



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
1 APRIL 2019**

Application Number	FUL/MAL/19/00038
Location	Wickham Place Farm Station Road Wickham Bishops
Proposal	Change of use of annexe to single family dwellinghouse
Applicant	Mr & Mrs Wilson
Agent	Mr Stewart Rowe
Target Decision Date	21.03.2019
Case Officer	Hannah Bowles
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In by Councillor H M Bass Reason: Public Interest

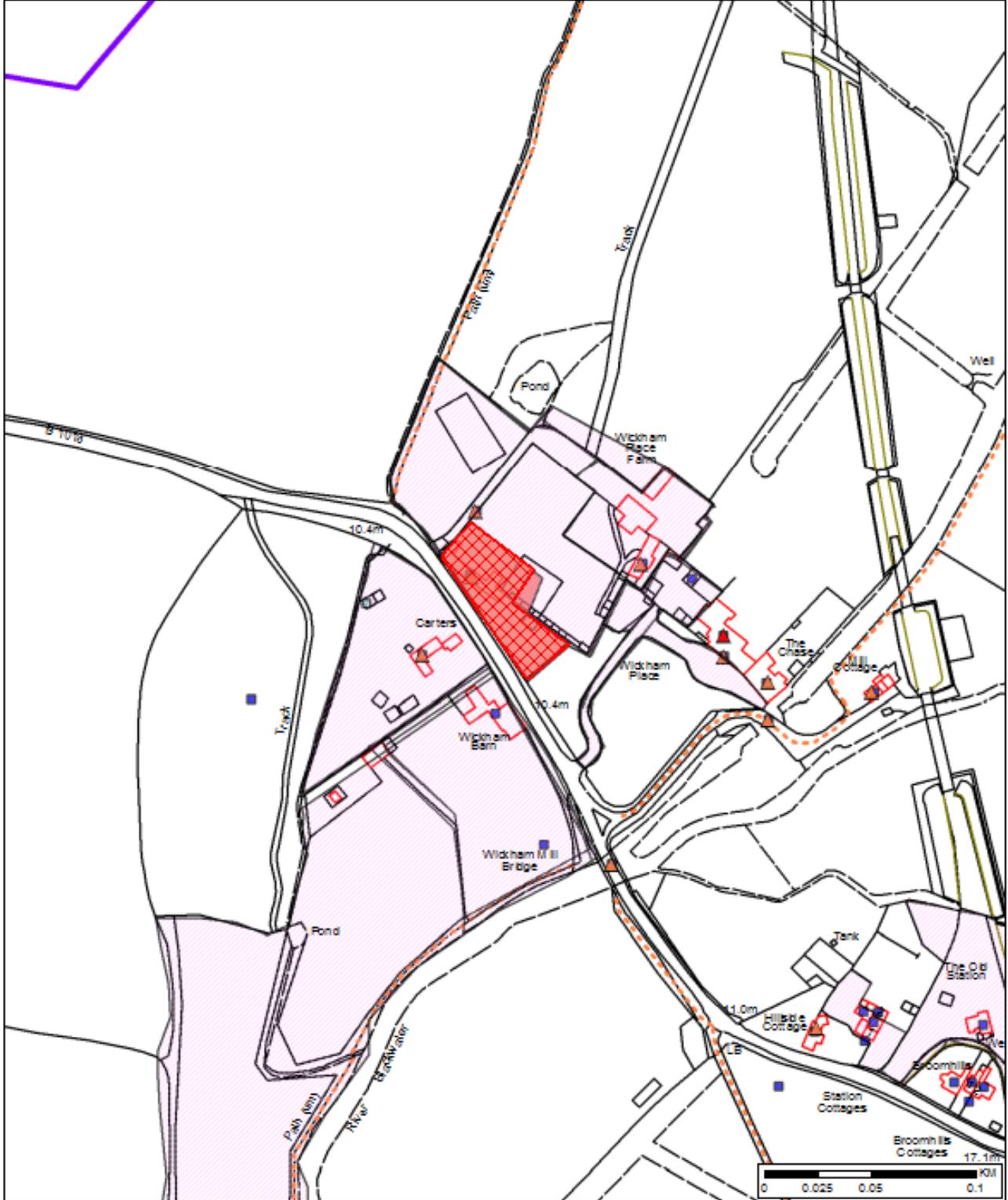
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Wickham Place Farm Station Road Wickham Bishops
 19/00038/FUL



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

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Scale:	12,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	
Date:	12/03/2019
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site measures around 0.16Ha, it is located on the north eastern side of Station Road, outside of the defined settlement boundary of Wickham Bishops. The site is occupied by an annexe which is currently tied to the main dwelling at Wickham Place Farm via a planning condition and a unilateral undertaking.
- 3.1.2 Planning permission is sought for the sub-division of the existing planning unit in order to separate the annexe from the main dwelling at Wickham Place Farm. This would allow the annexe to be used as a separate planning unit. The annexe is a narrow, four bedroomed building which is currently served by its own access point, turning and parking area and a double garage. It is located around 50m from the main dwelling on the larger site within the applicant's ownership.
- 3.1.3 The annexe is Grade II listed and the site also comprises a Grade II listed garden wall and Grade II listed Coach House. The proposal would not result in any physical changes to the listed building or application site.

3.2 Conclusion

- 3.2.1 The proposal to change the use of the annexe to a separate dwellinghouse would fail to accord with the policies of the Development Plan as the development would result in a new dwelling being formed outside of 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. Further, the Applicant had signed a legal agreement with the Council to ensure that the existing annexe would be used in conjunction with main dwelling on the larger site and to ensure that the annexe would not be occupied as a separate or independent residential unit from Wickham Place Farm.

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:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 79 Rural Housing
- 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
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Specialist Needs Housing SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The annexe is located outside of any defined settlement boundary. Policy S8 of the Local Development Plan (LDP) is unequivocal in its purpose of directing development within defined development boundaries. This approach is to protect the rural countryside from development that should otherwise be located in existing settlements / urban areas. Policy S8 goes on to state that outside of defined settlement boundaries, the Garden Suburbs and 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 it is for one of the 13 specified types of development. The list of 13 acceptable forms of development within the countryside does not include residential development consisting of open-market dwellings. The proposal is therefore not considered to be in accordance with policy S8 of the LDP.
- 5.1.2 As noted above the site is located outside the settlement boundaries and is a significant distance from any settlement. The dwelling would be in a rural location 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.
- 5.1.3 It is noted that paragraph 79 of the NPPF allows for the subdivision of an existing residential dwelling within the countryside. However, given the content of the development plan and the recently adopted Maldon District Specialist Needs Housing Supplementary Planning Document (Sept 2018), which specifically resists annexes becoming primary residential accommodation (paragraph 6.7) and the other considerations that are set out below, it is considered that in this instance such a proposal should not be supported.

5.1.4 Furthermore, it is noted that similar proposals which result in the sub-division of an existing residential plot have been approved within the locality. However, the circumstances of those sites are not directly comparable to this one and every application should be determined on its own merits. Wickham Barn located opposite the application site, sought permission to remove a condition which resulted in ancillary accommodation becoming a separate dwelling. The North Western Area Committee resolved to approve this application (ref. FUL/MAL/18/01362) in January 2019; although no official reason for approval was given, it appears that the personal circumstances of the applicants led to the application for the removal of the condition and that the usual/exceptional design weighed in favour of the proposal. Further, Carters which is a residential dwelling to the north of Wickham Barn, was subject to a similar application to remove a condition which resulted in ancillary accommodation becoming a separate dwelling (ref. FUL/MAL/15/01218), this application was determined at a time when different policies of restraint applied and the Council was unable to demonstrate a 5 Year Housing Land Supply. Lastly, an application to vary a condition at Parsonage Farm, located in the parish of Tolleshunt Major was approved in January 2019. This approval was an exceptional instance as the condition which was proposed to be varied did not meet the six tests that a condition must meet to be implemented nor did the condition proposed by the applicant; therefore the only way forward was to remove the condition. Therefore, it is clear that there are no directly comparable applications that would weigh in this proposals favour.

5.2 Relevant Planning History

5.2.1 In 2013 two planning applications and concurrent Listed Building Consent applications were approved for the use of the building as an annexe and various other works on the larger site within the applicant's ownership. A further application for planning permission and listed building consent were sought in 2014 for a comparable scheme. All of the planning permissions (detailed in section 6 below) were approved subject to a legal agreement to ensure that the annexe is not sold, transferred or disposed of in anyway except by way of disposal of the whole site and to ensure the annexe is used as ancillary accommodation in connection with the occupation of the main house. As stated within the 2014 report for the reasoning behind the legal agreement *'It would be imperative for a comparable legal agreement to be attached in order to avoid the creation of a new separate dwelling.'*

5.2.2 Should the application be approved the annexe would become a stand-alone dwelling without a legal agreement attached. As a new planning application, the existing legal agreement would not bind the applicants with the previous restrictions approved under planning applications FUL/MAL/14/00156 and LBC/MAL/14/00157.

5.2.3 The applicant has sought to discharge the legal agreement, which will be addressed should the application be approved.

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.

It should be noted that good design is fundamental to high quality new development 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”.

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.

5.3.2 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

5.3.3 The application site lies outside of any defined development boundary. 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.

5.3.4 The independent occupation of the annexe would be likely to result in intensification in the use of the site through extra domestication. This would be through additional outdoor paraphernalia required for a dwellinghouse such as a washing line or outdoor seating and the extra pressure for privacy and boundary treatments in the future. This would affect the appearance of site and therefore it is considered that this would result in an impact on the existing site and the character of the area, particularly given the proximity of the annexe to Station Road.

5.3.5 Therefore, it is considered that the change of use would be likely to result in the erosion of the character and appearance of the site and the locality contrary to policies D1 and H4 of the LDP. Furthermore, this approach has been supported at a number of appeals.

5.4 Impact on Heritage Assets

- 5.4.1 The annexe is a listed building and there are several heritage assets within the vicinity of the site. However, given there are no physical alterations proposed there are no concerns in this respect. The Conservation Office has been consulted and raised no objection to the proposal.

5.5 Impact on Residential Amenity

- 5.5.1 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 Maldon District Design Guide (2017).
- 5.5.2 The annexe is existing habitable accommodation and there are no physical alterations proposed to the building and therefore its relationship with the neighbouring properties would not be materially altered, with the exception of the main dwelling on the larger site.
- 5.5.3 The proposed change of use would result in the sub-division of an existing residential plot and a material change between the relationship of the annexe and main dwelling to which it is tied. However, given the separation distance of around 50m and its siting to the west of the main dwelling; it is not considered that the development would give rise to overlooking to detriment of the neighbouring occupiers.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The recommended car parking provision for a four bedroomed dwelling is 3 car parking spaces.
- 5.6.3 There are no proposed changes to the access point or the car parking provision currently utilised by the annexe. There is an existing two bay garage that serves the annexe as well as a gravelled area which provides further parking provision and a turning area. Therefore, there are no concerns in relation to access or parking.
- 5.6.4 Whilst the occupation of four bedroomed annexe as a stand-alone dwelling may result in an increase in vehicle movements to and from the site, it is not considered that this would be a risk to highway safety. Furthermore, the highway authority has been consulted and raised no objection to the proposal.

5.7 Private Amenity Space and Landscaping

- 5.7.1 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 It is proposed to provide a private amenity area to the rear of the existing annexe, an area in excess of 500m² would be taken from the existing grounds of Wickham Place Farm to be used in association with the proposed use. Therefore, no concerns are raised in this respect. Furthermore, given the extensive grounds of the main dwelling there would be ample private amenity space remaining to serve the main dwelling.

6. OTHER MATTERS

European Designated Sites

- 6.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 6.2 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes – The planning application relates to two dwellings.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

It is understood that a County wide SPD is currently in preparation and has not been through public consultation. As such, the Council cannot request a proportionate financial contribution to be secured in line with the Essex Coast RAMS requirements in connection with development proposals at this stage. The application and the HRA must therefore be determined on the basis that no mitigation of the development is available. In this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of a dwellings on the protected habitats and in the context that it is not possible to establish what a proportionate contribution may be, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of a dwelling in this location would not be harmful in terms of additional residential activity to a degree that would justify the application being refused.

7. ANY RELEVANT SITE HISTORY

- **FULF/MAL/90/00209** - Rear extension. Approved 10.05.1990.
- **LBC/MAL/90/00210** – Rear Extension. Approved 04.05.1990.
- **AGR/MAL/92/00001** - Erection of grain store/general purpose building. Prior Approval required. 28.04.1992.
- **AGR1/MAL/92/00001** - Proposed new farm building. Approved 28.07.1992.
- **FUL/MAL/07/01056** - New dwelling and garage partially in existing cartlodge. Withdrawn 15.11.2007
- **LBC/MAL/07/01056** - New dwelling within existing cartlodge and adjacent to garden wall. Withdrawn 15.11.2007.
- **FUL/MAL/11/00563** - Demolish 20th Century outbuildings on Listed Wall and 20th Century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge / garage. Refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe. Approved subject to a Section 106 Agreement 18.07.2013.
- **LBC/MAL/11/00564** - Demolish 20th Century outbuildings on Listed Wall and 20th Century detached iron barn and five bay garage. Improve existing drive and erect detached cartlodge / garage, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe. Approved 18.07.2013.
- **FUL/MAL/12/00417** - Demolish 20th century outbuildings on listed wall and 20th century detached iron barn. Improve existing drive, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of

cottage as ancillary residential annexe (amended proposal). Approved subject to a Section 106 Agreement 25.01.2013.

- **LBC/MAL/12/00418** - Demolish 20th century outbuildings on listed wall and 20th century detached iron barn. Improve existing drive, refurbish, alter and extend coach house in connection with its use as principal dwelling, and use of cottage as ancillary residential annexe (amended proposal). Approved subject to a Section 106 Agreement 25.01.2013.
- **FUL/MAL/14/00156** - demolish 20th century outbuildings on listed wall and 20th century detached iron barn and five bay garage. improve existing drive and erect detached cartlodge/garage, refurbish, alter and extend coach house in connection with its use as new dwelling, and use of cottage as ancillary residential annexe (amended proposal) approved subject to a section 106 agreement 18.12.2014.
- **LBC/MAL/14/00157** - demolish 20th century outbuildings on listed wall and 20th century detached iron barn and five bay garage. improve existing drive and erect detached cartlodge/garage, refurbish, alter and extend coach house in connection with its use as new dwelling, and use of cottage as ancillary residential annexe (amended proposal) approved subject to a section 106 agreement 18.12.2014.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>We recommend the refusal of planning permission, for the reasons listed below: No letters of representation had been received.</p> <p>It was acknowledged that the barn opposite had received planning permission; however this was against the recommendation of the parish council.</p> <p>Councillors noted that the application site was well outside the development boundary in an unsustainable location and would constitute subdivision of an existing plot. For these reasons the application was</p>	Noted and discussed in sections 5.1 and 5.3.

Name of Parish / Town Council	Comment	Officer Response
	considered to be against the planning policies of Maldon District Council and the Wickham Bishops draft Neighbourhood Plan. The Planning Committee recommended REFUSAL.	

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection.	Noted.

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Inadequate information in relation to Foul and Surface water drainage. Therefore, no objection subject to suitable conditions.	Noted.
Conservation Officer	The proposed change of use from an Annexe back to an independent residence would involve no physical alteration of the grade II listed building. An application for listed building consent is therefore not required. The proposed change of use would result in no harm to the significance of setting of the listed building, or to the significance of any of the other listed buildings within the vicinity.	Noted.

8.4 Representations received from Interested Parties

8.4.1 No letters of representation have been received to date.

9. REASONS FOR REFUSAL

- 1 The application site lies outside the defined settlement boundary of Wickham Bishops wherein both policies of the Development Plan and Government Guidance points towards the continued restraint of new development in the countryside. It is considered that the proposal to remove the tie between the annexe and the main dwelling would result in the creation of a separate dwelling unit which is unjustified in its rural location and would intensify the domestication of the site. 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 and the Maldon District Specialist Needs Housing SPD.