



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 OCTOBER 2018**

Application Number	FUL/MAL/18/00684
Location	Maythorne The Endway Althorne
Proposal	Section 73A application for the change of use of the barns to three dwellinghouses, including new link to boiler room, garden extensions and shed conversion to garages
Applicant	Mr A Powl
Agent	Mr David Wallis – Smart Planning Ltd
Target Decision Date	18.10.2018
Case Officer	Anna Tastsoglou
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Member Call In Councillor Mrs B E Acevedo

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

SE Committee
18/00684/FUL



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Maldon District Council 100018558 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 24/09/2018

MSA Number: 100018558

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Application Site

3.1.1.1 The application site is located on the southern side of The Endway outside of a defined settlement boundary, in a rural setting. The site is located approximately 712m east of the village of Althorne.

3.1.1.2 The site is occupied by what was previously three conjoined mushroom sheds, used in association with mushroom farming until 1990, which are accessed via an unmade track and are set 42m from the highway. To the south of the buildings was a detached outbuilding and to the north is a disused packaging shed.

3.1.2 Proposal

3.1.2.1 A Section 73A application has been submitted to regularise the change of use of the mushroom sheds to No.3, three bedroom dwellinghouses, which includes a link attachment to the outbuilding to the south, the conversion of the packaging shed to a three bay garage building and residential gardens.

3.1.2.2 It should be noted that the change of use and majority of the external works have been completed, with the exception of the link attachment and the conversion of the package shed to a garage building. The main alterations to the original structure and buildings consist of:

- Removal of timber barn doors and installation of ground floor fenestration to the front, including storm porches over the entrances to the dwellings.
- Removal of high level windows within the front and rear gables and low level windows.
- Alteration to the materials to include white render and dark grey weatherboard.
- Full length glazing to the rear elevations.
- Additional glazing and openings to the side elevations.
- The creation of residential gardens with associated boundary treatments and hard and soft landscaping.
- The addition of a link between the outbuilding and mushroom sheds measuring 1.1m in width 4.8m in depth and 2.9m in height.
- The conversion of the shed to three garages which includes the alteration to fenestration.

3.1.3 Background

3.1.3.1 Prior approval for the change of use of the three conjoined barns from agricultural to residential was previously granted under the terms of application COUPA/MAL/16/00991. Whilst the application site for this proposal remains relatively similar as that at the prior approval, the red line boundary has been extended to the north to incorporate the packaging shed. This proposal has been undertaken but seeks to regularise the alterations and extensions which have been undertaken but

were not considered as part of the prior approval application. These include but are not limited to:

- Alteration to materials.
- Additional glazing and openings
- Construction of the link attachment
- Conversion of the shed to a garage and raising the roof height by 0.5m.
- The dwellings consist of No.3 three bedroom properties opposed to 2No. two bedroom properties and a one bedroom property.
- Installation of a picket fence to define the residential gardens and hard and soft landscaping to the rear gardens.

3.2 Conclusion

- 3.2.1 The application site lies outside the defined settlement boundary of Althorne wherein both Local Development Plan (LDP) Policies and Government Guidance points towards the continued restraint of new development in the countryside, unless it would represent sustainable development or there would be overriding benefits. In this instance it is considered that the development would represent an unsustainable form of development and represent the sprawl of built form into the countryside, detracting from the character and appearance of the site and the area, contrary to both local plan policies and the principles of the National Planning Policy Framework (NPPF). Furthermore, the development fails to provide sufficient car parking or amenity space provision in an unsustainable location which would have a detrimental impact on pedestrian and highway safety and the amenity of the occupiers of the development. Therefore, the development is contrary to policies S1, S2, S8, D1, H4, T1 and T2 of the LDP, guidance contained within the Maldon District Design Guide (MDDG) and the NPPF. The material consideration that is the former prior approval application is not considered to outweigh the harm highlighted above.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 11 Presumption in favour of sustainable development
- 91-92 Promoting healthy and safe communities
- 38 Decision-making
- 47-50 Determining applications
- 77-79 Rural Housing
- 117-118 Effective use of land
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H2 Housing Mix
- H4 Effective Use of Land

- D1 Design quality and built environment
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide (2017) (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is located beyond the defined settlement boundaries for Althorne, within the countryside, approximately 712m away from the settlement boundary of Althorne which is the closest village to the application site.
- 5.1.2 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.3 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not impacted upon and the development is for one of the development types listed within policy S8. The residential dwellings would not fall within any of the categories listed within policy S8. Therefore the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.
- 5.1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved MDLDP. The previous planning history of a site is a material planning consideration and for that reason is pertinent to be considered as part of the assessment of the proposal.
- 5.1.5 The current proposal for the change of use of the barns to three dwellinghouses, including a new link to the boiler room, garden extensions and a shed conversion to

garages was necessary to be submitted in order to regularise the works that have been implemented. The weight attributed to a material consideration is up to the decision maker, but it is a point of planning law that the ability to implement a permission, or in this case lack of, substantially affects the weight that should be attributed to it.

- 5.1.6 An application for prior approval is an assessment against set criteria contained within Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), which relates to whether or not a development could gain deemed consent. Given that the differences between the prior approval application and this application are so inherently different, as outlined in paragraph 3.1.5, an application for full planning permission is required for the works and has been submitted. Therefore, as this application is not for prior approval it is necessary for the Council to assess the proposal against the policies contained within the MDLDP and guidance contained within the NPPF and MDDG. Furthermore, the previous prior approval application does not mean that the principle of the development has been accepted. The starting point for consideration of a prior approval application is not the development plan. Conflicts with the Plan and Government Guidance are not material to the determination of such an application. This is materially different to an approach such as this when the starting point is the Development Plan.
- 5.1.7 As highlighted above, a prior approval application (COUPA/MAL/16/00991) was previously granted on the 19th October 2018 for the conversion of the barns to residential accommodation. This was subject to conditions, including condition 2 which stated that the development shall be carried out in complete accordance with the approved drawings. A pre-commencement condition for details of the foul drainage scheme was imposed and subsequently cleared (DET/MAL/17/05088).
- 5.1.8 When the agricultural buildings were altered and converted for residential accommodation the development was not in accordance with the approved plans and therefore contrary to condition 2. The discrepancies between the approved plans and the development as implemented are outlined above. It is an accepted point of case law that approval is required prior to the works being undertaken. Therefore, given that the development did not comply with the approved scheme and that the work has been undertaken, the prior approval permission has fallen away. Therefore, there is no fall-back position and planning permission is required.
- 5.1.9 It should also be noted that the breach of planning control was not solely on a technicality, which for example would be where the development has been carried out in accordance with the plans but a pre-commencement condition regarding, for instance, materials has not been discharged, but are considered acceptable. In contrast, the changes from what was approved under the prior approval application (Ref No.: COUPA/MAL/16/00991) were so significant that the development would no longer benefit from prior approval and constituted unlawful development.
- 5.1.10 In this regard APP/X1545/W/18/3194812 is considered relevant. The appeal was for the conversion of a barn to a residential dwelling and associated alterations which were not considered as part of a previously granted prior approval application. It is important to note that this application was not retrospective in nature. At paragraph 11 of the appeal decision the Inspector outlines that where there are minor differences between the proposed development and the approved scheme then there is a realistic

prospect of the approved scheme being implemented in the event that the appeal fails. Furthermore, there was no evidence that the fall-back position could not be implemented and that a very similar development could be carried out within the site. In this instance and for these reasons the fall-back position provided a material consideration which carried significant weight in determining the full application.

- 5.1.11 In terms of this application, and as previously noted there is no realistic prospect of the prior approval being implemented and evidence has been provided to demonstrate that the fall-back position no longer applies. Therefore, given that a similar development could not be carried out at the site and the previous prior approval could not be implemented, there is no fall-back position to apply weight to as part of this appeal.
- 5.1.12 Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 makes allowance for building operations reasonably necessary to convert the building to residential and thus, the necessity of the works as implemented to the agricultural buildings should be assessed.
- 5.1.13 In the judgement of the High Court (Hibbitt and Another vs Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] Case No: CO/3360/2016) it was clarified that a conversion is conceptually different to a "rebuild" and since Class Q refers to the concept of a conversion then it necessarily excluded rebuilds; and it is a matter of legitimate planning judgment as to where the line is drawn between the two concepts. The distinction between a conversion and a rebuild is implicit in paragraph 105 NPPG which states in relation to Class Q that it is not the "... intention of the permitted development right to include the construction of new structural elements for a building"; for a development that includes "new structural elements" is one that involves a degree of rebuild and is not a conversion.
- 5.1.14 Having regard to the Judge's findings the works completed and proposed to be considered as part of this application are considered to go way beyond what would be considered to be reasonably necessary to facilitate a conversion. This includes but is not limited to:
- The raising of the packaging shed roof
 - The addition of storm porches
 - The extensive level of glazing
 - The alterations to external materials
 - The construction of the link attachment
- 5.1.15 Therefore, it is not considered that the development in its current form, if it were being assessed anew under the prior approval process, would be considered to fall within the remit of permitted development. Therefore, the prior approval process provides no fall-back position in this instance.
- 5.1.16 As outlined above, the development would be contrary to the policies contained within the LDP. Furthermore, the previous prior approval decision is no longer extant and the development as being considered would not warrant prior approval. Therefore, the previous decision does not provide a fall-back position and the principle of the development in this locality has not been established.

5.2 Housing Need

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, with around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide No.3, three bedroom properties. In this respect, the proposal would not meet the requirements of Policy H2 and would make a negligible contribution to improving the Council's housing stock. Therefore, the material consideration that is the benefits of such a small scheme and of dwellings not of a size needed by the district should be attributed minimal weight. This is something that has been supported at appeal.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental in creating better places to live and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.
- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The application site is prominent within the public realm and is visible from The Endway. Prior to the conversion that has taken place the buildings within the site were of a typically agricultural character and appearance, with brick walls, a corrugated sheet roof and timber doors. The buildings were of a typical agricultural appearance and appropriate for a rural area. The development, as carried out, has materially altered the appearance of both the buildings and the site and has created a terrace of three residential dwellings which are of an urban form and uncharacteristic of the urban countryside.
- 5.3.6 The chosen palate of materials, the addition of storm porches and the level of glazing which is more akin to modern residential development than a traditional agricultural character further contributes to the urbanisation and domestication of the site and is further exacerbated by the presence of hard landscaping within the rear residential gardens and the addition of close boarded fences between the properties. Whilst the 0.9m high post and rail fence when considered in isolation would not be considered to domesticate the site, the cumulative impact of the boundary and surface treatments to the rear garden, along with the paraphernalia associated with residential development such as washing lines and garden furniture are considered to result in an overly residential appearance that detracts from the agricultural character and appearance of the site and the surrounding area, particularly as these elements which are visible from The Endway. Furthermore, section 19 of the MDDG requires that development abutting the countryside should have soft edges, created with appropriate green infrastructure or structural landscape is used to create an integrated soft edge. It is not considered that the provided boundary treatments are in accordance with these requirements.
- 5.3.7 The detrimental impacts of the development, as discussed above, are considered to be intensified by the provision of the link attachment and the conversion of the shed to a garage building. The roof of the garage building is to be raised by 0.5m and three garage doors and a standard door are proposed in the front (southern) elevation, in place of four windows. The installation of the doors is considered to further domesticate the site, detracting from the rural and agricultural character. The raising of the roof height, particularly as the proposed garage building is the most northerly structure within the site and closest to the public realm, is considered to create a more prominent form of development and when considered alongside the other alterations,

would result in material harm to the character and appearance of the site and the countryside.

- 5.3.8 Therefore, not only will the development materially alter the agricultural appearance of the site, it will also result in material harm to the intrinsic character and beauty of the countryside, as a result of the residential form. Whilst it is noted there are residential dwellings nearby the site, the presence of other dwellings within the countryside does not automatically mean that other proposals for new residential dwellings in the countryside would be acceptable, which has been widely accepted in a number of appeal decisions within the district. Therefore, the nearby dwellings are not considered to provide a comparison for this scheme and the development must be assessed on its own merits.
- 5.3.9 Paragraph 127 of the NPPF states that *‘decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.’*
- 5.3.10 Not only would the development fail to add to the overall quality of the area by detracting from it, the lifespan of an ageing agricultural building is somewhat less than that of a new dwelling. Therefore, the detrimental impacts of the development, as outlined above, would have a far greater long term impact on the intrinsic character and beauty of the countryside and the character and appearance of the surrounding area, than that which arises from the presence of a redundant and disused agricultural building.
- 5.3.11 It should also be noted that the development as constructed and proposed, is fundamentally different to that which was granted prior approval, in the ways which are listed above, and therefore, the design and appearance of the previous application provides minimal if any weight in terms of assessing this application or support to the current unauthorised appearance.
- 5.3.12 For the reasons outlined above, the proposal would be detrimental to the intrinsic character and beauty of the countryside and would detract from the immediate rural setting, contrary to policies S1, S8, D1 and H4 of the LDP and guidance contained within the NPPF and the MDDG.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers. This is supported by the MDDG.
- 5.4.2 The development is situated a minimum of 21m from the property to the northeast, St Helier The Endway and 49m from the dwelling situated at Harmony The Endway to the northwest. Given the single storey nature of the development and that the siting and orientation of the properties which prevents direct views into the neighbouring dwellings it is not considered that there would be any detrimental impact on the amenity of the neighbouring occupiers to the northeast or northwest.

- 5.4.3 It is also not considered that there would be any detrimental impacts on neighbouring amenity between the dwellings subject of this application, as there are no views into the neighbouring properties and the dwellings are situated in line with one and other, preventing any overbearing impacts.
- 5.4.4 For the reasons discussed, it is not considered that the proposal will result in any unacceptable harm by way of overlooking, loss of light or loss of privacy nor is it considered that the development would be overbearing or result in unacceptable noise impacts. Therefore, the proposal is in accordance with policy D1.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, as well as ensuring sufficient parking facilities in relation to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 Access to the dwellings is from the existing access to the agricultural buildings from The Endway to the north of the site. Whilst the Highway Authority have not provided comments on the application, given that there was no objections from them in regards to the previous application and no amendments have been made to the access it is not considered that the development would be detrimental to highway safety in terms of the access. However, should the Highway Authority raise any concerns these will be brought to the Members attention through the Members' update.
- 5.5.3 The application form states that eight parking spaces will be provide once the garage conversion is complete. However, it is not clear from the plans where these would be provided and the proposed garage would provide one parking space for each dwelling. However, the provision of the garage would result in the loss of two of the three parking spaces proposed as part of the prior approval application as the area would need to be used for maneuvering vehicles in and out of the garages. It is possible that the parking space to the south of the site has been maintained. However, this is not shown on the plans. Therefore, it is considered that only one parking space per dwelling will be provided which would be within the proposed garage.
- 5.5.4 The Council's adopted vehicle parking standards state that a three bedroom dwelling should provide space for two vehicles. Given that the site is situated in an unsustainable location, away from day to day services and facilities, it is considered that a maximum car parking requirement would be needed as there would be a heavy reliance on the motor vehicle by the residents. The failure to provide the required parking provision could lead to vehicles being left in the highway which would be detrimental to both highway and pedestrian safety. Therefore, the development is contrary to policies T1 and T2 of the LDP.
- 5.5.5 The prior approval application provided one parking space per dwelling and consisted of No.2, two bedroom properties and a three bedroom property. Whilst the car parking requirement would have remained the same, the bedroom numbers provided were smaller. Furthermore, for the reasons highlighted in section 5.1, including the

lack of policy consideration, there is no fall-back position as the prior approval cannot be implemented and it is not an extant permission. Therefore, this application must be assessed on its own merits and against the policies contained within the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.6.2 Each of the dwellings have an area of private amenity space situated to the rear which each measures less than the requirement of 100m², with the largest being 59.4m². Given that the site is located in an isolated location away from public amenities and the shortfall in amenity space is significant, it is considered that the proposal would be contrary to policy D1 of the LDP. Whilst it is noted that there is open countryside located in close proximity to the site, this would not be accessible for the private use of the occupiers and would therefore, not make up the shortfall.
- 5.6.3 The prior approval application provided amenity areas ranging between 33m² and 54m². The requirement for the four bedroom property would have been the same as this application (100m²), whereas the two bedroom dwellings would have had requirement of 50m². Whilst the amenity space requirement would have remained the same for the four bedroom property, for the reasons highlighted in Section 5.1, including the lack of policy consideration, there is no fall-back position as the prior approval cannot be implemented and it is not an extant permission. Therefore, this application must be assessed on its own merits and against policies contained within the LDP.
- 5.6.4 It is also considered that three bedroom properties are family units and are more likely to require the specified amount of amenity space in comparison to one or two bedroom units which are more likely to have one or two adult occupants rather than larger families. Therefore, the increase in the number of family units from one to three further increases the need for the provision of the required amenity space.

5.7 Other Matters

- 5.7.1 Within the NPPF there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.7.2 In economic terms, given that the development is largely complete and only involved limited construction works, the benefits would be extremely limited given the scale of the development. Equally, there is no guarantee that the limited construction works required to complete the development would be undertaken by local businesses, the

economic benefits of the proposal are therefore considered minimal. Due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.

- 5.7.3 In social terms, development should assist in supporting a strong vibrant and healthy community. The application site lies in excess of 700 metres to the east of the defined development boundary of Althorne and bus services are very infrequent and access to local services are very limited. As such, the site is considered remote from services needed for day to day living and any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP.
- 5.7.4 A previous application for the demolition of sheds and the construction of a dwelling, at a site 212m to the west of the application site, was dismissed at appeal on the 15th February 2013 (FUL/MAL/12/00016). The above stance in relation to sustainability is commensurate with the appeal decision. It was noted by the Inspector that in terms of sustainability, *'There are no shops or services immediately in The Endway. There is no bus stop directly outside the appeal site with a community bus stop (which runs a limited service) about 200m from the appeal site and a stop for the main bus services about 600m from the appeal site on Fambridge Road. In addition there are no public footpaths or street lighting along the route to the closest community bus stop, which would promote car use at night. Footpaths do not begin until further west on Fambridge Road where the main bus stop is located. The frequency of the buses at the nearest stop would not be sufficient for future occupiers to use as a regular alternative to the car.'*
- 5.7.5 In terms of this application the bus stop which is located outside of the application site runs a limited service and there is also lack of public footpaths and street lighting along the route to the stop on Fambridge Road. Therefore, given the frequency of the buses at the nearest stop would not be sufficient for future occupiers to use as a regular alternative to the car and there is not safe or sufficient access to the Fambridge Road bus stop for pedestrians, the above position of the Inspectorate is still considered relevant for this application.
- 5.7.6 Although different policies of restraint apply since the determination of the previous scheme, the approved LDP reiterates the importance of protecting the character and appearance of rural localities, and encouraging new development in areas where there are alternative modes of transport available. Furthermore, there are no new services available in Althorne which would overcome the concerns and comments made by the Inspector and no new applications for new residential units have been approved in the immediate vicinity.
- 5.7.7 Weight is given to the appeal decision at Land Adjacent The Old Forge and Thornley Cottage Burnham Road which was dismissed at appeal (ref: OUT/MAL/16/01182). This appeal site is located around 730m west from the application site and is located adjacent to the settlement boundary of Althorne, within closer proximity to the services and facilities offered in the village. As such, the current site is considered to be more remote and unsustainable than the appeal which was dismissed on 31st May 2017.

- 5.7.8 It was also noted under application HOUSE/MAL/18/00433 that A change of use of agricultural building to three dwellings was granted prior approval at Maythorne Mushrooms, The Endway, Althorne, in April 2016. However this is not a planning application assessed against the development plan, and as such would be given minimal weight in determining this current scheme.
- 5.7.9 A full history search of the surrounding area has also been conducted (**APPENDIX 1**) and it must be noted that no comparable (in terms of policies position) planning applications for new dwellings have been granted by the Council or at appeal since the determination of the last appeal at this site. This weighs heavily against this application and demonstrates that the site cannot be considered to be within a sustainable location.

6. ANY RELEVANT SITE HISTORY

- **COUPA/MAL/16/00252**– Prior approval of proposed change of use of agricultural building to a dwellinghouse (C3), and for associated operational development. Application refused.
- **COUPA/MAL/16/00991**- Prior approval for proposed change of use of agricultural building to three dwellinghouses (C3), and for associated operational development. Prior Approval Granted.
- **DET/MAL/17/05088**- Compliance of conditions notification of approved application COUPA/MAL/16/00991 (Prior approval for proposed change of use of agricultural building to three dwellinghouses (C3), and for associated operational development.) Condition 3 - Foul drainage scheme. Condition cleared.
- **FUL/MAL/18/00142**- Section 73A application for building works associated with three dwelling conversion. The proposal also includes new connection to the boiler room, garden extension, and shed conversion. Application withdrawn.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne Parish Council	No comments received	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No comments received	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
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Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted

7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **supporting** the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ul style="list-style-type: none"> • Development is considered a positive re-use. • The development is not directly visible from The Endway • Conversion of the shed to the garage will further improve the appearance of the scheme. 	<ul style="list-style-type: none"> • Please see section 5.3

8. REASONS FOR REFUSAL

1. The application site lies within a rural location outside of the defined settlement boundary of Althorne where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character and intrinsic beauty of the countryside and would detract from the agricultural character and appearance of the site as a result of the over domestication of the site and the inclusion of associated residential paraphernalia. If developed, the site would be disconnected from the existing settlement and by reason of its location and access, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D2 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).
2. The development provides an unacceptable level of on-site car parking provision in an unsustainable location, which would be likely to cause an increase of parking demand off site. This will result in on-street car parking to the detriment of pedestrian and highway safety and the free flow of traffic contrary to approved Maldon District Local Plan policies D1 and T2.
3. The development results in family accommodation. The private amenity space provided is substantially short of that required and is considered to result in an amenity space provision that would fail to be adequate in meeting the needs of current and future occupiers of the site, to the detriment of their amenity and

standard of accommodation, failing to comply with policy D1 of the Approved Maldon District Local Development Plan and guidance contained with the Maldon District Design Guide.