



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 JUNE 2020**

Application Number	20/00310/FUL
Location	Barns Adjacent to Mosklyns Farm, Chelmsford Road, Purleigh
Proposal	Conversion of barn and cartlodge to 2 new dwellings
Applicant	Mr & Mrs Strathern
Target Decision Date	12.06.2020 – EOT
Case Officer	Hayleigh Parker-Haines
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor Fleming Reason: D1(a) – Architectural Style, use of materials, D1(e) Historic Environment, S1 Maintaining the rural character without compromising the identity of individual settlements, S8 Settlement Boundaries and Growth

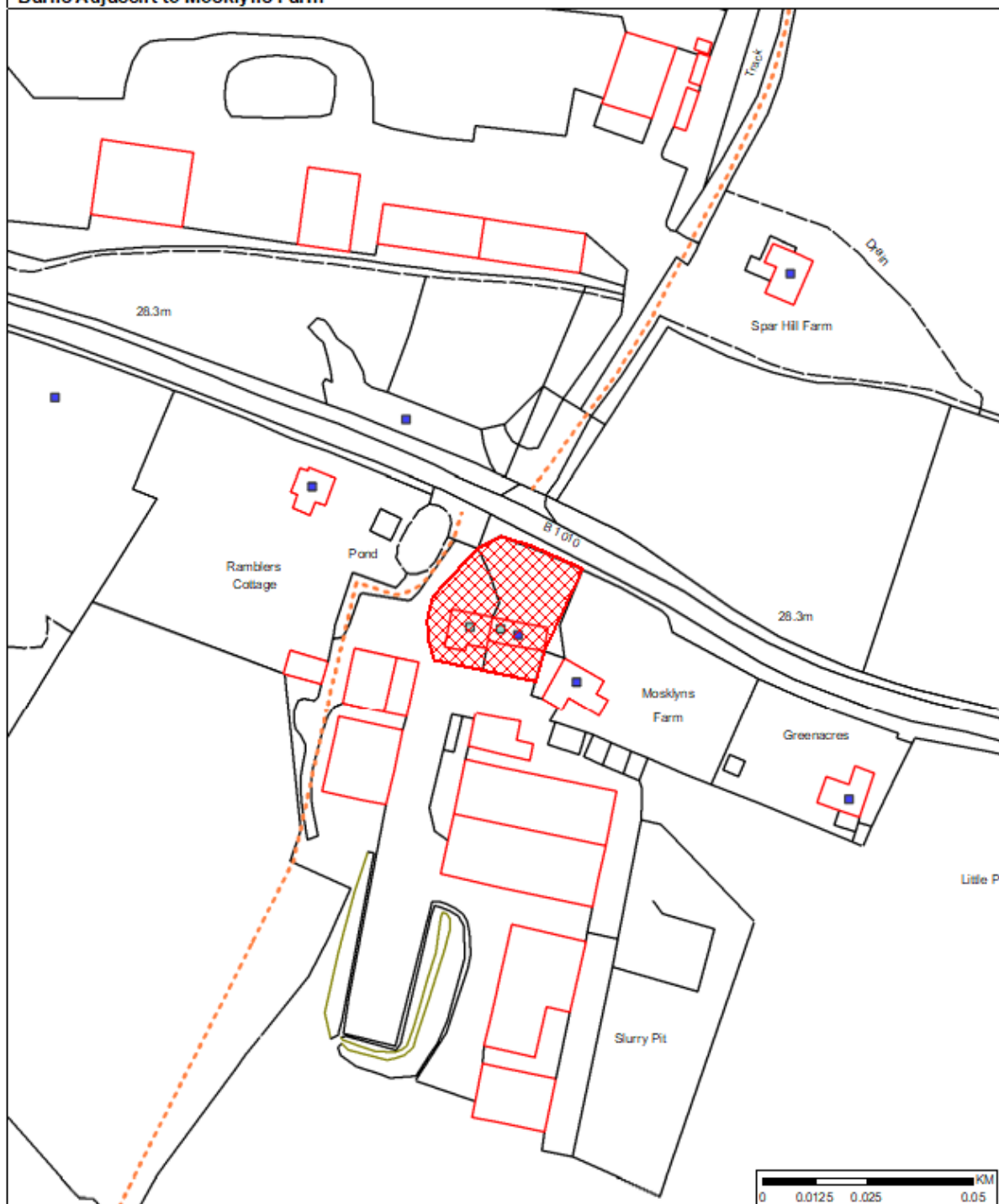
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

20/00310/FUL
Barns Adjacent to Mosklyns Farm



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Purleigh
	Date:	14/04/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 The Site

- 3.1.1 The application site is located outside of any development boundary, in a rural setting, to the north of the village of Purleigh. Mosklyns Farm is located to the south-west side of Chelmsford Road and comprises of the farmhouse and a farmyard containing a number of large agricultural buildings. The barns to which this application relates are two timber boarded barns of combined footprint 159m² previously used for agricultural storage in association with the established farm, located to the north-west of the farm and accessed from an existing but not in use access to the north. Works have begun on site following the previously granted prior approval application 15/01096/COUPA, these have resulted in one dwelling being completed (bungalow), however, the second dwelling is not complete with the building lacking fenestration.

3.2 Proposal / brief overview, including any relevant background information

- 3.2.1 Planning permission is sought to regularise the change of use of the agricultural buildings to No.2 dwellinghouses. It should be noted that the change of use and external works to the single storey dwelling are complete and this dwelling is under occupation. The application site remains unchanged under this application. This application seeks to regularise the proposed works as the previous decision was subject to the works being carried out in accordance with conditions. The relevant ones to this application are condition one and condition two, which are as follows:

Condition one states:

‘The development hereby approved must be completed within a period of 3 years starting with the prior approval date.’

Condition two states:

‘The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.’

- 3.2.3 As the development is yet to be completed, the works have not been carried out in accordance with the time restriction of condition one. Furthermore, there have been amendments to the previously granted scheme in relation to minor alterations in the fenestration of the proposed dwelling to the western end of the barn. This includes an additional ground floor window to the front elevation and the two sets of doors to the rear elevation are to be replaced with windows and the window is to be replaced with a door.

3.3 Conclusion

- 3.3.1 The application seeks to regularise this Originally implemented Prior Approval scheme which has not been completed within the time period or in accordance with the details approved as the approval has expired. As such, the approval has fallen away and the development is now unauthorised. The determinative criteria for a Prior Approval scheme is in Permitted Development legislation and as a result its form and nature is not as a result of development considered under Section 38 of the Town and

Country Planning Act. As such, under this planning application, the development fails to comply with Development Plan policies and those policies within the National Planning Policy Framework (NPPF). Specifically, the development is considered unacceptable in spatial terms due to its location and as such represents harm to the countryside and is also not considered a sustainable development. Furthermore, it is deficient in terms of amenity space for existing and future occupiers. The proposal is therefore recommended for refusal of planning permission.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 117-123 Making 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
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is located beyond the defined settlement boundary for Purleigh, within the countryside, approximately 712 metres away from the settlement boundary of Purleigh 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 (LDP) 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 LDP unless material considerations indicate otherwise. In this case the development plan comprises of the approved Maldon District Local Development Plan (LDP). 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 two dwellinghouses was necessary to regularise the works that have been implemented and to allow the completion of the second dwelling. 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 comply with the requirements of a permission, or in this case lack of ability to, 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 whole of the development is not completed and the differences between the prior approval application and this application, as outlined in paragraph 3.2.3, 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 LDP 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. Therefore, this assessment is materially different to the assessment of a planning application whereby the starting point is the LDP.

- 5.1.7 As highlighted above, a prior approval application (15/01096/COUPA) was previously granted on the 2nd December 2015 for the conversion of the barns to residential accommodation. This was subject to conditions, including condition 1 which stated that the development approved must be completed within a period of 3 years starting with the prior approval date. To date, the development is incomplete, awaiting the installation of windows and doors. It should be noted that a further prior approval application was submitted on 6th November 2019 (19/01162/COUPA) which sought to extend the time limit condition. However, this application was refused; *“planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made” (PPG)*. Whilst the condition imposed under 15/01096/COUPA does not restrict the time limit for when the development can be started per se (there is no such condition within the prior approval process), it does restrict the timeframe for the completion of the development. Therefore, given that the development is incomplete, the prior approval permission has fallen away. Therefore, there is no fall-back position and planning permission is required.
- 5.1.8 Furthermore, condition 2 stated that the development shall be carried out in complete accordance with the approved drawings, when the agricultural buildings were altered and converted for residential accommodation the development was not carried out 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. Therefore, given that the development did not comply with the approved scheme and that the majority of 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 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. Whilst the fenestration pattern has altered as part of this application and the construction of the development; these alterations are considered to be minor, in relation to the prior approval process, and would not be so significant that the proposed development would no longer benefit from prior approval and that this alone would not constitute unlawful development. The breach of planning control relates predominately to the fact that the development is unlawful and most fundamentally, fails to comply with planning policy.
- 5.1.10 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 remains incomplete. 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 Local Development Plan (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 one three bedroom property and one two bedroom property. In this respect, the proposal would make a negligible contribution to improving the Council's housing stock. However, it is not considered that the benefits arising from the provision of one dwelling, particularly when the Council can demonstrate a five-year supply of housing, would outweigh the harm relating to sustainability discussed throughout this report

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;

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 visible within the public realm and is therefore considered to impact on the character and appearance of the site and surrounding area. Prior to the conversion that has taken place, the buildings within the site were of a typical agricultural character and appearance. It is considered that the alterations involved in the conversion of the buildings to residential have been carried out in a sympathetic manner, of which the overall character of the buildings has not changed; the external materials remain similar to the original barn, with the form and design of the buildings remaining unaltered besides the addition of fenestration. Therefore, it is not considered that the design of the dwellings would result in a significant detrimental impact on the character and appearance of the site or the surrounding area.

5.3.6 Despite the minor alterations to the external appearance of the barns in carrying out the conversion to residential and that the amenity space would largely be blocked from views within the public realm, it is considered that the visual impact of the domestic paraphernalia associated with the dwelling, car parking arrangements and the hardstanding proposed would result in an unacceptable level of domestication within the countryside. Therefore, it is considered the proposal would result in an urbanising effect and detract from the rural character of the area and would not represent a visual improvement of the site and surrounding countryside.

5.3.7 Having regard to the above, it is considered that the proposal would result in an intensified level of domestication at the application site, within the countryside, that would result in material harm to the character and appearance of the surrounding countryside contrary to Policies, S1, S8, H4 and D1 of the LDP.

5.4 Impact on Residential Amenity

5.4.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.4.2 The application site is bordered by two neighbouring properties. To the east is Mosklyns Farm and to the west is Ramblers Cottage.

5.4.3 The proposed development (Conversion of Barn 2) would sit 4.7 metres from the neighbouring property Mosklyns Farm. This neighbouring property has three ground floor windows on its western side elevation facing the development. There would be two ground floor windows facing this neighbouring property, which would serve a

bedroom, however, due to the location of the development in relation to this neighbouring property (rear elevation in line with front elevation of neighbouring property) it is not considered that these windows would offer any views into the neighbouring property. There is also a first floor window to the eastern side elevation of Barn 1 which would face this neighbouring property, for the above reasons it is not considered that this would result in an unacceptable loss of privacy to this neighbouring property. Furthermore, due to the single storey nature of Barn 2 and the degree of separation from Barn 1 (18 metres) it is not considered that the proposed development would have an overbearing impact on this neighbouring property. Therefore, it is not considered that the proposed development would represent an unneighbourly form of development in relation to this neighbouring property.

- 5.4.4 The proposed development would sit 20metres from the shared boundary with Ramblers Cottage and 42 metres from the neighbouring property. It is noted that there is one first floor window proposed to the western side elevation facing this neighbouring property. However, due to this substantial degree of separation, it is not considered that the proposed development would represent an unneighbourly form of development in relation to this neighbouring property.
- 5.4.5 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, 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 are 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 The proposed development would result in two dwellinghouses, one with three bedrooms and one with two bedrooms. The minimum parking provision required is two spaces per dwelling. No information has been provided in relation to the location of parking provision onsite. However, there is adequate hardstanding to the front of both dwellings to accommodate parking provision for a minimum of four vehicles. Therefore, there are no concerns in relation to parking, should the application be approved it is considered that specific details in securing the minimum required parking provision on site could be dealt with by the imposition of a condition.
- 5.5.4 Access to the dwellings is from the existing access to the agricultural buildings from Chelmsford Road to the north. Whilst the Highway Authority have not provided comments on the application, given that there were 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.

5.6 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 Maldon Design Guide 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 dwelling has an area of private amenity space situated to the rear which each measures less than the requirement of 100m² for a three bedroom property and 50m² for a two bedroom property. The proposal provides amenity space ranging between 40m² and 39m² respectively. 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 and the land surrounding the site is within the applicants ownership and could potentially be accessible for the private use of the occupiers, the application is to be determined on the basis of the site identified by the redline which defined the planning unit, The land beyond the redline is not part of the application and is not designated residential land. Therefore, it is not considered that sufficient amenity space has been provided for the current and future occupiers of the dwellings.
- 5.6.3 No information has been provided in relation to the proposed boundary treatments and landscaping to be implemented as part of the development. However, it is considered that this information could be secured via a condition should this application be approved.

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 of the defined development boundary of Purleigh and approximately 1450 metres from bus services to Maldon, which are 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 Local Development Plan.
- 5.7.4 A supporting statement has been supplied by the applicants which makes references to other developments along Chelmsford Road, close to the application site. 15/00691/OUT (Tree Lawn) was allowed on appeal; this was also prior to the five year housing land supply and the new Local Development plan, 12/00525/FUL (Spa House Farm) and 12/00929/FUL (land rear of Greenvale), again these were also prior to the five year housing land supply and the new LDP.
- 5.7.5 Reference is made to 17/01160/FUL (Land adjacent Sunnycot) this application was allowed on appeal (APP/X1545/W/18/3203376), whereby it was concluded that the proposed development would not represent any harm to the character and appearance of the surrounding area as the site was not isolated or remote from other properties and would therefore, be read in context with these properties. Furthermore, the Inspector concluded that the proposed development would be suitably located as there is a footpath leading to the main settlement of Purleigh whereby there are a number of services and facilities. Whilst there are similarities between the above mentioned application and the current application for the barns adjacent to Mosklyns Farm; Sunnycot is located approximately 200 metres closer to the settlement boundary of Purleigh whereby the pattern of development is significantly different to that at the application site. Furthermore, each application should be determined on its own individual merits.

5.8 Ecology regarding development within the zone of influence (ZOL) for the Essex Coast RAMS.

- 5.8.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*'

- 5.8.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.3 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.8.4 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.8.5 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.6 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.7 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected

to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.

- 5.8.8 To accord with Natural England’s requirements, an Essex Coast RAMS 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, as follows:

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 previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- 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.

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account Natural England’s advice, it is considered that mitigation, in the form of a financial contribution of £244.60 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

- 5.8.9 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

- **15/01096/COUPA** – Change of use of two existing barns from agricultural to dwelling houses (2.12.2015)
- **19/01162/COUPA** - Variation on condition 1 & 2 approved planning permission COUPA/MAL/15/01096 Change of use of two existing barns from agricultural to dwelling houses (27.01.2020)

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The Parish Council	Comments noted

Name of Parish / Town Council	Comment	Officer Response
	believes that the proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the LDP and guidance contained within the NPPF	

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Essex Country Council highways	No response at the time of writing this report	N/A

7.3 Representations received from Interested Parties

7.3.1 No representations have been received at the time of writing the report.

8. REASONS FOR REFUSAL

1. The application site lies within a rural location outside of the defined settlement boundary of Purleigh 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 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 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.

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.