



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
26 AUGUST 2020**

<b>Application Number</b>	<b>20/00472/FUL</b>
<b>Location</b>	Oakfield Farm, Hyde Chase, Purleigh
<b>Proposal</b>	Demolition of existing barn to be replaced by 3 bedroom dwelling
<b>Applicant</b>	Mr M King
<b>Target Decision Date</b>	03.04.2020
<b>Case Officer</b>	Hayleigh Parker-Haines
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor Miss White Reason: Effect on the countryside, contrary to policy, public interest, unsustainable location, outside development boundary.

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

20/00472/FUL  
Oakfield Farm



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Hyde Chase outside of the defined settlement boundary of Purleigh. The site is currently occupied by a barn which is lawfully within a B1 use (16/00657/FUL allowed at appeal). To the front of the site a boundary fence and gates exists, these were approved under 16/01426/FUL.
- 3.1.2 The surrounding area is semi-rural in nature. Whilst there is sporadic residential development located along this stretch of Hyde Chase, it is mainly characterised by soft landscaping. The application site is surrounded by open countryside to the north and south of the site, with Chase farm to the west and The Firs to the east.
- 3.1.3 Planning permission is sought for the removal of the existing barn from the site and its replacement with a three bedroomed chalet style dwelling with rooms within the roof space. The existing barn on site is set back from the boundary with Hyde Chase by approximately 86 metres, has maximum height of 5.9 metres with an eaves height of 5.46 metres, a width of 9.3 metres and a depth of 27.6 metres.
- 3.1.4 The proposed dwelling would be located 24 metres from the boundary with Hyde Chase, would have a maximum height of 6.5 metres with an eaves height of 5 metres, a width of 14 metres and a depth of 10.8 metres. This would include two dormer windows to the front elevation with a ground floor bay window to the eastern end of the front elevation and the three ground floor bay windows to the rear elevation.
- 3.1.5 In 2014 an outline application with all matters reserved was submitted to the Local Planning Authority (LPA) for the construction of a new dwelling and double garage alongside the demolition of the barn. The development the subject of this application was to be located in the same place as the barn on site and indicative drawings provided showed this was to be a two storey dwelling. This application was refused and subsequently dismissed at appeal for the following reasons:

*“The proposal would have a harmful effect on the character and appearance of the area. It would, therefore, conflict with RLP policies BE1, CC6 and CC7 as well as emerging LDP policies S1, S8 and D1 insofar as they have similar aims. Nor would the proposal accord with paragraph 17 of the Framework insofar as it requires the intrinsic beauty and character of the countryside to be recognised.”*

*“The appeal site would not meet the sustainable transport aims of paragraphs 17 and 35 of the Framework and policies S1 or T2 of the emerging LDP which prioritise walking, cycling and public transport.”*

- 3.1.6 The dwelling proposed by this application is to be set closer to the boundary with the road than the previous application.

#### **3.2 Conclusion**

- 3.2.1 The proposed development would result in the removal of former agricultural designed buildings, which are reflective of the countryside location, in favour of a residential dwelling. The application site is remote from community support facilities and would facilitate unsustainable transport patterns. The development would have

an urbanising effect on the rural character of the area. The proposed dwelling would harm the character and appearance of the countryside location contrary to policies S1, S8, T1 and D1 of the Maldon District Local Development Plan (MDLDP) and planning principles and guidance contained in 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
- 59-79 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 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:**

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

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 Planning permission is sought for one new dwelling outside of the defined settlement boundary of Purleigh.

5.1.3 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.

- 5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy 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 the development is for one of the development types listed within that policy. The proposed 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.
- 5.1.5 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.
- 5.1.6 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be extremely limited given the scale of the proposal of two dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. 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.
- 5.1.7 In social terms; Purleigh village is classed as a smaller village containing few or no services and facilities, with limited access to public transport and sources of employment.
- 5.1.8 It is a consideration that the site is a significant distance from any village or town where any daily services and facilities are provided. The locality in which the site is set contains no shops, schools, or everyday facilities (i.e. medical services) and other conveniences, with those in the locality limited to a pitch and putt golf course with driving range and public house which are both 1 mile away. Any daily services and facilities are provided in Maldon (3.1 miles minimum) and Danbury (2.5 miles to the closest facilities), neither of which can be accessed without the use of a private car. Hyde Chase has no footways along its length, nor any street lighting, and when reaching the main road, this has a 60MPH speed limit, again with no footpaths / cycle ways or street lighting to encourage walking or cycling. There are no bus stops in the immediate locality, the closest being over 1 mile away, and consequently, the site is inaccessible by any sustainable means of transport. As such the sites accessibility

does not weigh in favour of the proposed development and is contrary to the guidance contained within the NPPF and polices S1, S8 and T2 of the LDP.

5.1.9 The environmental strand of sustainability will be assessed below (section 5.4).

5.1.10 Further to the above, the site is previously developed land and it is noted that the NPPF states that that planning policy and decisions should give weight to the value of using suitable brownfield land **within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. However, whilst the NPPF encourages the re-use of land, this does not necessarily mean that the re-use can or should be for residential purposes.

5.1.11 It is considered that the site could be used for any of the accepted purposes that are set out within policy S8 which would be policy compliant whilst also achieving the re-use of previously developed land. Such uses should be explored before it can be argued that residential use is the only prudent re-use of the site. Therefore, whilst the re-use of the site can be encouraged, it is considered that this does not give grounds to support the erection of open-market residential dwellings at the site, contrary to local and national planning policies.

5.1.12 Therefore, whilst the site is brownfield land it is considered that the proposal is contrary to the development plan and the site is not suitably well connected by means of sustainable transport. Therefore, the proposal for the erection of two dwellings is not supported in principle.

## 5.2 Employment

5.2.1 The proposed development would result in the loss of an existing employment use (B1) therefore the application will also need to be assessed against policy E1 of the LDP.

5.2.2 Policy E1 of the LDP, states that proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:

*1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*

*2) The site would have a greater benefit to the local community if an alternative use were permitted; or*

*3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*

5.2.3 With regard to Policy E1(1), application 16/00657FUL allowed at appeal. Granted permission for the change of use of the building from agricultural to B1 (light

industrial) use. Therefore, it is not considered that the current use is harming the character or amenity of the surrounding area. Whilst it is noted that the B1 use is unrestricted, the potential of the possible future intensification of the use would not result in the proposal complying with this stipulation, particularly as the stipulation states '*The present use and activity*'. Therefore, it is not considered that the present use and activity on site significantly harms the character and amenity of the adjacent area.

- 5.2.4 With regard to Policy E1(2) the proposal seeks to demolish the existing building and replace them with a three-bedroom dwelling. The residential use is not considered to provide any pertinent benefits to the local community that would weigh heavily in the proposals favour. As part of this application no loss of employment justification has been provided, and due to this lack of evidence, it is unclear as to the proposed benefits of replacing the employment use with a residential dwelling. Therefore, it is not considered that the LPA can provide any weight to the proposal which represents a demonstrable benefit. Therefore, it is considered that a residential development would have a negligible benefit to the local community.
- 5.2.5 With regard to Policy E1(3), the policy clarification states that the site should be marketed for a sustained amount of time and it is generally considered that 1 year is appropriate. This has not been undertaken and no other supporting information has been provided to state that the existing use is not viable.
- 5.2.6 Therefore, given the above it not is considered that the proposed development is in compliance with Policy E1 of the LDP.

### **5.3 Housing Need and Supply**

- 5.3.1 The Council has an up-to-date approved LDP that allocates sufficient land to enable the District to meet the housing needs and delivery requirements for the plan period. The housing supply available within the Maldon District currently exceeds five years and therefore there is adequate land available to meet housing supply targets without needing to depart from the LDP.
- 5.3.2 Where housing is approved it is expected that a majority of housing built should be smaller with 1 or 2 bedroom dwellings. The three-bedroom dwelling hereby proposed would therefore provide no benefit in terms of meeting the housing mix needs of the District and this is another reason to consider that the benefits of residential development at this site do not outweigh the harm that is identified elsewhere within this report.

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

- 5.4.1 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.
- 5.4.2 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

- 5.4.3 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:-

*‘Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*

*Height, size, scale, form, massing and proportion;*

*Landscape setting, townscape setting and skylines;*

*Layout, orientation, and density;*

*Historic environment particularly in relation to designated and non-designated heritage assets;*

*Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*

*Energy and resource efficiency.’*

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

- 5.4.5 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.

- 5.4.6 Hyde Chase is characterised with most buildings located fairly close to the road frontage, development is loosely spaced and set within extensive grounds with open land between most of the properties. As such, the area has a semi-rural character with buildings dominated by landscape.

- 5.4.7 The proposal would result in the demolition of an agriculturally designed building and the erection of a chalet style dwelling. The replacement of the agricultural style building with the proposed dwelling would significantly change the character and appearance of the countryside location and surrounding area. It is considered that the form of the existing building adds to the quality of the countryside, which will be lost and replaced with a residential development. Although the built form on the site would not increase, the inherent nature of domestication which includes upgraded and

modern external finishes that are residential in nature, domestic parking, amenity space and the traditional appurtenances of residential living; would detract from the character and tranquillity of the site and the surrounding area.

- 5.4.8 It is noted that the proposed dwelling would be sympathetically located when taking into account the existing building pattern along Hyde Chase. However, it is not considered that this would overcome the harm as identified above. Furthermore, whilst the proposed dwelling would occupy a substantially smaller footprint than the existing barn onsite, the form and appearance of the barn is appropriate to its countryside setting. Furthermore, the siting of the proposed dwelling would be more obvious and prevalent within the streetscene. As stated above, the residential use of the site and associated domestic paraphernalia would have a detrimental impact on the intrinsic character of the countryside, contrary to Policy S8 and D1 of the LDP.
- 5.4.9 It therefore follows that the proposed development would fail the environmental strand of sustainability.

## **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 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.
- 5.5.2 The application site is boarded by two residential dwellings. To the east is The Firs and to the west is Chase Farm.
- 5.5.3 The proposed dwelling would sit 3 metres from the shared boundary with The Firs and over 30 metres from the neighbouring property and 11 metres from the shared boundary with the Chase and over 40 metres from this neighbouring dwelling. There are no windows proposed to either side elevation of the proposed dwelling. Therefore, given the separation distance and height of the proposed dwelling, it is not considered that the proposed development would result in domination or a loss of light to the detriment of the neighbouring occupiers. Further, given the absence of the second floor windows, it is not considered that the proposal would result in overlooking.
- 5.5.4 There are no other residential dwellings within the surrounding area that would be impacted by the development.

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

- 5.6.1 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. 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 VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.3 The recommended off-street parking standard for a three bedroom dwelling is a minimum of two off street car parking spaces. Limited information has been received and parking provision is not clearly annotated on the plans provided. However, it is considered that the site would benefit from a spacious frontage which would comfortably accommodate the parking provision of at least two spaces and this information could be secured via a condition should this application be approved. Therefore, no concerns in respect of car parking provision are raised.
- 5.6.4 The access to the site is existing and there are no changes proposed to this. The Highway Authority has been consulted and have raised no objections to the proposal. Therefore, there are no concerns in relation to highway safety.

## **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 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.
- 5.7.2 Limited information has been provided advising of the amenity space to be afforded to the proposed dwelling. However, it is considered that due to the spacious nature of the site, it could accommodate a minimum of 100m<sup>2</sup> as required by the standards. Furthermore, details of this could be secured via condition should the application be approved.
- 5.7.3 Limited information in relation to hard and soft landscaping of the site has been received. However, should the application be approved a condition should be implemented to ensure full hard and soft landscaping details and proposed boundary treatments are submitted to the LPA for approval.

## 5.8 Other Material Considerations

### Ecology

- 5.8.1 Policy N2 of the LDP seeks to ensure the protection of wildlife and species that are protected by law. Furthermore, the NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

Due to the rural nature of the site and the large pond to the south of the existing barn, it is considered that a Phase 1 habitat survey would be required to ensure that any protected species which may be present are not threatened by the proposed development. No information has been provided in relation to this. Therefore, insufficient information has been provided to be able to assess the impact of the development on the relevant habitats and species. It is not considered that this issue could be overcome by the imposition of a condition.

### **Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS).**

- 5.8.2 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.
- 5.8.3 The development of a residential unit falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast 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 one dwelling

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.

5.8.4 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. NE does not need to be re-consulted on this Appropriate Assessment.

5.8.5 The Essex Coastal RAMS is currently under preparation and it therefore constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. Given the proposal is for one dwelling the contribution required would be £122.30. In the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this constitutes a reason for refusal of the application.

## 6. ANY RELEVANT SITE HISTORY

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>05/00563/AGR</b>	Agricultural unit for the storage of saplings, fertilizer and agricultural equipment	Prior Approval Required
<b>11/00236/FUL</b>	Siting of two hen houses and one mobile home	Refused
<b>11/00775/FUL</b>	Proposed use of land as a free range egg and Alpaca farm. Siting of three hen houses, one field shelter and log cabin for office and accommodation.	Refused
<b>13/00942/AGR</b>	Erection of a hay storage barn	Prior Approval Not Required
<b>14/00534/COUPA</b>	Prior notification of a proposed change of use from an agricultural barn to 3 no. dwellinghouses (Use Class C3)	Prior Approval Refused
<b>14/00869/OUT</b>	Outline application for proposed new dwelling and double garage, with all matters reserved.	Application Refused Appeal Dismissed
<b>15/01379/FUL</b>	Change of use from Agricultural to B1	Application Closed
<b>16/00179/LDE</b>	Claim for a Lawful Development Certificate for the existing residential use of	Application Refused

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
	a section of previous agricultural barn which has been in continuous use as a dwelling for a period of 4 1/2 years	
<b>16/00657/FUL</b>	Change of use of agricultural building to B1 light industrial use	Application Refused Appeal Allowed
<b>16/01426/FUL</b>	Retrospective - Two brick piers, five bar gate and entrance fence panels	Approved
<b>19/00667/FUL</b>	Siting of two static caravans for use as short term holiday lets between 1 February to 30 December.	Refused
<b>19/01158/AGR</b>	Prior notification for a new wooden agricultural storage shed	Refused

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	<p>The Parish Council recommends the refusal of the application. As the site lies outside of a defined settlement boundary, the Council can demonstrate a five year housing land supply, the site is not identified within the LDP for development, the site is inaccessible by a range of transport. It is considered the poor sustainability credentials of the site would demonstrably outweigh the benefits of the proposal.</p> <p>The proposal would result in an unacceptable and inappropriate form of development. Therefore, it would be</p>	Comments Noted.

Name of Parish / Town Council	Comment	Officer Response
	contrary to policies, S1, S8, D1 and T2 of the LDP	

## 7.2 External Consultees

Name of External Consultee	Comment	Officer Response
County Highways	No objections	Comments noted

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response at the time of writing this report	N/A

## 8. REASONS FOR REFUSAL

1. The application site lies within a rural location outside of a defined settlement boundary 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 site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character and intrinsic beauty of the countryside, particularly through the introduction of a domestic character and dense form of residential development, contrary to the existing grain of residential development in this rural area. The development would therefore be unacceptable, does not constitute sustainable development and is contrary to policies S1, S2, S8, E1, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.
3. Insufficient evidence has been submitted to show that the development would not have an unacceptable impact in terms of ecology. The proposal is therefore

considered to be contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.