



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

Application Number	FUL/MAL/18/01362
Location	Wickham Barn Station Road Wickham Bishops
Proposal	Removal of Condition 6 on approved application FUL/MAL/16/00218 (Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artist's studio / workshop and short-term living accommodation for visiting artists)
Applicant	Mr Jolyon Madden
Agent	Holmes & Hills LLP
Target Decision Date	10 January 2019
Case Officer	Yee Cheung
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	The planning application is called in by Councillor H M Bass on the grounds of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



Copyright

For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 1 000 18 588 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 17/12/2018

MSA Number: 100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

3.1.1 Wickham Barn is located to the south west side Station Road, outside the defined settlement boundary of Wickham Bishops. Wickham Barn is not listed but forms part of a localised cluster of historic buildings and structures, many of which were in the past associated with the large Grade II* listed Wickham Place located approximately 140 metres to the north east.

3.1.2 The site is laid to grass with existing soft landscaping around the perimeter of the site. To the south west of the site, it is noted that part of the land is used as grazing land and for the keeping of farm animals. There is an agricultural building which runs parallel to the northern boundary of the site shared with 'Carters', a Grade II listed building. Located approximately 20 metres away to the south of Wickham Barn is a detached cart lodge

3.1.3 The River Blackwater bounds the garden and grazing land to the south and south eastern boundary of the site with a public footpath running alongside the riverbank.

3.1.4 Planning permission was granted in 2016 (FUL/MAL/16/00218) for the construction of an outbuilding in the grounds of Wickham Barn for use as artist's studio / workshop and short-term living accommodation for visiting artists subject to a S106 legal agreement. The legal agreement was to ensure that the building would remain ancillary to the main dwelling house 'Wickham Barn' and the plot would not be subdivided resulting a new detached residential property as this would not have been granted in a remote rural location as it would conflict the definition of sustainable development contained in the National Planning Policy Framework.

3.1.5 An officer site visit took place on 28 November 2018 and it was evident that construction work for the artist studio / guest accommodation has commenced on site.

3.1.6 The proposal seeks to remove Condition 6 of planning application FUL/MAL/16/00218 where it stipulates that:

'The development hereby permitted shall only provide short-term living accommodation and occupied by visiting artists for purposes ancillary to the existing dwelling 'Wickham Barn' as a single dwelling house and not as a separate or independent unit of residential accommodation'.

'REASON: To safeguard the character and appearance of the rural area and the amenity of the residents of both the residential annexe and the host dwelling in accordance with policy BE1 of the Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework'

3.1.7 The Applicant wishes to use the new building as his family's primary residence and for 'Wickham Barn', the existing dwelling, to be disposed of as a separate dwelling house.

3.2 Conclusion

- 3.2.1 The application site lies outside the defined settlement boundary of Wickham Bishops wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. The Council acknowledged at the time when this proposal was considered that the development was contrary to Development Plan Policies. As the development was presented to the Council as an artist studio, workshop, and guest accommodation for visiting artists and personal use, the proposal was in line with Policy E5 of the, then emerging, LDP and the planning principles contained within the NPPF. Further, the Applicant had signed a legal agreement with the Council that the development would be used in conjunction with Applicant's work and business and not for the building to be occupied as a separate or independent residential unit from Wickham Barn.
- 3.2.2 The proposal to remove Condition 6 of planning application FUL/MAL/16/00218 for the new build to be occupied by the Applicant and his family and for Wickham Barn, the existing dwelling, to be disposed of as a separate dwelling house would fail to accord with Development Plan Policies as the development results in a new dwelling being constructed outside the settlement boundary of Wickham Bishops where open-market development is not supported. The development would therefore represent an unwarranted and unjustified development in the countryside which is unsustainable in terms of accessibility and environmental impact.

4 MAIN RELEVANT POLICIES

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

4.1. National Planning Policy Framework 2018 including paragraphs:

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 189-192 Proposals affecting heritage assets

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development

- D3 Conservation and Heritage Assets
- H2 Housing Mix
- E5 Tourism
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG)
- Maldon District Car Parking Standards (SPD 2018)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is outside the defined development boundary of Wickham Bishops, and therefore the development of this site would be contrary to Policy S8 of the local development plan (LDP) which is unequivocal in the purpose of directing development to within defined development boundaries. This approach is to protect the rural countryside from unnecessary development that should otherwise be located in existing settlements / urban areas.
- 5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses.
- 5.1.3 As mentioned above, the application site lies outside the settlement of Wickham Bishops, and Policy S8 applies to this case. It is considered that the removal of Condition 6 of planning application FUL/MAL/16/00218 would be in conflict with Policies S1, S2 and S8 of the LDP as this would result in a new dwelling being erected outside the settlement boundary where such development is not look upon favourably. The dwelling would be in a rural location where it is approximately 2 miles away from the centre of Wickham Bishops where there are local services and facilities. There are no public footways or street lighting. This would not only deter pedestrians from using the local bus services especially during winter months and inclement weather, but could also deter the future occupiers from cycling to the local villages. In terms of accessibility, it is highly likely the development would result in the future occupiers being highly reliant upon modes of private transport and vehicles

to access services and facilities. Thus the development would be in conflict with Policy T2 of the LDP and the NPPF.

- 5.1.4 The principle of a new dwelling, without the restriction, would simply be a new dwelling in the countryside. The development would be contrary to the policies of the development plan and as such there is no policy justification to support the proposal that would result in a net increase of housing at this site.

5.2 Background History for the Site

- 5.2.1 In the 2016 planning application, the development proposal for the artist's studio / workshop and short-term living accommodation for visiting artists in the countryside was supported and approved. The development was viewed favorably at the time as it was in accordance with policies contained in the Maldon District Replacement Local Plan (2005) and the Maldon District Local Development Plan (MDLDP) which was pending consideration by the Secretary of State (approved on 21 July 2017). The building was to be used by the Applicant as an artist's studio and for visiting artists to work alongside the Applicant.
- 5.2.2 The development was contemporary and unusual in terms of design and appearance with its wedge-like form. The proposal was considered 'interesting' and 'exciting' development for the District and the Council was supportive of the scheme at the time as the development was in accordance with Policy E5 of the Local Development Plan. The application was approved subject to conditions and a legal agreement to prevent the building within the plot from being separated / sub-divided and for the building to be occupied as an ancillary accommodation in connection with the occupation of the main house 'Wickham Barn'. The removal of Condition 6 of planning application FUL/MAL/16/00218 would therefore be in conflict with Policies S2, S8 and E5 of the LDP.
- 5.2.3 It is important to note that this application, if approved, would become a stand-alone application with no legal agreement attached. As a new planning application, the legal agreement would not bind to and all the previous restrictions approved under planning application FUL/MAL/16/00218 would fall away.

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 to high quality new development and its importance is reflected in the NPPF (2018). 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 above principle is also set out in the approved LDP. 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 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.3.5 The application site lies outside the defined development boundary of Wickham Bishops. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposal is for the removal of Condition 6 imposed on planning application FUL/MAL/16/00218 for the construction of a part single, part two storey building in the grounds of Wickham Barn for use as artists’ studio / workshop and short-term living accommodation for visiting artists.
- 5.3.7 The removal of Condition 6 would not have an impact on the design, external appearance or siting of the contemporary building. The external materials such as corrugated solid steel sheeting (wall and roof), timber cladding, full length glazing, and aluminum fenestration detailing to be used in the construction of the development proposal have been submitted and discharged by Discharge of Condition application:

DET/MAL/17/05074 (Condition 3). However the building would lack justification and therefore would represent unwarranted domestication of the countryside.

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 privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 No first floor windows are proposed on the north and south elevation of the building serving Bedroom 1 and Bedroom 2. Also, given the distance between the development proposal between 'Carters' to the north, Wickham Place Farm and 'Wickham Place' to the north east, 'The Chase' and 'Mill Cottage' to the east, and 'Hillside Cottage' to the south east, it is not considered that the development proposal would result no harm to amenity of these residential properties by way of overlooking, interlooking or loss of privacy, visual impact, light, and noise. Further, no issues were raised in relation to the impact on residential amenity in the previous application FUL/MAL/16/00218. The proposal would therefore accord Policy D1 of the Local Development Plan and Government advice contained in the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard 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 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 Wickham Barn is served by two accesses, one to the north east with the second to the south east of the dwelling. The access to the north east which leads to an area of hardstanding allows off-street parking for at least three vehicles. The second access point to the south east of Wickham Barn leads to a four bay carport and an area of

hardstanding within the plot. It is noted that there will be no changes to the existing access points as they will serve the existing and future occupiers of the site. There is ample off-street parking spaces and turning area within the plot without impacting on highway safety irrespective whether the site will be used for visiting artists or to be occupied by the Applicant. The proposal would therefore accord with Policy T2 of the LDP. The Highway Authority has been consulted and raises no objection to the proposal.

5.6 Private Amenity Space and Landscaping

- 5.6.1 With regard to the size of amenity spaces, the council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for 1-2 bedroom dwellings, at least 50m² of amenity space would be required. For dwellings that have 3 or more bedrooms, 100m² should be considered. This policy requirement is also reflected in Section C07 'residential outdoor amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.6.2 Wickham Barn is located within a well landscaped and extensive ground which is laid to grass with modest size outbuildings. Approximately 15 metres away to the south eastern side of the dwelling is an open bay carport which runs parallel to the north eastern boundary of the site. The proposed building to be constructed would be positioned perpendicular to the existing carport and will occupy some garden land. Whilst this development would reduce the size of the existing garden, it is not considered the reduction of the garden area would be significant and demonstrably harmful to justify refusal. The development is considered to be proportionate and would not appear cramped or over developed within plot. In this respect, the proposal would be in accordance with Policy D1 of the LDP. Again the Council had raised no objection to the size of the private amenity area in the previous application FUL/MAL/16/00218.
- 5.6.3 In terms of hard and soft landscaping, this was approved by the Discharge of Condition application DET/MAL/17/05074 (Condition 5). The only change that is likely to occur would be a new boundary treatment separating 'Wickham Barn' and the new build should the application be approved. No details have been submitted in relation to the boundary treatment in this application although a condition can be imposed for this detail to be provided at a later stage.

5.7 Designated and Non-Designated Heritage Assets

- 5.7.1 The application is in the vicinity of listed buildings. Among these listed buildings, the most important is Wickham Place, located to the north-east of the application site, a very fine and quite large early eighteenth century house which is justifiably listed at Grade II*. The only Georgian house in the Maldon District larger than this is Braxted Place, Great Braxted. Wickham Place is surrounded by a complex of associated historic structures including to the south-east a former mill house and to the north-west a coach house, a stock yard wall and an outbuilding dated 1705 (now Wickham Place Farm) all of which are individually listed at Grade II.

- 5.7.2 To the north of the application site is Carters, a tiny timber-framed house faced with Victorian red brick and gault brick dressings and banding. It has charming detailing such as panelled shutters, decorative bargeboards and a timber-framed porch; all contributing to a picturesque effect. It is Grade II listed. The recently completed large extension to the rear replaced one of a similar size which dated from the mid-twentieth century.
- 5.7.3 To the east of the application site is Road Bridge, which carries Station Road over the River Blackwater. It is Grade II listed. This elegant Georgian bridge is constructed of red brick and has three large semi-circular arches with key stones and two small overflow arches.
- 5.7.4 Wickham Barn is not listed but is of local interest and can be regarded as an undesignated heritage asset in the terms of Paragraph 197 of the NPPF. The proposal which was previously approved as an artist's studio would now just become a dwelling and will be located to the southern part of the grounds to Wickham Barn. The barn would be contemporary in design. It is shaped like a wedge with low eaves at the east end rising to two-storey in height to the west.
- 5.7.5 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In terms of impact on the setting of nearby listed buildings, it is considered that the impact from the proposal would be minimal and not amounting to harm. The Conservation Officer raised no objection to the proposal at the time that the original application was considered.
- 5.7.6 The Conservation Officer has been consulted for the removal of Condition 6 and again has raised no objection to the proposal.

5.8 Other Considerations

- 5.8.1 As part of the application submission for the removal of Condition 6 of FUL/MAL/16/00218, the Applicant has submitted details of personal circumstances that have led to the change in the project and the need for financial stability for the Applicant's family. While the Council fully sympathises with the Appellant's personal circumstances, the planning application has been assessed on its planning merits and in this instance, the removal of Condition 6 if approved, would conflict with Development Plan Policies.

6 ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/00470** - Construct first floor extension to outbuilding and erect ground floor extensions and canopy. Approved: 21.06.2002.
- **HOUSE/MAL/10/00820** - Move existing vehicular access 5 metres to the north west, erect new gate, replace hedgerow and fencing on boundary. Approved: 23.11.2010.
- **HOUSE/MAL/12/00902** - Proposed ancillary car port building to serve the dwelling house. Approved: 30.01.2013.

- **FUL/MAL/16/00218** - Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artists' studio / workshop and short-term living accommodation for visiting artists. Approved: 21.06.2016 subject to a S106 legal agreement (signed and dated 21 June 2016).

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p><u>Object:</u></p> <p>Sympathetic to the owners' personal circumstances but noted that these did not constitute planning considerations, and that consent would create a residential property by subdivision of a garden outside the development boundary, contrary to LDP</p>	Noted in the officer report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted
Natural England	No comment to make on the removal of Condition 6.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No comment to make on this application	Noted

7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation has been received at the time of writing this report. Any comments received will be reported on the Members Update.

8 **REASONS FOR REFUSAL**

The application site lies outside the defined settlement boundary of Wickham Bishops wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. It is considered that the proposal to remove Condition 6 of planning application FUL/MAL/16/00218 for the new build to be occupied by the Applicant and his family and not for an artist studio, workshop, and guest accommodation for visiting artists would represent a separate dwelling unit which is unjustified and visually intrusive in its rural location. Further, the development of the site for a new dwelling remote from community services and essential support facilities and inaccessible by sustainable modes of transport in this rural location is contrary to the overarching objectives contained within the NPPF 2018. The poor accessibility to the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against Policies S1, S2, S8, D1, H4 and T2 of the MDLDP.