



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
8 JULY 2020**

<b>Application Number</b>	<b>20/00502/HOUSE &amp; 20/00503/LBC</b>
<b>Location</b>	The Wheat Barn, Keelings Road, Dengie, Essex CM0 7US
<b>Proposal</b>	Proposed construction of a lean-to storage building to store logs, household and garden equipment
<b>Applicant</b>	Mr and Mrs Adrian Fluker
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	23.07.2020
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>DENGIE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

**20/00502/HOUSE:**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

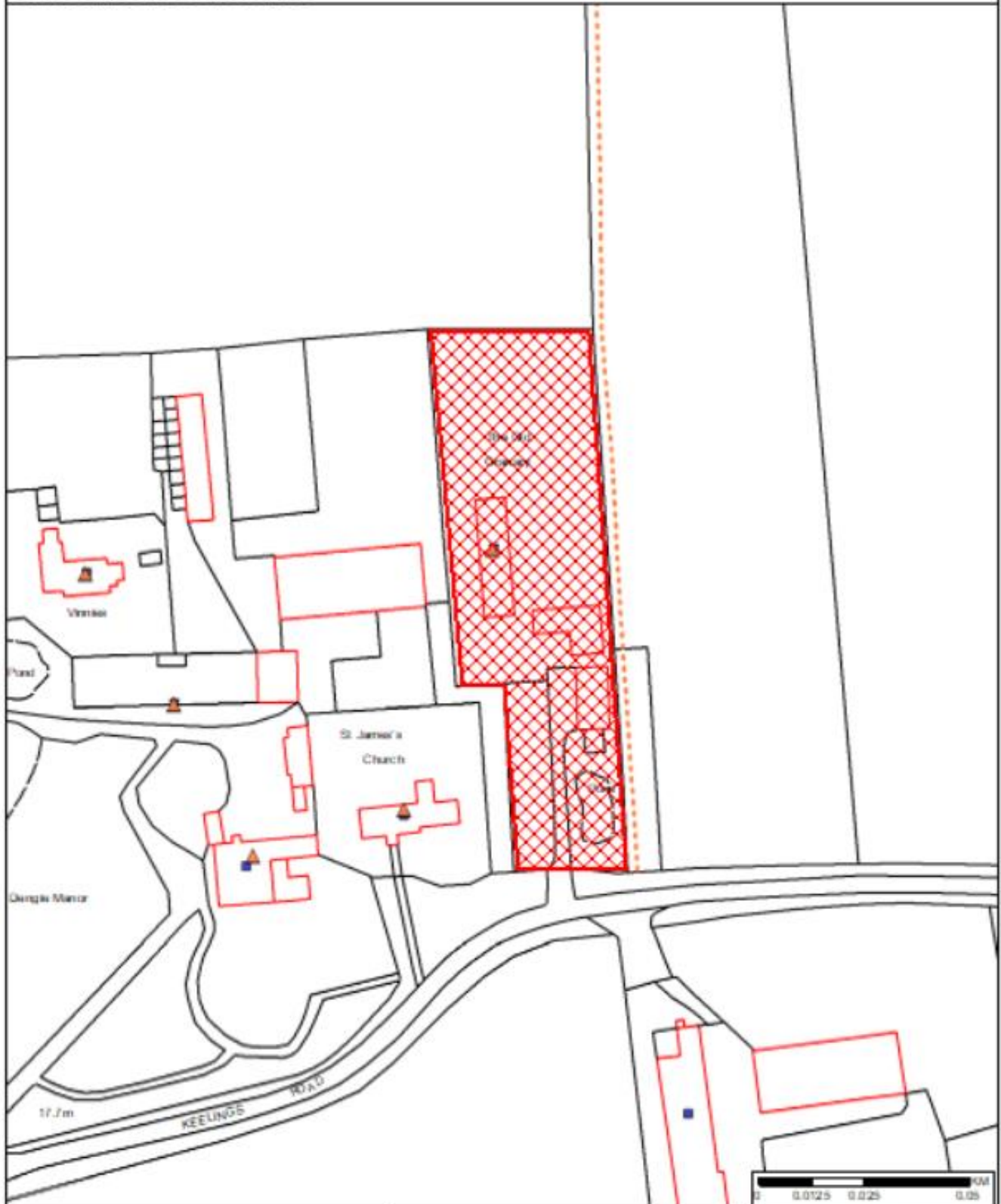
**20/00503/LBC:**

**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**The Wheat Barn, Keelings Road, Dengie**  
20/00502/HOUSE & 20/00503/LBC



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Maldon District Council 100018588 2018*



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: South East Area Committee

Date: 17/06/2020

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of Keelings Road, adjacent to St James's Church to the east. The site is located outside of the settlement boundary but within the parish of Dengie and within a rural setting. The largest building on the site, 'The Wheat Barn' is an 18<sup>th</sup> century Grade II listed two storey building constructed of red brick. The building is an early example of an Essex brick barn dating back to the Victorian period. To the south east of the site is an annex, a cartlodge and the remnants of an old forge with a timber shelter.
- 3.1.2 Permission is sought for the construction of a lean-to outbuilding with windows to the eastern elevation of the existing cartlodge and the reinstatement of a door to the eastern elevation of the cartlodge which would lead into the lean-to building. It is proposed the lean-to would be used for storage.
- 3.1.3 The proposed development would measure 14 metres in width and 2.9 metres in depth with an eaves height of 2.1metres and a maximum height of 2.4 metres.
- 3.1.4 The proposed materials would be a red brick plinth with black shiplap weatherboarding and black onduline bitumas concrete sheeting. The proposed windows would have black timber frames.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the development, by reason of its scale and design does not harm the appearance or character of the area or the listed building, and due to there being no neighbouring residential properties, the development would not result in any unacceptable harm by way of overlooking, overshadowing or through being unduly overbearing. Additionally, the development does not detrimentally impact on the provision of car parking or private amenity space. Therefore, it is considered that the development is in accordance with policies D1 and D3 of the Local Development Plan (LDP), sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance contained within the National Planning Policy Framework (NPPF).

### **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
- 184 - 202 Conserving and enhancing the historic environment

#### **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
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require 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 LDP.

5.1.2 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

#### **5.2 Design and Impact on the Character of the Area**

5.2.1 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.

5.2.2 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”.*

*“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”.*

- 5.2.3 This principle has been reflected to 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
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.7 The proposed development consists of a lean-to building with opaque glazed windows to the rear of the existing cartlodge. It is proposed the building would be used for storage purposes.
- 5.2.8 The proposed lean-to would be a large addition which would span the width of the existing cartlodge, however due to its design and single storey nature the lean-to would not appear dominant within the site and would not detrimentally impact upon

the character and appearance of the listed building or the existing cartlodge. Whilst the lean-to would be visible from the streetscene due to its design it is considered the development would not detrimentally impact up the character or appearance of the streetscene or wider locality.

- 5.2.9 A Consultation response from the Councils Specialist in Heritage and Conservation has raised no objections to the proposed development commenting the development would be ‘a modest and sympathetic addition’ which would result in ‘no harm to the setting or significance of the Grade II listed barn or to the limited significance of the shed’. The development would therefore be in accordance with policy D3 of the Maldon LDP, chapter 16 of the NPPF, or the duties set out in sections 16(2) or 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 5.2.10 The proposed weatherboard finish would be typical of an outbuilding and therefore no objections are raised in regard to the proposed materials.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 in 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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 Whilst it is noted windows are proposed to the eastern elevation, the plans show these windows would be of opaque glass. Furthermore, the site is not bordered on any side by other residential dwellings and therefore the proposed development would not detrimentally impact on any neighbouring residential amenity.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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. The Council’s adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum 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.
- 5.4.2 Due to the position of the proposed lean-to it would not detrimentally impact upon the existing on-site car parking provision and therefore the proposed development would be in accordance with policy D1 of the LDP.

## 5.5 Private Amenity Space and Landscaping

- 5.5.1 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 advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.5.2 The dwelling sits on a large site which accommodates more than the minimum 100m<sup>2</sup> of private amenity space specified within the Maldon Design Guide and due to the position of the proposed development would remain in excess of the minimum size recommended. Therefore, the proposed development is in compliance with policy D1 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
MAL/1014/89	Change of use of granary to office	Conditional
MAL/936/91	Change of use of granary to a dwelling	Conditional
LB/MAL/963/91	Change of use of granary to a dwelling	Conditional
LBC/MAL/91/0963/A	Change of use of granary to a dwelling	Conditional
FUL/MAL/94/0705	Pond	Approved
MAL/95/0076	Septic tank	Approved
FUL/MAL/02/00851	Stables and garden store	Conditional
LBC/MAL/02/00852	Stables and garden store	Conditional
09/01037/FUL	Stables and garden store	Approved
12/00138/FUL	Detached annex	Withdrawn
12/00700/FUL	Detached annex	Approved

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	The proposed lean-to is in keeping with existing buildings	Comments noted

## 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	The significance of the grade II listed barn derives from its age, the fact that it is a relatively early example of an Essex brick barn, the quality of its materials and detailing, and its tranquil rural setting. The brick shelter shed is a positive feature within the setting of the barn but, as a very common Victorian building type, the shed possesses little significance in its own right. The eastern wall of the lean-to would be clad in black timber weatherboarding and roofed in black onduline corrugated roofing sheets. A doorway would be opened on the east wall of the shed, leading into the lean-to. In my view this would be a modest and sympathetic addition, resulting in no harm to the setting or significance of the grade II listed barn or to the limited significance of the shed.	Comments noted

## 7.3 Representations received from Interested Parties

- 7.3.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p>Work has started at the site through the laying of foundations and the creation of a doorway.</p> <p>A new access road has been created.</p> <p>Hedges and trees were removed prior to the application.</p> <p>The work is visible from the road and a nearby PRow.</p> <p>The materials would be out of keeping and detrimental to the listed building.</p> <p>Due to the size of the building it would not remain within the curtilage and encroaches on agricultural land.</p>	<p>Comments noted. The application can only be determined based on the details submitted as part of the application. The Council's Specialist in Heritage and Conservation has raised no objections to the proposed materials.</p>



## 8. **PROPOSED CONDITIONS**

### **20/00502/HOUSE:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Location Plan, TMA/861/1 rev3, TMA/861/2 Rev A  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved should be as set out in the application form and approved drawings.  
**REASON** In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

### **20/00503/LBC:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Location Plan, TMA/861/1 rev3, TMA/861/2 Rev A  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved should be as set out in the application form and approved drawings.  
**REASON** In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.