two dwellings and to the south-east the dwelling of Latchingdon Hall and its extensive outbuildings and a few further dwellings on Lower Burnham Road including the converted water tower. All of this amounts to a smattering of housing in the countryside. There are no facilities at this small, scattered arrangement of housing in the countryside and no sense of coherent settlement or community. The appeal site is distant from any nearest tangible settlement at either Latchingdon or Althorne.
14. Accordingly, the proposed dwelling would be isolated for the purposes of engaging paragraph 84e) of the NPPF.

Whether the design is of exceptional quality

15. NPPF paragraph 84e) allows for isolated homes in the countryside in defined circumstances including where the design is of exceptional quality. There are two parts to the national policy. Firstly, that the design is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. Secondly, that the design would significantly enhance the immediate setting, and be sensitive to the

¹ Detailed in the LPAs Officer Report at paragraph 5.2.5.

defining characteristics of the local area. I deal with those requirements in that order.

(i) *Truly Outstanding design*

16. The elliptical design concept for the house was initially conceived by the appellant (an "initial rough sketch" (provided in the Design and Access Statement)). Its genesis appears to reflect the appellant's interest in design, form and the application of cutting edge technologies and materials and how that could be applied in the construction of housing. The design is described as taking its aesthetic cues from the simplicity of Frank Lloyd Wright, Le Corbusier and the Bauhaus movement. The elliptical form would make for an aesthetically interesting dwelling but otherwise the proposed dwelling would be very much read as a straightforward homage to modernist architecture representative of early mid-Twentieth Century architecture. The proposed simplicity, functionality, sharp lines and flat roofs, evocative of modernist architecture, have been skilfully deployed in the design of the building. However, the corollary of this is that the design is not really pushing the boundaries of what could be possible at the end of the first quarter of the Twentieth First Century for the concept of a country house. In large part, it feels that the design cues were largely driven by personal design predilections and subsequently imposed on the location, and within the plot, rather than being conceived as a bespoke response to the countryside location.
17. The design would deploy some vernacular elements to tie the building to its context, including the external application of local Kentish Ragstone. However, the plans before me, on this and other important elements of the building such as openings, are not particularly detailed. Whilst I understand these matters could be the subject of conditions, I would anticipate for a Paragraph 84e) dwelling a series of detailed plans to provide confidence that the end product would be finished to a quality that would be truly outstanding. The small set of CAD drawings before me are comparable to what one might expect for any run-of-the-mill self-build house project. This project may have been many years in the making but there is, however, relatively little to persuade me that its design, in terms of its form and appearance would meet the high bar of being an exemplar of twenty-first century rural vernacular design.
18. The design is not the product of a single architectural practice. The appellant is described in various documents as the "lead designer" reflecting his background in product design. The rationale for the team approach is explained as a response to most architects not having knowledge of the proposed materials and construction techniques. Nonetheless, from the information provided, including the brief document titled 'Architect and Designer Profiles', I am not persuaded that this explanation is particularly strong or that the assembled team is of sufficient depth to pull together all the components of what is required for a truly outstanding design for NPPF paragraph 84e). Whilst it can be positive to have many inputs, the resultant design outcomes for this scheme feel oddly underwhelming and lacking a central, coherent narrative of what would constitute the exceptional quality. Overall, I have found the Design and Access Statement (DAS) and the various plans before me to be competent but not to contain a depth of analysis or detail in the supporting evidence and drawings to meet the very high bar for a truly outstanding design.

19. Whilst I understand the Council may not be providing a pre-application service, there is nothing before me to say whether the scheme has been through any design review panel process or peer review to test and scrutinise the quality of the proposed design. The 'Sustainability Review' document provided by the appellant (also labelled the 'Sustainable Design Review') is very brief at just 10 pages, most of which is relatively basic, graphic/image led information, which does not shift the dial on demonstrating the design should be considered of exceptional quality. Whilst it would be undoubtedly a dwelling of a high design standard, on form and appearance it would not come close to the threshold of truly outstanding.
20. A key strand of the appellant's case for meeting NPPF paragraph 84e) is the proposed materials and construction process. There are 3 elements to this including the use of 'Concretene', 'Basalt Rebar' and geothermal piles. These are a response to the design brief for the building to be carbon negative and the appellant's clear interest in the use of cutting edge materials and applications. It is submitted that the appeal proposal would be the world's first residential application of 'Concretene', a nascent graphene enhanced concrete product with an appreciable reduction in the carbon footprint. 'Concretene' appears to have been used in other construction applications, but I take at face value, based on the relatively limited evidence before me, that the appeal proposal would be an innovative application of the product.
21. In terms of 'Basalt Rebar' this would incorporate basalt fibres within mortar, which could replace the need for steel rebar in construction. The appellant says whilst it has been used in other countries, it has not been applied in a residential scheme in the UK. It is also explained that the appeal scheme would provide a unique opportunity to apply 'Concretene' and 'Basalt Rebar' in the same scheme.
22. I understand the companies involved in 'Concretene' and 'Basalt Rebar' are keen to trial their products in a domestic building as a springboard to wider opportunities and sales. This will undoubtedly require pioneers such as the appellant. However, the technical information to support the claims being made is remarkably scant, limited generally to a single page in the DAS for each product and a single letter of general support from the companies accompanying the appeal. I recognise the appellant sought a hearing for this appeal but this would not have been the appropriate arena to introduce new evidence or to significantly expand in oral submissions on the limited evidence that was before the LPA and any other interested persons.
23. The proposal would also involve geothermal piles. This technology already exists and has been implemented on other schemes. The very limited information in the DAS refers to experience of their use in the UK for domestic buildings, and whilst that might be limited, the appeal proposal would not be unique in this regard. I understand the appeal scheme would allow for geothermal piling in combination with the other two products, but I have very limited information on why this should be considered truly outstanding. I can see it could help raise the standards of design and construction in terms of energy efficiency, but this would not amount to a design of exceptional quality without meeting the other requirements of paragraph 84e).
24. I have little doubt that the appellant has a genuine and strong desire for the proposed dwelling to serve as a testbed for these emerging products and

technologies. There is, however, very little before me on how the performance and endurance of these technologies would be monitored other than to leave these matters to a condition attached to any planning consent and a slight reference to a 'living lab'. There is no suggested condition to grapple with this from either the LPA or the appellant which could demonstrate to me that it would meet the necessary tests of being enforceable and precise.

25. Overall, whilst the proposed palette of materials and techniques would be innovative and potentially at the vanguard of residential construction, the proposed products are part of the direction of travel to reduce carbon in construction. Whilst there will always need for front-runner projects, I find the limited information before me means I can only conclude on this point that the appeal proposal would raise the standards of design more generally but it would not meet the threshold of truly outstanding.

(ii) Significantly Enhance Immediate Setting

26. The appeal site has been carved out of the wider grounds of the host dwelling. There is relatively little before me to explain the proposed positioning and orientation of the building within the plot other than to take advantage of the panorama available to the north-west and restrictions created by existing trees. Sections 3, 8 and 12 of the DAS on 'Sensitive to the Defining Characteristics of the Local Area', 'Landscape and Visibility' and 'Nature Regeneration.....' are notably brief. There is also little before me as to whether a specific landscape architect has been involved in the project, given paragraph 84e) is about designing homes of exceptional quality in the countryside.
27. The part of the grounds to Latchingdon Hall proposed for the new dwelling are pleasant and do not detract from the surrounding rural character. There is very little from the plans before that significant consideration has been given to how the dwelling would assimilate into its plot and enhance the immediate setting, other than to cut it into the gentle slope. I find the approach relatively unconsidered and lacking a bespoke response to the context. In my view, it would be largely experienced as a large, modern house on a relatively plain plot. That would be far short of truly exceptional and something that could be achieved on any other sizeable building plot.
28. As an existing verdant plot, it is somewhat difficult to demonstrate that accommodating a large building would significantly enhance the immediate setting. Nonetheless, the proposed scheme lacks detail or vision for the wider plot. The proposed site plan is largely uninspiring and typical of most residential proposals for large single dwellings. That may be part of the simple, form over function, aesthetic which is central to the design vision for the scheme. However, this simplicity cannot be construed as significantly enhancing the immediate setting.
29. Overall, the appeal proposal would not significantly enhance the immediate setting which is a fundamental requirement of NPPF paragraph 84(e).

Overall conclusion on whether design of exceptional quality

30. The appeal is described as the world's first tripartite application of 'Concretene', 'Basalt Rebar' and geothermal piling. Whether that amounts to something that would be truly outstanding, reflecting the highest standards in architecture is difficult to determine on the limited information before me. In any event, NPPF

paragraph 84e) requires a holistic approach to design of exceptional quality such that the innovative use of materials on their own would not meet the threshold required. As I have found above, the form and appearance would not reflect the highest standards in architecture and nor would the scheme significantly enhance its immediate setting.

31. Accordingly, I do not consider the overall design of the dwelling to meet the requirements of NPPF paragraph 84e). I do, recognise, however, that there are environmental credentials to the proposed building arising from the innovative use of materials and that the proposed dwelling would be a self-build project. I return to this in the final balance below.

Character and Appearance

32. The appeal proposal would comprise a sizeable new structure in the countryside. Whilst the building has been designed to utilise the gentle slope of the site so as to cut in the lower ground level, the upper part of the building would appear as a sizeable single storey dwelling incorporating a large triple garage. It would not be highly visible from within Lower Burnham Road or from within the cemetery of the former Church. The proposed dwelling would not be conspicuous from within Rectory Lane to the north when approaching from Latchingdon due to intervening vegetation, including trees to be retained on the appeal site.
33. The proposed dwelling would be positioned in what is currently part of the mainly grassed grounds of Latchingdon Hall. Whilst the appeal site has some rural qualities, these are weakened because of it has been more widely subsumed within the residential grounds of the former rectory. The appeal site is contained from the wider, more open countryside by mature hedging to the north and a barn-style dwelling immediately to the west. To the south and south-east are other buildings. In large part, the proposed dwelling would unobtrusively consolidate the existing pattern of scattered housing in this part of Latchingdon.
34. The dwelling would be visible from within a short length of Rectory Lane between the existing access to the outbuildings at Latchingdon Hall and the northern boundary hedge. In this perspective, the extensive range of large outbuildings at Latchingdon Hall would be prominent in the foreground. The modern barn style dwelling beyond the appeal site is also visible from this part of Rectory Lane. In this context, despite its scale and appearance the proposed dwelling would not have a particularly intrusive or significantly urbanising effect. Any views would be filtered by existing trees and planting along the Rectory Lane boundary at this point. The position and massing of the proposed dwelling would not interrupt any wider views from a public vantage point across the gently undulating landscape. Any residual glimpsed views from within the short stretch of Rectory Lane could be confined further by a landscaping condition in terms of the eastern boundary treatment of the proposed plot.
35. Overall, I find that due to the proposed dwelling's position within the already domesticated curtilage of Latchingdon Hall, its relationship to existing buildings and its containment by existing, established vegetation, there would be no significant harm to the character of the countryside at this location. The building would be glimpsed from a short section of Rectory Lane but would be experienced within the context of large outbuildings in the foreground and

against existing development beyond in the modern barn-style building. I therefore conclude that there would be no conflict with MDLDP Policies D1 and H4 which require development, amongst other things, to respect and enhance the character and local context, and to achieve the effective use of land, including, having regard to the location and setting of the site.

Balance and Conclusion

36. The LPA says it cannot demonstrate a five year supply of deliverable housing land and cites a figure of 2.7 years. Accordingly, having regard to NPPF paragraph 11(d), Policies S1 and S8 which seek to deliver a sustainable level of housing growth to meet local needs and to support sustainable developments within the defined settlement boundaries are both out of date. Consequently, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
37. As set out above, there would be no significant harm to the character and appearance of the area. The LPA has also determined that there would be no harm to the setting of the Grade II listed former St Michael's church. From everything I observed on the appeal site and in the cemetery and footpath network to the north-west, I would agree with that assessment.
38. Whilst the design of the appeal proposal would not meet the demanding threshold of NPPF paragraph 84e) for a design of exceptional quality, there are nonetheless environmental qualities in carbon reduction from the proposed use of materials and construction techniques. The proposed approach would accord with NPPF paragraph 164b) on reducing greenhouse gas emissions through design. As such I give the environmental and potentially wider economic benefits of innovative materials and techniques moderate positive weight in the overall balance.
39. Similarly, whilst not meeting the totality of what would be required under paragraph 84e) for truly outstanding, the proposal would help to raise design standards more generally in rural areas. However, it remains that all development should strive to deliver good design, given that securing high quality, sustainable developments is fundamental to what the planning and development process should achieve. As such I give only limited positive weight to the overall design standard of the proposed dwelling.
40. The construction of the single dwelling would give rise to limited economic benefits. It is described as a self-build dwelling. The NPPF paragraphs 61 and 63 state that the needs of groups with specific housing requirements should be addressed, including those who wish to commission or build their own homes. There is very little before me on the availability of self-build plots in Maldon District and whether the appellant could reasonably achieve a self-build project somewhere else. As such I give the self-build nature of the appeal proposal only limited positive weight. Allied, to this, the appeal proposal would deliver an additional dwelling in the context of a notable shortfall against the required supply of deliverable land for housing. However, a single dwelling would only make a very modest contribution to the overall shortfall and so I give this social benefit only very limited weight.
41. Whilst Policies S1 and S8 are out of date, that does not mean they are of no weight. The objectives of the policies, insofar as they relate to securing sustainable patterns of development and carefully managing development in

the countryside are consistent with the NPPF. In particular, paragraph 83 states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Additionally, NPPF paragraph 84 says planning policies should avoid the development of isolated homes in the countryside unless a particular circumstance applies. Furthermore, the NPPF at paragraph 110 says that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Policy S8 and the accompanying clarification at paragraph 2.102 of the MDLDP are broadly consistent with NPPF paragraph 110. Bringing this altogether, I find that the degree of consistency with national policy means that Policies S1 and S8 should be ascribed significant weight.

42. The locational conflict due to the distance from settlement and facilities, and the very limited accessibility by means other than the private car means the degree of conflict with these policies should be given significant negative weight in the balance. Consequently, whilst, cumulatively, there are various moderate and limited benefits weighing in favour of the appeal proposal the clear and considerable conflict with development plan policies aimed at securing sustainable patterns of housing development and carefully managing development in the countryside is a harm that would significantly and demonstrably outweigh these benefits. Accordingly, the appeal proposal would not amount to sustainable development.
43. I have had regard to all other matters raised, including representations supporting the proposal, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.