



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
5 AUGUST 2020**

Application Number	20/00421/FUL
Location	Stokes Hall, Burnham Road, Althorne, Essex, CM3 6DS
Proposal	Diversion of part of length of access driveway.
Applicant	Mr Kevin Taylor
Agent	Mr Christopher Mew - CRM Architects Ltd
Target Decision Date	17.08.2020
Case Officer	Annie Keen
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application

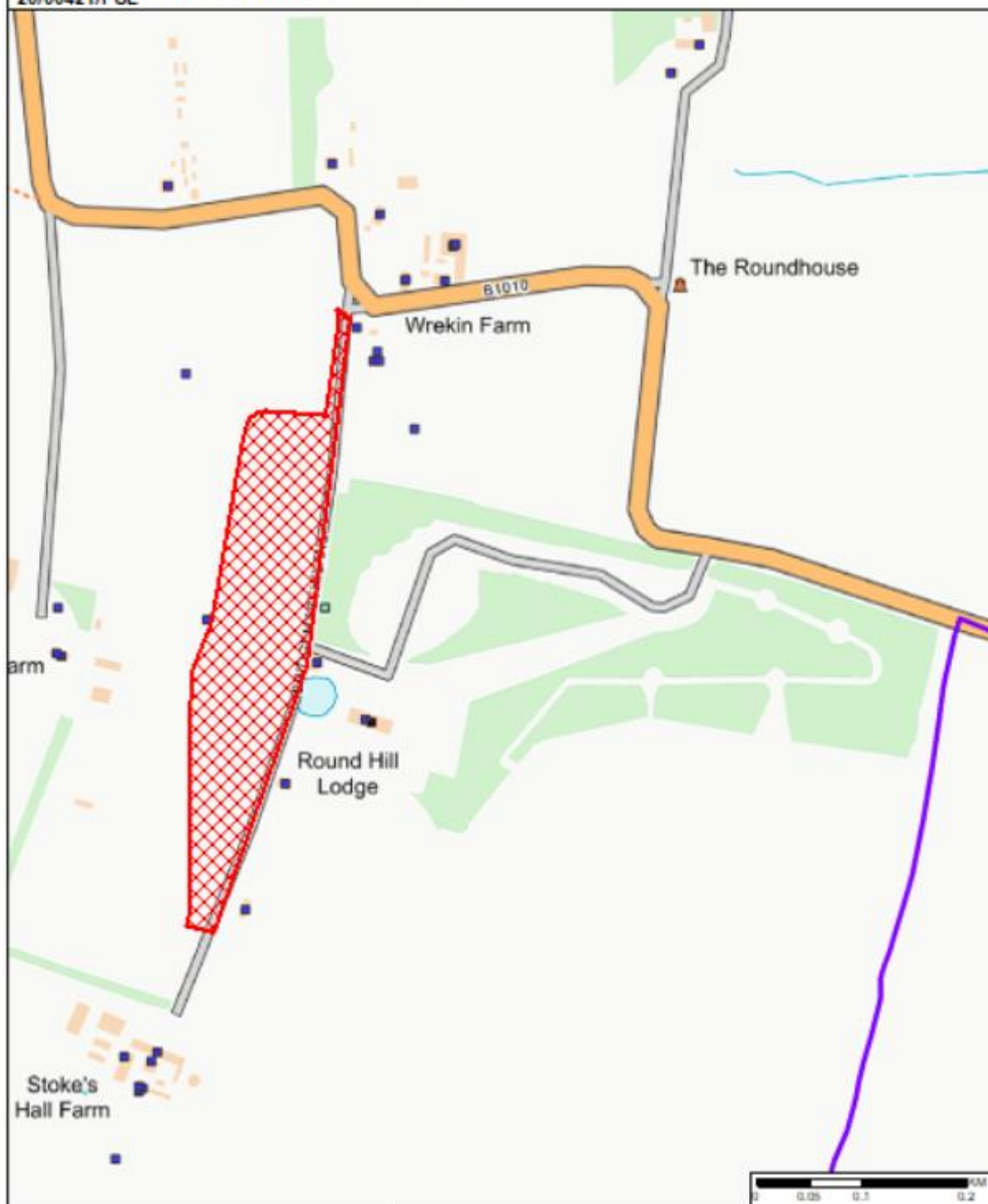
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Stokes Hall, Bumham Road, Althorne
20/00421/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	30/06/2020
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site relates to an area of land to the south of Burnham Road and to the west of Stokes Hall Cottages and Stokes Hall. The section of land includes the access track to Stokes Hall and a section of agricultural field to the north east of Andrews Farm. The site is located within a rural location and access to the land is gained via Burnham Road. The current service road runs in a north south direction past the residential property of Stokes Hall.

3.1.2 Planning permission is sought to divert the existing service road further to the west and plant over the existing service road. The reason given for the proposed road diversion is to provide additional privacy and security to the residential property and to reduce the effect of road water run-off.

3.1.3 The existing service road is accessed via Burnham Road and the proposed diversion would use this same access, however instead of running from north to south in a straight line, the road would be diverted to the west before running south and then back into the east before continuing to the south. The rear driveway to the house would be extended to the west to meet the diverted road. The road would be 6.2 metres wide and 352.1 metres in length with planting proposed on either side.

3.1.4 The Design and Access Statement submitted with the application confirms that the access connection from the lane onto Burnham Road and the access route to the houses fronting on Burnham Road will not be altered.

3.1.5 This application is a resubmission of 18/01251/FUL which was refused for the following reasons:

- 1 *The proposed service road, would result in an unjustifiable development outside the defined settlement boundaries of the District and it would not respect the existing co-axial field pattern of the area to the detriment of the character of the landscape and intrinsic beauty of the countryside. The development would be therefore unacceptable and contrary to the policies S1, S8 and D1 of the approved Local Development Plan (2018), the guidance contained in the National Planning Policy Framework (2018) and the guidance contained in the Maldon District Design Guide (2018) and the Landscape Character Assessment (2006).*

3.1.6 The current application differs from that proposed in 18/01251/FUL as the proposed diversion runs adjacent to the existing road and does not protrude as far into the field to the west, however a section of the field to the west is utilised for the creation of the road.

3.2 Conclusion

3.2.1 Having considered all the relevant material planning considerations, the development would be unacceptable in principle, as the proposal would result in unjustifiable development outside the defined settlement boundaries. Furthermore, the proposed service road would not follow the existing co-axial field pattern to the detriment of the

character of the area and the landscape, which would be likely to lead to a change in character of the use of the land. For these reasons the development would be unacceptable and contrary to the aims of the policies contained within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide.(MDDG)

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
- 170 – 183 Conserving and enhancing the natural 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
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposed development is for the creation of a new service road, removing the existing road and planting. The proposed road would be constructed on land to the west of the existing road that is currently an agricultural field.

5.1.2 Policy S8 states 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 it is for either:

- a) Additional development as identified in adopted neighbourhood plans (in accordance with Policies S1 and S7);
- b) Employment generating proposals (in accordance with Policy E1);
- c) Community services and facilities to meet local need (in accordance with Policy E3);
- d) Agriculture and forestry and related development (in accordance with Policy E4);
- e) The re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3);
- f) Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5);
- g) Agricultural and essential workers' accommodation (in accordance with Policy H7);
- h) Rural exception sites for affordable housing (in accordance with Policy H5);
- i) Travellers and Travelling Showpeople accommodation (in accordance with Policy H6);
- j) Green infrastructure, open space and sports facilities (in accordance with Policies N1, N2 and N3);
- k) Utility and highway infrastructure (in accordance with Policies D4, T1, T2, I1 and I2);
- l) Mixed use development proposals that enable the delivery of a new Community Hospital or a similar healthcare facility (in accordance with Policy I2); and
- m) Other development proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance."

5.1.3 The impact of the development on the character and beauty of the countryside is assessed below, however initial concerns are raised in relation to the resultant uncharacteristic shape of the field due to the road. It is also noted that the development, which is proposed outside the defined settlement boundaries, would not comply with any of the criteria above.

5.1.4 It is noted supporting documents submitted with the application state that whilst the proposal is outside the settlement boundary of Althorne, it is considered the most notable criteria in relation to this proposal are criteria b, e and m listed above.

5.1.5 Criteria 'b' relates to policy E1 which states the Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). This would be achieved through the regeneration, modernisation and expansion of existing employment sites and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan. The site subject of this application does not form part of the listed existing sites used for employment land and does not fall within a strategically allocated site. No further information has been provided and therefore it is unclear how the proposal would fall under criteria 'b'.

5.1.6 Criteria 'e' relates to policies E4 and D3 of the LDP, where policy D3 refers to Conservation Areas and Heritage Assets and policy E4 refers to agricultural and rural

diversification. There appears to be no heritage assets within the site and it does not fall within a Conservation Area, furthermore, the proposal refers to the diversion of a driveway which leads to a residential dwelling. Due to this the proposal would not fall under criteria 'e' of policy S8.

- 5.1.7 In relation to criteria 'm', information has not been provided as to which other policies the proposal would be in accordance with.
- 5.1.8 Supporting information supplied with the application states the reason for the proposed diversion of the driveway is to divert vehicles away from the existing residential dwelling to provide privacy and security. It is noted the access is used by other Agencies such as the Coastguard and there is a farm to the south, however no supporting information has been provided in regards to the functional use of the farm and therefore it is considered the main use of the road is in relation to the dwelling and not in relation to agriculture.
- 5.1.9 The development would remove a section of an existing agricultural field resulting in an adverse impact upon its use for agricultural purposes. Given that the road is a private service road, described as a driveway in the proposal, which is also secured by gates at the entrance of the applicant's land and not a frequently used public road, it is considered that the justification submitted by the applicant is insufficient to make the development acceptable in principle.
- 5.1.10 Further concerns are raised in relation to the fact that proposed diversion would result in this section of land being kept in a manner that is more in keeping with residential use. The Design and Access Statement notes that the application would not extend the domestic curtilage of Stokes Hall, however, the proposal would result in an extension to the existing rear driveway in order for the driveway to meet the proposed road. Whilst it is noted that planning permission would be required to convert the agricultural land to a residential use, the proposed development would result in an apparent domestication of the site and erosion of the rural character of the area.
- 5.1.11 Other material planning considerations including the impact of the development on the character of the area, the amenities of the neighbouring occupiers and any other highways issues, which are discussed below.

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;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 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 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.
- 5.2.6 The application site is a strip of access road which runs south from Burnham Road and to the west of Stokes Hall. The road is lined on the western side by hedgerows, separating the access road from the agricultural land to the west. This application is a resubmission of application 18/01251/FUL, which was refused due to the service road resulting in an unjustifiable development that would be outside of the settlement boundary and would not respect the existing co-axial field pattern of the locality.
- 5.2.7 The proposed development would divert the existing service road, crossing through an agricultural field to the west before re-joining the existing service road to the south of Stokes Hall. The new service road would be 352.1 metres in length and the rear driveway to the existing dwelling, Stokes Hall, would be extended to meet this new section of road. The service road also provides access to a farm, cottages and other buildings and according to supporting information submitted with the application, the road is used by the Coastguard and Network Rail to gain access to the railways tracks and the coastline to the south of the site.
- 5.2.8 The Design and Access Statement submitted with the application states the existing service road will be closed off and planted over and openings will be made in the

existing hedgerow to the west in order to form the new road. The Design and Access Statement states the reason for the proposal is to divert users of the service road away from 'Stokes Hall' for privacy and security reasons. However, as assessed in section 5.1 above the proposal does not accord with the principles of policy S8 of the LDP relating to development outside of the settlement boundaries and, as identified above, would detrimentally impact upon the appearance of the rural area.

- 5.2.9 The MDDG states that “the nature of the landscape is set out in detail within the Council’s Landscape Character Assessment and each Landscape Character Area (LCA) represents an important consideration when preparing new development proposals” (section B 03). As identified in the previously refused application (18/01251/FUL), the site is located within the Fambridge Drained Estuarine Marsh, as detailed in the LCA 2006, and is dominated by a distinctive co-axial rectilinear field pattern. The disturbance of this landscape feature formed part of the refusal of the previous application.
- 5.2.10 The proposal would result in the diversion of an existing access road which follows the existing field pattern. Whilst it is noted in the Design and Access Statement the applicant disagrees with the importance ascribed to the existing field pattern, open arable fields with regular and rectilinear patterns are a key characteristic of this area. Due to this any disturbance to the formation of the field would be detrimental to the character of the rural locality. Amendments have been made to the design of the proposed road resulting in a straight section of road running adjacent to the existing (once it has curved away from the existing road), however the road would remove a section of agricultural field and therefore would still result in a disturbance to the formation of the field. This would materially alter the character of the landscape and field pattern, to the detriment of the character and appearance of the area.
- 5.2.11 Whilst the proposed planting of a mix of indigenous hedging would reduce the visual impact of the road, concerns are raised regarding the treatment of this area as residential, particularly due to the proposed increase in private driveway to the west in order to maintain the existing rear access to the dwelling 'Stokes Hall'. This would, as previously identified, potentially cause the domestication of the land between the existing residential property and the new road.
- 5.2.12 Based on the assessment above, it is considered the proposed development has not overcome the previous reasons for refusal and is therefore considered unacceptable and contrary to the aims of policies D1 and S8 of the LDP and the guidance contained in the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 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).
- 5.3.2 Due to the nature of the proposed development and its distance from other residential properties, it is not considered that it would result in a materially harmful impact on the amenities of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 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. The Council's adopted Vehicle Parking Standards SPD contain 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 The proposed development would not alter the off-street parking availability of the dwelling 'Stokes Hall' and therefore no objections are raised in terms of parking provision. Additionally, the Design and Access Statement submitted with the application states access to the cottages to the south of Stokes Hall will be retained via the existing and proposed access lane.
- 5.4.3 There are no changes proposed to the access from the public highway and the proposed service road would be wide enough to allow a safe use of the road and as such, no objections are raised in terms of highway safety and free flow of traffic. A consultation response from the Highways Authority also raised no objections to the proposed development, subject to conditions, as it is a private road. The proposed condition which related to the loading, unloading and storage of materials, however is considered unnecessary due to the nature of the development and therefore shall not be imposed if the application was to be approved.

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 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.
- 5.5.2 The development would not affect the amenity area provided to the occupiers of the dwelling, which is in excess of the minimum standards and meets the outdoor requirements of the occupiers.

6. ANY RELEVANT SITE HISTORY

Although the following planning history does not relate to the diverted road that is currently proposed, it is relevant to the residential property that the proposed diverted road would serve. Other planning history of the immediate surrounding area, within the applicant's ownership is also included in a separate table below.

Application Number	Description	Decision
99/00305/FUL	Conversion of old dairy to farm manager's residence	Approved
99/00350/FUL	Reinstatement of former slipway	Approved

Application Number	Description	Decision
	(retrospective application)	
99/00919/FUL	Change of use of farm building to agricultural workers dwelling and farm office (retrospective application)	Approved
05/00807/FUL	Erection of side extensions and conservatory.	Approved
05/01307/FUL	Replacement Dwelling	Approved
06/00018/FUL	Extension of curtilage to Stokes Hall, relocation of access, and new garage block.	Approved
06/00336/FUL	Change of use of agricultural land to domestic curtilage and paddock	Approved
06/00912/FUL	Proposed replacement dwelling - amendment to planning permission FUL/MAL/05/01307 (amendments to elevational treatment, additional accommodation within attic space and addition of orangery). Proposed garage block - amendment to planning permission FUL/MAL/06/00018 (relocation and amended design). Proposed replacement pool house. All for residential use.	Approved
07/00276/FUL	Extend entrance lobby to accommodate stairway to dwelling under construction - amendment to FUL/MAL/06/00912	Approved
07/00628/FUL	Driveway entrance gates and access drive from Burnham Road to the paddock boundary where it will connect to the existing drive in front of the house	Approved
07/01363/FUL	Basement swimming pool and ancillary areas.	Approved
10/00484/FUL	Form new farm vehicle access onto Burnham Road	Refused
10/00842/NMA	Application for non-material amendment following grant of planning permission for proposed replacement dwelling - amendment to planning permission FUL/MAL/05/01307 (amendments to elevational treatment, additional accommodation within attic space and addition of orangery). Proposed garage block - amendment to planning permission FUL/MAL/06/00018 (relocation and	Refused

Application Number	Description	Decision
	amended design). Proposed replacement pool house. All for residential use. (FUL/MAL/06/00912)	
10/01010/FUL	Minor material amendments to planning consent FUL/MAL/06/00912. Amendment to chimney stacks, dormers and balcony railings.	Approved
11/00467/FUL	Removal of condition 1 of approval FUL/MAL/99/00919 to enable the property to be used for unrestricted residential use	Refused
11/00546/FUL	Variation of condition 2 of application FUL/MAL/06/00912 to allow for amendments to elevations to the orangery	Approved
11/00945/FUL	Form a one bedroom residential area within the roof space to be used as ancillary space in conjunction with the adjoining residence of Stokes Hall	Approved
16/01045/HOUSE	Single storey front/side extension	Approved
16/01046/FUL	Construction of outbuilding consisting of estate office, workshop and store on paddock land in association with the running of the Stokes Hall Estate	Approved
17/01353/HOUSE	Demolition of existing barn and erection of replacement barn	Withdrawn
18/00463/FUL	Demolition of existing barn and erection of replacement barn	Approved
18/00763/HOUSE	Erect single storey front and side extension with external access steps and integral bin store	Approved
18/01251/FUL	Diversion of private driveway.	Refused
19/01222/FUL	Erection of single storey building to be used as estate office, workshop and store, with associated vehicle accesses, off-street parking and landscaping.	Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	As the site is located down a private road, the Highway Authority has no objection to the proposal subject to conditions.	Noted

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

- 7.4.1 There have been no letters of representation received for this application.

8. REASON FOR REFUSAL

- 1 The proposed service road would result in an unjustifiable development outside the defined settlement boundaries and would not respect the existing co-axial field pattern of the area, to the detriment of the character of the landscape and intrinsic beauty of the countryside. The development would be therefore unacceptable and contrary to the policies S1, S8 and D1 of the approved Maldon District Local Development Plan, the guidance contained in the National Planning Policy Framework, the Maldon District Design Guide and the Landscape Character Assessment (2006).