



Appeal Decision

Site visit made on 20 November 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/X1545/W/25/3372731

Land adjacent to 30 Conduit Lane

Grid Ref Easting: 581146, Grid Ref Northing: 204645

- 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 Mrs R Ridgwell against the decision of Maldon District Council.
 - The application Ref is 24/00772/FUL.
 - The development proposed is Construction of 4No. three bedroom detached dwellings and 2No. four bedroom detached dwellings, (with associated garages and carports. New vehicular accesses to each property.).
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Decision

1. The appeal is allowed and planning permission is granted for Construction of 4No. three bedroom detached dwellings and 2No. four bedroom detached dwellings, (with associated garages and carports. New vehicular accesses to each property.) at Land adjacent to 30 Conduit Lane, Grid Ref Easting: 581146, Grid Ref Northing: 204645 in accordance with the terms of the application, Ref 24/00772/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. In the banner heading above I have used the description of development taken from the Council's decision notice and the appeal form, as opposed to the application form, as it more accurately describes the development for which permission is sought.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services, employment opportunities and facilities;
 - the effect of the proposal on the character and appearance of the local area with particular regard to the local landscape and the countryside as a whole; and
 - the effect of the proposal on European protected sites.

Reasons

Character and appearance

4. The appeal site is an undeveloped area of open grass land adjoining Conduit Lane, a narrow, single track road. Conduit Lane is lined by ribbon development of two storey and single storey dwellings, many with front facing gables and dormer windows serving rooms within the roof spaces. Dwellings are generally set back away from the highway within generous plots with mature planting, creating a pleasant, green character.
5. Dwellings adjoin the appeal site to the west and the north on the opposite side of Conduit Lane. To the south is a golf driving range with an extant reserved matters approval¹ (RMA) for eighteen dwellings. A public right of way (PROW) runs to the eastern side of the appeal site.
6. Reference has been made to Woodham Mortimer's Arcadian landscape character, as described within the Maldon District Design Guide (2017) (MDDG). Key characteristics of Arcadian settlements within the District include the layout of houses generally in large plots and partially hidden from public view, nestling in mature tree cover, hedgerows and landscaping and structural planting.
7. The proposed dwellings, featuring front-facing gables and dormer windows, would reflect the design, scale, and bulk of surrounding properties on Conduit Lane. Their layout, set back from the highway within comfortably sized plots, would follow the established local pattern of development.
8. Whilst the vehicular accesses and associated visibility splays would create incursions into the hedgerow, this would not appear at odds to the accesses to the dwellings onto the highway immediately opposite the appeal site. The appellant states, and the Council does not dispute, that this would result in the loss of approximately 14% of the hedgerow along Conduit Lane, with hedgerows being maintained along the rest of the frontage. In addition, 4 existing trees would be removed and replaced with 22 new trees as part of the landscaping scheme.
9. The proposed landscaping, including planting within front gardens and along the PROW boundary, would help the dwellings integrate into their surroundings. A condition requiring detailed landscaping plans, additional planting, and the replacement of any failed vegetation within the next planting season could be imposed. This would ensure long-term screening to filter views of the dwellings which would prevent them from becoming overly visually prominent.
10. The site slopes down from Conduit Lane, and the dwellings would sit at a lower level than the highway. This would reduce their prominence which, combined with their generous set-back would ensure they are not visually dominant in views from Conduit Lane. Overall, the development would sit comfortably within the Arcadian landscape described in the MDDG and would not appear harmfully intrusive.
11. I acknowledge the site lies outside the defined settlement boundary, which was deliberately drawn to exclude it. However, given the presence of residential development to the west and north, and the future development to the rear, the scheme would not appear incongruous despite being beyond the settlement boundary.
12. Views from the existing PROW would become more domesticated, with dwellings and gardens visible despite proposed native hedgerow planting. However, as the

¹ Council Ref: 24/00844/RESM

proposal would not harm the area's character, this visibility would not result in unacceptable impact.

13. The proposal would not be harmful to the character and appearance of the area, including the surrounding landscape. It accords with policies S1, S8, D1, and H4 of the Maldon District Local Development Plan (2017) (LDP) and guidance contained within the National Planning Policy Framework (2024) (Framework). Amongst other things, these require development to protect the countryside for its landscape, and ecological value as well as its intrinsic character and beauty, and to have no adverse impact on the character or appearance of the surrounding area.

Suitable location

14. Policy S2 of the LDP sets out the strategic approach to the location of development. It identifies that, strategic growth will be focused within the District's main settlements as they constitute the most suitable and accessible.
15. Policy S8 of the LDP identifies Woodham Mortimer as a 'smaller village'. However, in relation to sites outside settlement boundaries, it advises that planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted and proposals comply with policies within the LDP, neighbourhood plans and other local planning guidance.
16. The main parties agree that the proposal would be located outside any defined development boundary and, consequently, would be within an area of open countryside. However, the settlement boundary for Woodham Mortimer adjoins the appeal site to the west and on the opposite side of Conduit Lane. To the south, the golf driving range site would further enclose the appeal site within built form were the RMA for 18 dwellings to be built out. As such it is not an isolated, rural location.
17. I accept that Conduit Lane is a narrow, unlit road without pavements. However, at the time of my site visit, which I acknowledge is a snapshot in time, Conduit Lane was very quiet with very few vehicles accessing it. It seems to me that it would not be an especially unattractive route for future occupiers to walk or cycle the short distance before the pavement begins on Maldon Road.
18. Whilst Woodham Mortimer has limited services and facilities there are two bus stops on Maldon Road which provide frequent bus services to Chelmsford, Maldon and Burnham-on-Crouch. These sizeable settlements have a wide range of shops, services and employment opportunities, which would be accessible to future occupiers. There is also a further bus stop located on Post Office Road, served by buses which provide a limited service to Maldon.
19. Whilst the Framework is clear that sustainable transport should be promoted, it does recognise at paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
20. It has been put to me that Woodham Mortimer is classified as a 'smaller village', typically with few shops and services, limited access to public transport and few employment opportunities. Further, the Maldon District Rural Facilities Survey and Settlement Pattern (2023) identifies the village as a 'Hamlet' scoring the 7th lowest of 38 settlements in terms of services and facilities across the District.

21. Nevertheless, I am mindful of the guidance contained in paragraph 83 of the Framework which 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 and where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposal's future occupiers would likely contribute to the vitality of the services, facilities and public transport in Woodham Mortimer even if future occupiers do rely on private motor vehicles to an extent, particularly during inclement weather. Therefore, in the particular circumstances of this case, I conclude that the site is a suitable location for residential development.
22. An Inspector² previously found that a proposal for a single dwelling on Bryant's Lane, outside the settlement boundary of Woodham Mortimer, would not be in a suitable location. However, I note that that appeal site was located to the north of Maldon Road and is disconnected from the main village by the busy A road. In contrast, the appeal site is located closer to the main body of the village, adjoining the settlement boundary and therefore the suitability of the locations of the two sites varies.
23. Appeal decisions within the District near Asheldam³ and Goldhanger⁴ are referred to by the Council to illustrate the importance of locational sustainability. In the case of the Asheldam appeal, the local bus service appeared to be less frequent and to fewer destinations. Whilst the Inspector in the Goldhanger appeal decision found that that site was not suitably located, I note that the decision refers to the golf driving range which is adjacent to the appeal site before me, and outlines that the planning committee found the site to be in a sustainable location. In this case I have also found that the appeal site itself is in a suitable location.
24. For the reasons above, the proposed development would be a suitable location for housing, having regard to the Council's spatial strategy. It would therefore be compliant with policies S1, S2, S8, T1 and T2 of the LDP insofar as they seek development to use sustainable transport and have a good level of accessibility to local services and facilities. It would also comply with the paragraphs of the Framework which I have outlined above.

Protected sites

25. The appeal site is located within the recognised 'Zone of Influence' for the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the protected sites. New residential development at this site has the potential to cause disturbance to several European designated sites being within the Zone of Influence of Blackwater Estuary Special Protection Area and Ramsar and the Dengie Special Protection Area and Ramsar, which provide coastal and estuarine habitats and support fauna and flora including breeding and non-breeding birds, invertebrates, and scarce plant species. Without mitigation, the development would impact on the integrity of the habitats sites by means of increased visitors and thus recreational activity in combination with other plans and projects

² Appeal Reference: APP/X1545/W/21/3283976

³ Appeal Reference: APP/X1545/W/24/3354388

⁴ Appeal Reference: APP/X1545/W/24/3345671

26. The Essex Coast RAMS sets out a strategic approach to mitigation by several Councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and RAMSAR sites.
27. The appellants have submitted a Unilateral Undertaking for the contribution of £169.45 per dwelling to fund the Essex Coast RAMS which the Council have raised no objection to. I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
28. Given this, the proposal would not harm the identified European designated sites scoped into the RAMS. It would therefore comply with Policies S1, D1, N1 and N2 of the LDP and the aims of the Framework which collectively seek to protect wildlife habitats.

Other Matters

29. Interested parties have raised concerns about flooding and site drainage. The site is located within Flood Zone 1 and therefore presents a low risk of flooding. Furthermore, I have imposed planning conditions requiring the submission of details of a Sustainable Urban Drainage Scheme to ensure that the proposal does not have an unacceptable effect on local drainage.
30. Whilst I note concerns in relation to the proposal's impact on local infrastructure, there is no substantive evidence before me to demonstrate that there would be harmful effects in this regard.
31. Interested parties state that the proposal would harm highway safety, with concerns raised about an increase in traffic and pedestrian and cyclist safety. The appeal proposal provides six dwellings which would result in a limited increase in local traffic. Each dwelling would have sufficient turning area which would enable vehicles to enter and leave the site in a forward gear. The stretch of Conduit Lane near the appeal site is narrow but relatively straight, which ensures that there would be sufficient visibility for drivers using it. This would significantly reduce the potential for conflict between pedestrians and vehicles.
32. In relation to the effect on local wildlife, the appellant's Preliminary Ecological Appraisal (PEA) outlines potential biodiversity enhancement measures, and I have imposed a condition requiring a Biodiversity Enhancement Strategy in order to promote biodiversity. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on these matters which was that there would be no unacceptable harm in these respects.

Conditions

33. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
34. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.

35. Given the narrow width of Conduit Lane and the proximity of the appeal site to residential properties, I have imposed the Council's suggested condition requiring the submission of a Construction Management Plan in the interests of neighbouring occupiers' living conditions and highway safety. I have imposed conditions requiring details of finished floor levels, foul drainage and a Sustainable Urban Drainage Scheme to avoid flood risk.
36. In the interest of character and appearance I have imposed conditions related to tree protection and requiring details of hard and soft landscaping.
37. Conditions requiring a Great Crested Newt Method Statement, Biodiversity Enhancement Strategy, a lighting design scheme and requiring that mitigation works are undertaken in accordance with the appellant's Preliminary Ecological Appraisal are necessary to promote biodiversity on and surrounding the site and to reduce potential impacts on the protected species.
38. I have imposed conditions requiring the provision of the proposed right of way, and securing improvements to the existing public right of way in the interests of pedestrian access and safety. The provision of visibility splays from the vehicular access and preventing the use of unbound surface treatment within the site are secured by conditions in the interests of highway safety.
39. To encourage sustainable transport I have imposed conditions requiring the provision of cycle parking and Travel Information Packs for future occupiers.

Conclusion

40. For the above reasons, and having had regard to all other matters raised, the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 01 Rev A; Existing Site Plan 04 Rev B; Proposed Site Plan 05 Rev E; Proposed house type A 06 Rev B; Proposed house type B 07 Rev C; Proposed house type C 08 Rev A; Proposed house type C 09 Rev A; Proposed carport 10 Rev A.
- 3) Prior to the commencement of the development hereby approved, full details of both the finished levels, above ordnance datum, of the ground floor of the proposed buildings and of the finished garden levels and hard and soft surfaces in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the following details:
 - a) Location and installation of services/ utilities/ drainage.
 - b) Details of construction within the RPA or that may impact on the retained trees.
 - c) A full specification for the installation of boundary treatment works.
 - d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - f) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
 - g) Methodology and detailed assessment of root pruning.
 - h) Arboricultural supervision and inspection by a suitably qualified tree specialist.
 - i) Reporting of inspection and supervision.
 - j) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

- 5) Prior to commencement of development, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 6) Prior to commencement of development, including any ground works or demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include but not be limited to:
- a. the parking of vehicles of site operatives and visitors,
 - b. loading and unloading of plant and materials,
 - c. storage of plant and materials used in constructing the development,
 - d. wheel and underbody washing facilities,
 - e. no waste materials shall be burnt on the site, instead being removed by licensed waste contractors,
 - f. no dust emissions shall leave the boundary of the site; and
 - g. the duration of noisy activities and their location at the periphery of the site shall be minimised.

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

- 7) No development above slab level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a. Proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities;
 - b. A planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support;
 - c. An aftercare and maintenance programme;
 - d. Wall design with brick types, construction design and dimensions;
 - e. Paved surfacing, with materials finishing and edgings;
 - f. Details of street furniture, with designs materials and dimensions.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation. The hard landscaping works shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which they relate.

- 8) No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be

implemented in full prior to the first occupation of any dwelling within the development hereby approved and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and
- Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016.

- 9) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures; and
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 10) Prior to first occupation of the dwellings hereby approved, the foul drainage for the dwellings must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwellings. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General Binding Rules" at the time of installation.

- 11) Prior to the first occupation of any residential dwelling hereby approved, the associated vehicular access which serves that dwelling at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times, and maintained as such for the duration of the development.

- 12) Prior to first occupation of the development, confirmation of the Order securing the provision of the proposed definitive right of way, as shown in principle on planning drawing no. 05 Rev E, shall be submitted to the local planning authority. In addition, details of the proposed definitive right of way, as agreed in consultation with Essex County Council Highway Authority, shall be submitted to and agreed in writing by the local planning authority. The definitive right of way shall be constructed in accordance with the approved details and made available prior to first occupation.

- 13) No unbound material shall be used in the surface treatment of the approved vehicular accesses within 6 metres of the public highway boundary.
- 14) Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Prior to the first occupation of the dwelling to which the lighting relates, all relevant external lighting shall be installed and shall be in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 15) Prior to first occupation of any residential unit hereby proved, confirmation of an Order securing the improvements to the existing public right of way footpath no. 25 (Woodham Mortimer), as shown in principle on planning drawing no. '05 Rev E', shall be submitted to and approved in writing by the Local Planning Authority. Details of the improvements to the public right of way, which shall include and is not limited to; connection to the proposed definitive right of way, and improvements to the existing gradient transition from the carriageway edge, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex County Council Highway Authority. The approved improvements to the existing public right of way shall be implemented and made available for access prior to the first occupation of any dwelling within the development hereby approved, and shall be thereafter retained for the remainder of the development.
- 16) Prior to the first occupation of any residential dwelling hereby approved, the associated vehicular access which serves that dwelling shall be constructed as shown in principle on planning drawing no. 05 Rev E. Each access shall be constructed at right angles to the highway boundary and to the existing carriageway, and shall be provided with an appropriate vehicular crossing of the highway verge.
- 17) Prior to the first occupation of any residential dwelling hereby approved, cycle parking which serves that dwelling shall be provided in accordance with Maldon District Council's Parking Standards and made fully available and accessible prior to the occupation of that unit. The cycle parking shall be secure, convenient, covered and retained at all times.
- 18) Prior to the first occupation of any residential dwelling hereby approved, dwelling, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs

(including tickets) are to be provided by the Developer to each dwelling, free of charge, prior to the first occupation of that dwelling.

- 19) The first-floor balconies on the rear elevation of House Type A (Units 1 and 6 on hereby approved plan reference '05 rev E') shall have opaque side elevation material treatment or be glazed with obscure glass (minimum Level 3 obscurity). The opaque material or obscure glazing shall be installed prior to the occupation of any residential unit and retained as such for the remainder of the development.
- 20) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, July 2024), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 21) If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.
- Notice in writing shall be given to the Council when the:
- initial enhancements, as set in the HMMP, have been implemented; and
 - habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.