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## Appeal Decision

Hearing held on 5 August 2014

Site visit made on 5 August 2014

**by Christina Downes BSc DipTP MRTPI**

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

**Decision date: 14 August 2014**

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**Appeal Ref: APP/X1545/A/14/2213722**

**Land at the junction of Maldon Road and Church Street, Goldhanger, Essex CM9 8BG**

- 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 Jenny Moody Properties Ltd against the decision of Maldon District Council.
  - The application Ref FUL/MAL/13/00839, dated 22 July 2013, was refused by notice dated 16 December 2013.
  - The development proposed is erection of fourteen x 1,2,3,4 and 5 dwellings and access drive.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of fourteen x 1,2,3,4 and 5 dwellings and access drive on land at the junction of Maldon Road and Church Street, Goldhanger in accordance with the terms of the application, Ref FUL/MAL/13/00839, dated 22 July 2013, subject to the conditions on the Schedule at the end of this decision.

### Reasons

#### ***Planning policy context and overview***

2. The development plan includes the Maldon District Replacement Local Plan (LP) adopted in 2005. Saved Policy S1 lists the settlements with development boundaries where development will be directed. Outside these boundaries saved Policy S2 seeks to protect the coast and countryside for its own sake. Saved Policy H1 states that new housing will not be allowed outside development boundaries unless it complies with other policies in the plan. Goldhanger is one of the settlements listed in saved Policy S1. There is no dispute that the appeal site is outside the development boundary or that the appeal scheme would not fall within any of the categories of housing that would be acceptable under other LP policies.
3. Saved Policy CC6 seeks to protect, conserve and enhance the natural beauty, tranquillity, amenity and traditional quality of the landscape. The appeal site is within the Blackwater–Colne Estuary Special Landscape Area (the SLA) where saved Policy CC7 aims to ensure that development conserves or restores its character. The site is also within the Coastal Zone where saved Policy CC11 includes a number of criteria relating to maintaining open rural character and views and serving local needs, amongst other things. Saved Policy T1 gives

- priority to new development within development boundaries that is accessible, secure and would not significantly impact on local amenity.
4. The main parties have referred to a number of other relevant policies in the Statement of Common Ground and these have been taken into account in the decision. The National Planning Policy Framework (the Framework) does not change the primacy of the development plan. Although the LP period has now expired, that does not mean that its policies are out-of-date. This will depend on their consistency with the Framework, as is made clear by Paragraph 215 of that document.
  5. The Maldon District Local Development Plan 2014-2029 (the emerging LDP) was submitted for examination in April 2014. However, following an Exploratory Meeting the plan has been suspended. One of the examining Inspector's key concerns related to housing numbers and whether the plan adequately reflected objectively assessed housing needs in accordance with the Framework. I was told that the examination Hearings are unlikely to take place before late 2014 at the earliest. That would indicate that the emerging LDP is not only a long way off adoption but also that its policies may substantially change. In the circumstances, and bearing in mind Paragraph 216 of the Framework, it seems to me that at this stage the emerging LDP can be given very little weight.

***Issue One: Whether the proposal is needed to meet the housing requirements of the district***

6. The Council's *Five-Year Housing Land Supply Statement 2013/14* indicates a supply of 1.8 years against the 294 dwelling per annum requirement in the emerging LDP. Aside from the concerns by the examining Inspector that this figure may prove too low, the housing trajectory shows that the supply is heavily reliant on the strategic allocations, the deliverability of which have yet to be considered during the examination process. The examining Inspector has expressed doubts about early delivery from strategic sites as, in many cases, planning applications have not yet been received and some are in multiple ownerships. Whilst the Garden Suburbs have been through a Masterplanning process there appear to be infrastructure requirements which may well delay delivery in the short term. Although the Council indicated that it had resolved to encourage planning applications on the strategic sites there is no guarantee that they will come forward in the short term or contribute to delivery as anticipated over the next 5 years.
7. The housing trajectory includes contributions from the rural areas of some 35 dwellings a year from 2014/15. However these allocations would be subject to a further plan which, I was told, would not be prepared until after the adoption of the emerging LDP. The housing trajectory includes 22 houses a year from windfalls. The examining Inspector cast doubt about this as it relied on historic rates, without compelling evidence as to whether these could be relied on to continue in the future. In view of all of the above concerns I have no doubt that at the present time the Council has a very serious housing problem.
8. Where a local planning authority is unable to demonstrate a five-year supply of deliverable sites, Paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date. Housing applications should be considered in the context of the presumption in

favour of sustainable development, bearing in mind the imperative in Paragraph 47 to boost significantly the supply of housing.

9. The spatial strategy in the LP is to direct development to the settlements in accordance with saved Policy S1. It is clear that the development boundaries act as a constraint on housing delivery and that the associated saved Policies S2 and H1 are therefore out-of-date. The fact that the appeal site is part of a field that is close to but outside the Goldhanger development boundary is therefore not objectionable in principle. In the context of the extreme shortfall of housing sites the provision of 14 dwellings would be a substantial benefit.
10. The 2014 Strategic Housing Market Assessment (SHMA) confirms that there is a high level of affordable housing need in the district. If the backlog is to be addressed over the next 15 years this would require 182 affordable homes to be built each year. The appeal scheme includes a contribution of £100,000 towards off-site provision. This was negotiated with the Council on the basis that there has recently been a development of affordable homes in the village and that more are not needed at the moment in Goldhanger. Saved Policy H9 allows for this approach to affordable housing provision and the contribution is a further important benefit of the appeal scheme.
11. The Council is concerned about the housing mix. The 2014 SHMA identifies an unbalanced supply of larger dwellings of 3 or more bedrooms. It recommends broadly that a 60%:40% split of small to large dwellings are sought to address the demographic imbalance, including the needs of an ageing population. The appeal scheme proposes a range of dwellings with between one and five bedrooms. 50% would be one or two bedroom and 50% three, four or five bedroom. There is no development plan policy relating to housing mix and Policy H2 in the emerging DLP does not include a specific requirement in terms of mix. Paragraph 50 of the Framework indicates that local planning authorities should plan for a mix of housing based on demographic trends and community needs. The SHMA provides a district-wide assessment and there is insufficient evidence to demonstrate that the proposal would result in an unbalanced offer that would fail to meet the needs of this particular location.
12. The two bedroom units have a third room denoted as an office. The Council believes that this would effectively make them three bedroom units. However this is not shown as the intention and many occupiers would appreciate a room where they can work from home or use as a study or hobby room. Nothing that I heard about the broadband speeds in Goldhanger convinced me that this would not be possible. The room in question would also be quite small and although it could accommodate a single bed or child's cot it seems unlikely to be attractive for someone looking for a three bedroom home. The Appellant's point that it would allow flexibility with some additional space for a small family unit to adapt to future needs seems to me a sensible proposition. In all it is considered that the housing mix would be acceptable.
13. Goldhanger is one of the settlements to which new development should be directed. However saved policies relating to the development boundary are out-of-date and there is no suggestion that the village could not absorb 14 additional units or that the proposed development would be of disproportionate size. The provision of 14 homes and the contribution towards affordable housing would be a substantial benefit that weighs in favour of the appeal development.

***Issue Two: Effect of the proposal on the character and setting of the settlement and its rural surroundings***

14. Goldhanger is an estuarine settlement close to the lower reaches of the River Blackwater, about 7.5 km east of Maldon. The historic core is centred on St Peter's Church and runs on a north/ south axis along either side of Church Street and Fish Street. More recent development has extended the village further north along Church Street, west along Head Street and also along Maldon Road, mainly on its southern side. Whilst the settlement has a linear development pattern there has been some housing at depth, including several cul-de-sac developments. Many of the road frontages are edged with trees and hedges and farmland penetrates to the settlement edge. When entering or leaving the village, particularly along Maldon Road, development stops quite abruptly giving a strong sense of arrival and departure. These features contribute to local distinctiveness and give Goldhanger its sense of place as a rural settlement within an agricultural landscape.
15. The Council contend that this would essentially be a car dominated suburban style development. It is the case that the development would be appreciated as a single entity and that the dwellings would be relatively close together. Although they would be well set back within the site, the houses with their relatively steeply pitched roofs would be seen behind the retained and reinforced front hedge. The service road, which would serve the new houses from a single new access point, would not be redolent of the present village environment. On the other hand the houses themselves would have a simple and unpretentious appearance. The newer development in the village, including the properties along Maldon Road, do not provide any particular design cues, being varied in terms of style and architecture. In terms of height the new houses would not exceed the existing dwellings nearby, which also tend to have parking areas at the front.
16. It seems to me that much of the success of the scheme in design terms would depend on the quality of the materials and its landscaping. I appreciate that there is some concern that the hedge could not be guaranteed to remain in perpetuity. This is probably so, but there is no reason why it should be removed and indeed it would be an attractive feature that I would expect future occupiers to value. I deal with the parking issue later but I do not consider that this would be a threat to the long term future of the hedge.
17. The proposed development would continue the frontage development along Maldon Road. The eastern end of the settlement boundary is rather incongruous because it stops short of the last 3 dwellings, which naturally seem to fall within its limits. This I understand is to be rectified in the emerging LDP. In any event the proposed development would extend the built edge from No 60 up to the junction with Church Street. Immediately to the east there is a sharp bend in the road and so even with the development in place there would be a strong visual break between built development and countryside. The Maldon Road street scene is already built up along this edge of the village and the appeal development would result in a continuation of the existing linear development pattern. Whilst existing plots are often larger than those proposed, this is partly because they are greater in depth. The position of the garages would allow views between two-storey development towards the open field remaining to the rear.

18. At present the northern part of Church Street is a narrow rural lane and the existing houses along its eastern side stand well back behind a frontage of trees and tall hedges. The appeal field and its green perimeter contribute to this verdant corridor leading into the village at this point. It is the case that the open land to the south of No 47 would remain undeveloped and the new dwellings would stand well back behind the hedge, which would be retained and reinforced. Nevertheless there would be an adverse change to this rural approach to the village, with a developed appearance in contrast to what exists at present. In this regard the appeal scheme would not accord with saved Policy CC6 in relation to landscape protection.
19. The SLA washes over the village as well as the countryside to the south of Maldon Road. It is apparent when looking at the Proposals Map that this is an extensive designation in terms of the District as a whole. Saved Policy CC7 is not criteria based and so is not consistent with Paragraph 113 of the Framework in this respect. It requires the landscape to be conserved and restored and it is difficult to see how this could be achieved with a housing development. The site is also within the Coastal Zone where saved Policy CC11 sets out various provisions. Insofar as the appeal proposal would not require a coastal location and there would be some adverse effect on the open and rural character of the area, there would be conflict with this policy. However again this designation covers large parts of the district and I was told that several of the proposed housing sites are within the SLA and Coastal Zone.
20. Taking account of the above, there would be some harm to the character and setting of Goldhanger and its rural surroundings. This would mainly arise from the development on the Church Street frontage and would result in conflict with saved Policies CC6, CC11 and BE1 in this regard. Whilst saved Policy CC7 is not consistent with the Framework in its approach, that document makes clear that the intrinsic character and beauty of the countryside should be recognised. There is some conflict with that objective for the reasons given.

***Issue Three: Effect of the proposal on heritage assets***

21. Goldhanger House is a Grade II listed building on the eastern side of Church Street, close to its junction with Maldon Road. It was originally built as a rectory in the early 1850's and is a fine example of a small country house which stands well back from the road within substantial grounds. The dwelling to the north-west was originally the associated coach house and stabling but has since been severed and converted into a dwelling. There is little evidence that this building is also listed by virtue of its original curtilage location. Goldhanger House has considerable presence and status and I noted that whilst its front entrance faces westwards, the main living room window and formal garden faces south, with spectacular views across farmland to the Blackwater estuary.
22. The Framework indicates that the setting of a heritage asset, which contributes to its significance, comprises the surroundings in which it is experienced and that this may change over time. When standing at the front of the house and also looking out from its kitchen windows there is a view along the gravelled drive. Whilst the appeal site can be seen through the main access it is noticeable that the tall perimeter hedge, the trees within the large garden at the front of the house and the position of the former coach house provide a sense of enclosure and privacy. When standing in Church Road there are

- glimpses of Goldhanger House with its tall chimneys and its steeply pitched roof. When it was built it would have stood in a much more extensive rural environment but it seems to me that it has been set back on its site deliberately to provide self containment and also to enjoy the open southerly views referred to above. In my opinion its setting to the west is defined by the strong vegetated boundary along Church Street whereas its setting to the south may well encompass a wider panorama.
23. When standing at the front of Goldhanger House or within its driveway I judged that some of the new houses would be likely to be seen. However due to their set-back from the road frontages and the proposed hedge planting across the existing field entrance it seems to me that the visual impact would be limited. It is thus not considered that the new buildings would affect the building's setting or diminish its significance as a heritage asset.
24. The conservation area boundary is some distance to the south of the site and there are a number of more recent houses on either side of Church Street where the settlement has extended further in a northerly direction. Due to the distance involved and the intervening vegetation I do not consider that the appeal site forms part of the setting of the conservation area or that outward views would be compromised. Whilst I have identified some harm to the rural approach to the village along Church Street the entrance to the conservation area is already preceded by the existing housing that lies to the north of it. Furthermore, there would remain some open frontage to the south of No 47 and a large area of open land to the rear of the frontage properties.
25. St Peter's Church is Grade I listed and there are glimpses of its church tower from the stretch of Maldon Road outside the site. These are heavily filtered by intervening trees and hedges and may be more apparent during the winter months. These views would be seen mainly by pedestrians as the bends in the road mean that a driver's attention would be concentrated on the road ahead. The hedge already has a screening effect apart from where there are gaps or at the point of the field gate. The reinforced planting and new houses would interrupt some glimpses of the church tower although it would still be seen through the spaces above the single storey garages. The church is central to the conservation area and its character and its tower is appreciated as a landmark in long views. However any diminution to such views would be extremely localised such that the significance of the heritage asset would be preserved.
26. Taking the above points into account it is concluded that the appeal proposal would not adversely affect the significance of the heritage assets, including Goldhanger House, the conservation area and St Peter's Church. It would not conflict with saved Policies BE13 and BE16 in the LP or the Framework in this respect.

***Issue Four: Whether the proposal would be in a sustainable location***

27. Maldon district is essentially rural in character and aside from the towns of Maldon, Heybridge and Burnham-on-Crouch it comprises a number of villages of various sizes. The spatial strategy in the LP is to direct development to the settlements with development boundaries and Goldhanger is one of the villages included in the list. The emerging LDP establishes a settlement hierarchy and Goldhanger is in the third tier as a "smaller village" with "few or no services and facilities, limited or no access to public transport and very limited or no

- employment opportunities*". However it will be a matter for the examining Inspector to consider the housing numbers, including in the rural areas, and where that housing will go. At the present time the Council has relatively few deliverable sites and some development at Goldhanger is clearly considered to be a sustainable option by virtue of its inclusion in saved Policy S1.
28. The village does have some facilities including two pubs, a church, a village hall, a private nursery and a tea shop. There is also a doctor's surgery, although it is understood that this only opens for a short period each week. There is a bus service which runs at convenient times to provide travel to the Plume School in Maldon, although it is appreciated that this travel mode may not suit journeys to other local schools. The Planning Obligation provides a contribution towards the provision of transport costs for younger pupils travelling to the primary school in Tolleshunt D'Arcy. So for many school journeys the bus seems an attractive travel option. There would also be some choice of services for other trips but these appear to be rather infrequent and it seems to me unlikely that many would use the bus for shopping, recreation or employment purposes.
29. Walking journeys are restricted to trips into the village. Whilst there is a farm shop, this is some distance away along Maldon Road and could not be safely accessed by pedestrians due to the lack of footways and busy main road. Although some people will undertake journeys by cycle, this is likely to be mainly for recreational purposes. Maldon Road does not strike me as a very safe or attractive route for cyclists due to its alignment and relatively narrow carriageway. There is little doubt therefore that new occupiers would undertake most of their journeys by car. Whilst this diminishes the credentials of the appeal site as a sustainable location it needs to be borne in mind that a similar situation is likely to arise in many of the other villages in the rural district. One advantage in this particular case is that Goldhanger is well located to allow relatively short car trips to Maldon and Heybridge, where there is a good range of shops, services and facilities.
30. Saved Policy T1 prioritises new development within the development boundaries where there are alternative modal choices other than the car. Apart from the fact that development boundaries are no longer reliable, the main objective of this policy is to promote sustainable transport choices. The Framework seeks to ensure that development is placed in locations where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However it recognises that account should be taken of other policies, particularly in rural areas. These of course include housing provision but also the chance to enhance or maintain the vitality of rural communities. There is no reason why new occupiers should not integrate successfully with the established community and also bring additional value to village life. There was a shop and a post office in Goldhanger until a few years ago and, although some objectors link their demise to new housing that has been built in the village, it is difficult to understand why this should have been the case. It seems quite plausible that the new occupiers of the appeal development would provide a level of new patronage that could encourage a local facility of this kind to be re-established.
31. Bearing all of the above factors in mind it is concluded that although the location of the appeal site is not highly placed on the accessibility spectrum, it does have some advantages, especially bearing in mind its rural context.

These include the opportunity for some local walking trips, a bus ride to school and relatively short car journeys to the towns of Maldon and Heybridge with their higher level facilities.

### **Other Matters**

#### Highway safety

32. There is local concern about whether the new development can be safely accommodated on the local road network. The single access point is onto Church Street toward the southern end of the site. It is appreciated that this is a relatively narrow lane. In addition Maldon Road has a sharp bend to the east of the junction which means that care is needed, especially when turning right into Church Street from the Maldon direction. I also noted that there is limited visibility for drivers turning into Church Street from the eastern direction due to the position of the hedge and the relatively narrow width of the road. Nevertheless, Essex County Council as Highway Authority has not raised objections either to the position of the access or the safety of the Church Street junction. No evidence was produced of reported accidents to indicate that there is unacceptable risk for drivers or that the additional generated traffic could not be satisfactorily accommodated. Indeed if this had been the case I would have expected Essex County Council, as the responsible authority, to have raised objections. The Framework indicates that development should only be prevented on transport grounds where the residual cumulative impacts would be severe. That would not be the case here.
33. The proposal includes at least two car parking spaces for each dwelling and in some cases there would be room for an additional vehicle to park in an individual driveway. This would meet the Council's parking standards and accord with the associated LP policy requirement. There is no reason why new occupiers or their visitors should park along Church Road or in the vicinity of the junction. The service road would be about 4.8 metres wide, which would allow two vehicles to pass and for a delivery vehicle to stop if necessary for a short time. There would be a landscaped verge with tree planting and it seems to me unlikely that there would be a demand from new residents for the hedge to be removed to allow this area to be used as overspill parking.
34. Both the Council and the Appellant submitted appeal decisions which they considered to be relevant. These identified the five year housing land supply deficit but in some cases the appeals were allowed and in others dismissed. This is perhaps unsurprising as the Framework requires a balancing exercise to be applied and circumstances vary from site to site. In addition the decisions were made on the basis of the available evidence in the same way as has been done in this appeal.
35. Whilst the objections of adjoining occupiers are noted, the distances between the new houses on Plots 1 and 14 and existing properties would be sufficient to ensure that existing living conditions would not be unduly compromised. A condition could reasonably be imposed to ensure that additional first floor windows would not be inserted in the nearest side elevations.
36. I note the concern of local people that granting planning permission for the appeal development would result in a precedent for other housing proposals in Goldhanger. There is land immediately to the west which is not included in the present scheme and I understand that a planning application has been



submitted for development on land north of Maldon Road. However any such proposals would have to be considered on their merits bearing in mind all material factors. In this case I have judged that the balance falls in favour of granting planning permission because the adverse impacts would not significantly and demonstrably outweigh the benefits. That judgement is specific to this proposal and would not necessarily be the same if it were to be applied elsewhere.

### ***Planning conditions***

37. Planning conditions were discussed at the Hearing. Where necessary I have adjusted the suggested wording in the interests of precision and enforceability, taking account of the advice in the Framework and Planning Practice Guidance.
38. An important matter in this appeal is the contribution of the scheme to the short term delivery of housing. In the circumstances a reduced timescale for implementation is justified. The drawings need to be specified for the avoidance of doubt and in the interests of proper planning. It seems unnecessary to impose a condition specifically relating to the housing mix when this is shown on the drawings. Although it is possible that the two bedroom units could provide a small third bedroom I have already addressed this issue. The Council has suggested a condition requiring revised plans showing the removal of the office. However future homeowners could add internal partitions, which would not normally comprise development. Even if this were prevented by condition, enforceability would be very difficult. I do not consider that such restrictions would be justified in this case.
39. In order to ensure a satisfactory appearance further details of materials, landscaping and boundary treatments are required. The Council was keen to ensure that all joinery and weatherboarding would be timber rather than plastic and that the approved material should not be replaced in the future with an alternative. However such changes would not fall within the definition of development and the suggested restrictions would be unduly onerous. Other than in very sensitive situations, such as if a building is listed, householders have the right to make such changes without reference to the Council.
40. The front boundary hedge is an important visual feature which it is proposed to retain. It is necessary for it to be protected from damage during construction and for a reasonable time thereafter. There is also a need to ensure that there are arrangements for future management and maintenance of landscaped areas, as discussed at the Hearing. It is reasonable that details should be provided to the Council for approval. There is no evidence that the appeal site is of ecological interest and bats could continue to fly along the hedgerow and birds to nest within it. A condition requiring ecological enhancements is unnecessary.
41. I have already commented on the need to prevent additional windows on Plots 1 and 14. No exceptional reasons were put forward for removing permitted development rights for extensions and ancillary buildings and I see no justification for such a restriction. Construction usually causes some inconvenience and disruption but this can be reduced with considerate management. It is therefore reasonable to require a Construction Method Statement, which sets out such details as where loading and unloading will take place, where site operatives will park and arrangements for avoiding mud being spread onto the highway. There are a number of highway conditions

relating to the provision of the new access, its drainage, the stopping up of existing field accesses and the provision of an extension of a footway link with Maldon Road. These are required for reasons of highway safety and to improve accessibility. Whilst the Highway Authority has also recommended that travel information packs and 6 travel vouchers should be provided, this seems of doubtful purpose in view of the infrequency of the bus service.

42. Although it is proposed to dispose of surface water by soakaways, this may not be the most sustainable or appropriate solution. A condition requiring approval of the details for the drainage of surface water from the site is therefore necessary. The Council has suggested a condition that the dwellings should accord with Level 3 of the Code for Sustainable Homes. The Appellant commented that the houses would be constructed to such a standard but, in the absence of any policy in the LP, a specific requirement is not justified.
43. I observed that there is no street lighting along Maldon Road or elsewhere in the village. In the circumstances details of any lighting intended along the internal roadway or at the access would be reasonable in accordance with saved Policy BE8 in the LP. However it seems to me that a general provision which includes the lights on individual dwellings would be unduly onerous and so I have reworded the condition accordingly. There is evidence that the site has archaeological potential and therefore an assessment and a programme of works are required.

#### **Planning Obligation**

44. There is a Planning Obligation by Unilateral Undertaking dated 5 August 2014. An off-site contribution to affordable housing is provided in accordance with saved Policy H9 in the LP. I have already considered the need for this under the first issue.
45. Essex County Council as Education Authority has identified a longer term shortfall in capacity at the Plume School in Maldon, which would be the priority admissions secondary school for the site. In addition there would be insufficient places on the school bus that the County Council provides to take younger children to primary school. The policy context for these contributions is provided by saved Policy PU1 in the LP. The County Council has explained that the basis for the contributions is set out in its *Essex County Council Developers' Guide to Infrastructure Contributions* (2010) and the companion document *Education Contribution Guidelines Supplement*.
46. The secondary education contribution is worked out on a tariff basis in recognition that other developments in the area would also generate a need for school places. Even though the housing numbers are likely to be subject to change it seems unlikely that they will decrease in Maldon, which is one of the main urban areas in the district. It therefore seems reasonable to recognise that there will be a considerable call for places at the Plume School and that, notwithstanding some unfilled places at present, the appeal development should contribute to the inevitable shortfall which will happen once other development comes on-stream. The school transport contribution is worked out on the basis of the cost of providing a taxi for the younger children from the development and in recognition that there is no safe walking route to the primary school.

47. In the circumstances I am satisfied that the obligations would comply with the statutory tests in Paragraph 122 of the Community Infrastructure Levy Regulations and the policy tests in Paragraph 204 of the Framework. They would be necessary, directly related and fairly and reasonably related in scale and kind to the development in question and can therefore be taken into account in this decision.

### **Overall conclusions and planning balance**

48. The Framework states that housing proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles that each performs. In this case the contribution of this site to the housing requirements of the district is a matter of considerable importance. There is also a substantial affordable housing deficit and the financial contribution from the scheme would be of great benefit. The 14 new dwellings would not be disproportionate in size to the village and there is no reason why new occupiers should not successfully integrate with the existing community and add value to village life. No evidence has been put forward that the development would not be well built, energy efficient and provide an attractive environment in which to live. There would be options for other modal choices even though many journeys would be undertaken by private car. Whilst this is not ideal it is perhaps inevitable that not all housing sites will be highly accessible in a predominantly rural district such as this. One benefit of this site is that journeys to Maldon and Heybridge, where there are higher level services and facilities, would be relatively short.
49. The development would be on greenfield land outside the development boundary of Goldhanger. However this is an inevitable consequence of the housing supply situation that the Council is faced with. On the other hand the appeal site is physically well related to the existing village and would continue the existing pattern of linear development. The new houses would be well set back, which would allow the existing hedge along the road frontages to be retained and reinforced. There would also be some environmental harm, mainly in terms of the Church Street frontage where there would be a developed frontage in contrast with the current rural approach to the village. The development would also not sit comfortably with the SLA and Coastal Zone designations and their respective LP policies.
50. Paragraph 14 of the Framework establishes how the presumption should apply where development plan policies are out of date, as is the case here. In my judgement the limited environmental harm, the restricted modal choice and the relevant policy conflicts would be insufficient in this case to demonstrably outweigh the benefits, including those pertaining to the supply of market and affordable housing. The proposal would be a sustainable form of development taking account of the policies in the Framework taken as a whole.
51. I have had regard to all other matters raised, both in the oral and written representations, but have found nothing to change my conclusion that the appeal should succeed.

*Christina Downes*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) No development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: AL1; GH1; GH1A; GH2; GH3; GH4; GH5; GH6; GH7; GH8; GH9; GH10.
- 4) No development shall take place until full details of both hard and soft landscape works, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved in accordance with the agreed timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) A landscape management plan, including management responsibilities and a maintenance schedule for the landscaped verge and the frontage hedgerow shown on Plan AL1, shall be submitted to and approved in writing by the local planning authority before the first dwelling is occupied. The landscape management plan shall be carried out as approved.
- 6) No development shall take place until details of a scheme to protect the frontage hedgerow shown on Plan AL1 during the course of development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme which shall remain in place until the development has been completed. Thereafter any part of the hedgerow which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with other plants or trees of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building to which it relates is first occupied and shall be retained thereafter. Development shall be carried out in accordance with the approved details.
- 8) No windows, other than those expressly authorised by this permission, shall be constructed at first floor level on the southern side elevation of Plot 1 or the western side elevation of Plot 14.
- 9) No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) wheel washing facilities
- 10) No dwelling shall be occupied until the access shown on Plan GH1 has been constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway. No unbound material shall be used in the surface treatment and a drop kerb crossing of the verge shall be provided. The access shall be drained to ensure no discharge of surface water onto the public highway.
  - 11) No development shall take place until details of a footway link between the western end of the development and Maldon Road has been submitted to and approved in writing by the local planning authority. The approved footway link, along with the new section of footway along Church Street between the existing footway and the access as shown on Plan GH1, shall be provided before the first dwelling is occupied.
  - 12) The existing field accesses onto Church Street and Maldon Road shall be permanently stopped up and the footway and kerb shall be reinstated.
  - 13) No development shall take place until details of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first dwelling is occupied.
  - 14) No development shall take place until details of all external illumination, other than to individual dwellings, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first dwelling is occupied.
  - 15) No development shall take place, including any clearance or ground works within the site, until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority. The archaeological assessment shall be carried out as approved and shall inform the implementation of a programme of archaeological work.
  - 16) No development shall take place, including any clearance or ground works within the site, until the implementation of a programme of archaeological work by an accredited archaeological contractor has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

*End of conditions 1-16*

## **APPEARANCES**

### FOR THE APPELLANT:

Mr P Kratz BA (Hons) Solicitor MRTPI	Birketts LLP
Mr S Wheelhouse	Jenny Moody Properties Ltd
Mr C Stevenson-Roberts	Landowner
Mr N Burnett	Birketts LLP

### FOR THE LOCAL PLANNING AUTHORITY:

Mr C Purvis BSc (Hons) MSc MRTPI	Major Applications Officer, Maldon District Council
Ms J Longman Cert Arch MSc PG Dip Urban Design	Senior Conservation and Urban Design Officer, Maldon District Council

### INTERESTED PERSONS:

Mr S Jackson	Local resident
Ms J Bourn	Parish Councillor and local resident
Mr D F Webb	Local resident
Mr M Holmes	Architect and Historic Buildings Consultant and local resident

## **DOCUMENTS**

- 1 Statement of Common Ground between the Council and Appellant
- 2 Appeal decision: Cobbins Farm, Cobbins Chase, Burnham-on-Crouch
- 3/1 Planning Obligation by Unilateral Undertaking
- 3/2 Land registry details
- 4 Inspector's Key Concerns following Exploratory Meeting into the Maldon District Local Development Plan on 3 July 2014
- 5 Extract from the 2012 SHLAA
- 6 Council's five-year housing land supply statement 2013/14

## **PLANS**

A/1-A/12 Application plans