



Appeal Decision

Site visit made on 28 October 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th November 2025

Appeal Ref: APP/X1545/W/25/3367913

Land Adjacent to Treboeth, Church Lane, Stow Maries CM3 6SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs G and D Driver against the decision of Maldon District Council.
 - The application Ref is OUT/MAL/24/00822.
 - The development proposed is described as 'outline planning application seeking determination of access and layout for development comprising three chalet bungalows with associated private amenity space; vehicular parking; landscaping; and biodiversity net gain enhancements. All other matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Outline planning permission is sought. The application includes matters of access and layout, with appearance, landscape and scale reserved matters.

Main Issues

3. The main issues in this appeal are:
 - whether the site would be a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the location

4. Policy S1 of the Maldon District Local Development Plan 2014 – 2029 (LDP) aims to deliver housing to meet needs in the most sustainable locations. The LDP sets out a settlement hierarchy to inform the location of strategic growth, with Stow Maries identified as a smaller village due to the limited services, public transport and employment opportunities available.
5. Stow Maries has a defined settlement boundary within which Policy S8 of the LDP supports sustainable development. However, the appeal site lies just outside this boundary in the countryside. Given their proximity to other properties, the proposed three market houses would not be isolated dwellings in the countryside which the National Planning Policy Framework (the Framework) aims to avoid. Nevertheless, the proposal does not fall within any types of development allowed

in the countryside by Policy S8. As such, the proposed scheme would be contrary to the Council's spatial strategy.

6. Policies S1, T1 and T2 of the LDP seek to direct homes to the most sustainable locations, minimise the need to travel and prioritise sustainable modes of transport. This includes giving priority to pedestrians, wheelchairs, cyclists and public transport over private vehicles and providing safe and direct walking and cycling routes to nearby facilities and public transport where appropriate.
7. There is a hall, church, public house and some other businesses within or close to Stow Maries, but the nearest primary school is around 1.6km from the site and the closest convenience store is approximately 2.4km away. As such, essential day to day services are some distance from the site. The closest bus stops lie within walking distance around 0.4km away, but there is no substantive evidence before me on the frequency of bus services or the destinations served from these stops. Access to a wider range of facilities would require a journey at least as far as the nearest town of South Woodham Ferrers, over 3km away.
8. There are unlit footways further along Church Lane and along The Street towards the bus stops, school and store. However, the part of the road on which the appeal site lies is a narrow, country lane subject to a 30mph speed limit with no street lighting or separate footways, requiring those on foot to walk on the carriageway.
9. In this case, walking and cycling would be an option for some trips by some people. Use of buses could also be an option, depending on the frequency of services and places served. Nonetheless, the nature of the route and the distance to services would limit their attractiveness, particularly for older people, those with reduced mobility or with children and at times of darkness and bad weather. The appellants acknowledge that most trips would be by private car, and I agree that future occupiers of the proposed dwellings would be likely to be reliant on private vehicles to access most services.
10. The provision of electric vehicle charging points would encourage the use of electric vehicles by future occupiers, thus reducing carbon emissions in the long term as the use of such vehicles becomes more widespread. Nevertheless, although car journeys to the nearest town would be relatively short, a reliance on private motor vehicles to access facilities would remain.
11. Consequently, I conclude that the site would not be a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities. In this respect, the proposal would conflict with Policies S1, S8, T1 and T2 of the LDP.

Character and appearance

12. The appeal site comprises a field which slopes down away from Church Lane between a grassed track separating it from the chalet dwellings to the north and a disused railway cutting to the south. Whilst the large grounds of a residential property lie opposite the site, there are no dwellings this far down the lane. There are some well-established boundary trees and hedgerows around the site, but wide-ranging views of fields, tree belts and rolling hills beyond are evident through the field access and when approaching the site from Stow Maries. There is a distinct change between the residential development to the north and the more open, rural character with long distance countryside views across the site.

13. The proposal is for three chalet bungalows using the existing access point onto Church Lane. The appellants consider that the former railway line provides a definitive buffer to the extent of the village. However, the introduction of houses, hardsurfacing for vehicular access and parking, and residential paraphernalia would result in significant urbanisation of this part of the lane, giving it a domestic appearance and adversely affecting its open, rural character. New native hedging along the north boundary and between the rear gardens would also cause harmful enclosure of the site, removing some views of the wider landscape.
14. The existing properties on this part of Church Lane have a somewhat varied pattern and are served by individual accesses onto the road. In contrast, the proposed houses would follow the same building line with only small gaps between them, served by a single access onto the lane, creating a regimented and estate-like pattern at odds with the less formal layout of buildings in the vicinity.
15. Use of the existing access would minimise the need to perforate through the roadside planting which would provide some screening of the scheme, particularly during the spring and summer months when hedges are in full leaf. Nonetheless, the proposed access and driveway would be evident from the road, and new built development would be clearly visible through the access point, harmfully eroding the open countryside and appearing incongruous in views from the lane.
16. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies S1, S8, D1 and H4 of the LDP. Together, these require developments to respect the local context, including in relation to landscape setting and layout, and to not adversely impact upon the intrinsic character and beauty of the countryside, amongst other things.

Other Matters

17. The Council did not find harm or development plan conflict in relation to several other matters, including flood risk, living conditions, parking, highway safety, trees and ecology. Nevertheless, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed development.
18. The appeal scheme would be likely to have a significant effect, either alone or in combination, on one or more European habitats sites due to its location within the Zone of Influence set out in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). However, notwithstanding the unilateral undertaking to contribute towards mitigation measures in the RAMS, given my conclusion below there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Planning Balance and Conclusion

19. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework. The Council's position is that it has a 2.7 year supply. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
20. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.

21. The Framework seeks to boost housing supply and highlights the important contribution small sites can make. The proposal would make a modest contribution of three dwellings to the supply of housing, helping to meet the identified need for larger homes in the district. It would contribute towards Maldon's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
22. There would also be some economic and social benefits, including opportunities for local businesses during the construction phase and support for local services by future residents. This would accord with the Framework where it seeks to enhance the vitality of rural communities. Further, the biodiversity net gain which would exceed the mandatory 10% uplift carries weight in favour of the proposal. However, given the relatively small scale of the scheme and ecological enhancements, these benefits would be limited.
23. In contrast, the site would not be a suitable location for housing, and the proposed development would harm the character and appearance of the area. This would conflict with the Framework where it requires developments to be sympathetic to local character, prioritise sustainable transport modes and achieve suitable access to sites for all users. Indeed, I must pay particular regard to directing development to sustainable locations when applying paragraph 11(d)(ii) of the Framework. The proposal would also be contrary to Policies S1, S8, T1, T2, D1 and H4 of the LDP. These matters carry significant weight against the proposal. Thus, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits.
24. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR