



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

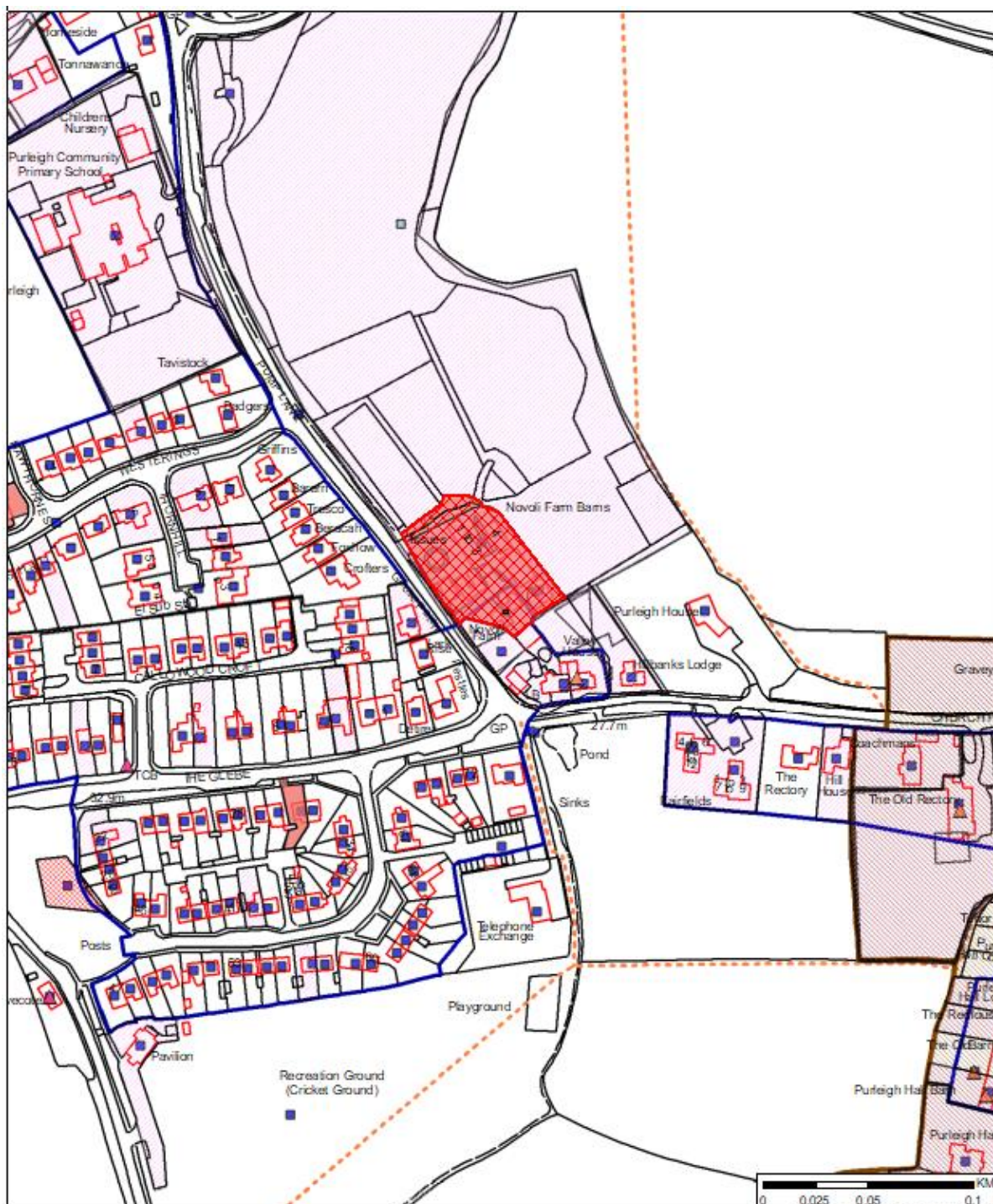
<b>Application Number</b>	<b>20/00486/FUL</b>
<b>Location</b>	Novoli Farm, Pump Lane, Purleigh
<b>Proposal</b>	Demolition of existing outbuildings and construction of 6no. dwellings (comprising two terraces of three 2-bedroom dwellings) with associated landscaping and access works.
<b>Applicant</b>	Mr Allen
<b>Agent</b>	Mr Paul Calder
<b>Target Decision Date</b>	05.08.2020
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor Miss S White Reasons: Public interest, effects on the countryside, deviation from Local Development Plan (LDP).


**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	31/07/2020
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the eastern side of Pump Lane, the south west corner of the site lies within the settlement boundary of Purleigh, whilst the remained of the site falls outside of the defined settlement. The site, which amounts to an area measuring 0.26 hectares, is currently occupied by a number of outbuildings and two residential dwellings which are located along the southern boundary of the site. The area surrounding the site is semi-rural in nature, with open and undeveloped land to the east of the site, a ménage immediately north with open and undeveloped countryside beyond and residential dwellings are located to the south and west of the site.
- 3.1.2 Planning permission is sought for the demolition of the existing outbuildings and construction of six dwellings in the form of two rows of three terrace dwellings. The rows of terrace dwellings would be handed replicas of each other measuring 27m wide, 11.76m deep and 7m to the top of the ridge. Six dormer windows and three roof lights would be located within the front and rear roof slopes and the finishing materials would be a soft red brick plinth, black horizontal timber boarding to the walls and plain red clay roof tiles. The dwellings would provide a kitchen / dining room, living room and WC at ground floor level and two double bedrooms and a bathroom at first floor level.
- 3.1.3 There are two existing access points from Pump Lane which currently serve the site. The southernmost access point would be closed and the access at the northern end of the site would be utilised to access the proposed dwellings and the two existing dwellings. An access track and turning head would run from the access point and lead to a courtyard to the front of the two rows of dwellings, which would be sited opposite each other with the rear amenity spaces of plots 1-3 being adjacent to the front boundary of the site and the rear amenity spaces of plots 6-8 being adjacent to the rear boundary of the site. Two car parking spaces for each dwelling would be provided in the form of under-croft parking. To the south of the rows of proposed dwellings a garage for each of the existing dwellings would be provided with a pedestrian path leading from each of the garages to the existing dwellings (although no elevation and floor plans for these buildings have been provided).
- 3.1.4 It is relevant to note that the application site has been subject to previous applications reference 12/00498/FUL and 17/00046/FUL (details in section 6 below) which related to the conversion of an existing outbuilding and annexe to a four and two-bedroom dwelling. The annexe building has been converted into a two bedroom dwelling, which would be retained. However, the previously approved four-bedroom dwelling would not be built, in favour of the proposed development.

#### **3.2 Conclusion**

- 3.2.1 The proposed development is contrary to the policies contained within the Local Development Plan (LDP) as the proposed dwellings would be located outside of the settlement boundary of Purleigh resulting in a sprawl of residential development within the countryside. The harm of the proposal would be exacerbated due to the form, scale, layout and density of the proposed dwellings, which contrasts with the

existing development within the surrounding area. In addition, a signed legal agreement to secure the appropriate contribution in line with the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) requirement has not been submitted. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019) (NPPF) and policies S1, S8, D1, H4 and I1 of the Maldon District Local Development Plan (MDLDP).

#### **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 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 170-177 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- H7 – Agricultural and Essential Workers Accommodation
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

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

- Car Parking Standards SPD (VPS)
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

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

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

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan 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 Policies S1, S2 and S8 of the approved MDLDP 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 adversely impacted upon.
- 5.1.3 Policy S8 of the LDP indicates that outside defined settlements housing will not normally be allowed and that the landscape will be protected for its own sake. The majority of the site is outside the development boundary and is in the countryside for purposes of application of planning policy. Whilst it is noted that the proposed dwelling has been mainly sited within the small section of the site that is within the settlement boundary and the amendment to the siting of the proposed dwelling, when compared to the previous application, has resulted in more of the built form being within this small square section of the site that falls within the settlement, part of the dwelling would still fall outside of the settlement boundary along with the proposed garage and associated amenity space. As such, it is considered that the proposal is in conflict with the approved policies referenced above.
- 5.1.4 Policy S8 also includes a list of acceptable forms of development within the countryside which does not include open-market housing.
- 5.1.5 It is noted that the site is adjacent to the development boundary, but as a matter of fact the vast majority of the site including the area the proposed dwellings would be sited, is outside of the settlement boundary. The boundaries have only recently been confirmed through the approval of the LDP in 2017 establishing the necessary demarcation in order to balance the needs of housing provision and environmental/landscape protection.
- 5.1.6 The site is adjacent to the development boundary and therefore, it is considered that the site is in reasonably close proximity to the services, facilities and public transport connections available in Purleigh. As such, the site is not considered to be remote from services needed for day to day living, providing any future occupiers choice of transport modes has a viable alternative to the motor car. Furthermore, it is noted that the accessibility of the site was considered acceptable under previous approvals. Therefore, having regard to the content of policy T2, no objection is raised to the proposal on the grounds of accessibility, but it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that will be discussed below.
- 5.1.7 In addition to the above, it is stated that the part of the site upon which the dwellings would be erected represents previously developed land. Whilst it is noted that the site is in some form of equine use, some of the existing buildings are not in use. Therefore, it is considered that it could be argued that part of the site represents previously developed land. However, at paragraph 118C of the NPPF it states that planning policy and decisions should give substantial weight to the value of using

suitable brownfield land **within settlements for homes**. Whilst the NPPF and policy S1 encourages the re-use of land, this does not necessarily mean that the re-use can or should be for residential purposes. No evidence has been provided that any other use has been considered and cannot practically and viably be delivered.

- 5.1.8 It is for the applicant to demonstrate the potential use of the site against the policy compliant purposes that are set out within policy S8 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. Therefore, the Council does not consider that this weighs in favor of the proposal or outweighs the harm and conflict with policy identified within this report.

## **5.2 Housing Need and Supply**

- 5.2.1 The proposal would provide six two-bedroomed dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the 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, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, support for the proposal can be drawn from policy H2. However, this benefit, is not considered to outweigh the harm and conflict with policy identified elsewhere in this report.
- 5.2.4 In addition, the Council has an up-to-date development plan which will generally deliver the housing required for the district. As part of its Five-Year Housing Land Supply Statement, the Council has published information on its potential housing supply. The statement provides evidence that the Council is able to demonstrate a housing land supply in excess of five years against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus, the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be in conflict with the plan.

## **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 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”.*

- 5.3.3 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.

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

- 5.3.5 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.

- 5.3.6 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.



- 5.3.7 There are a mix of dwellings within the settlement boundary of Purleigh. To the south and south west of the site there are mainly road fronting dwellings in the form of detached and semi-detached two storey dwellings and detached bungalows. To the north west of the site there is a row of linear detached dwellings which are similar in terms of appearance, design and scale.
- 5.3.8 The application site is currently occupied by a number of low level outbuildings which reflect the rural nature of the site and are considered to represent a good transition from the more built up residential nature of the settlement to the rural countryside which lies beyond the settlement. The two existing residential dwellings on the application site are located towards the southern end of the site. The larger of the dwellings is located within the settlement boundary and the smaller two bedroom dwelling is located outside but immediately adjacent to the settlement boundary.
- 5.3.9 The proposed development would result in the demolition of the agricultural style buildings and the erection of two rows of three terrace dwellings. The replacement of the agricultural style buildings with six proposed dwellings would significantly change the character and appearance of the rural site and the streetscene. Whilst it is acknowledged that there are dwellings adjacent to the site, these are fully within the settlement boundary of Purleigh and therefore do not justify the erection of dwellings at this site where the policies of restraint to protect the rural/countryside from urban sprawl apply. In addition, there is an existing dwelling on the site which is located outside of the settlement boundary, and an extant permission for a further dwelling. However, the decision which granted these two dwellings pre-dates the approval of the current LDP and were granted at a time when the Council could not verify its five-year supply of housing land. Therefore, given the direction of travel of the approved policies to protect the rural area, the demonstration of the Council's five-year supply of housing land and that this proposal would result in an additional five residential units, these other developments are not a reason to support the current proposal in this location.
- 5.3.10 The replacement of the existing built form on site with the proposed development would cause material harm to the character of the countryside by the dramatically intensified domestication and urbanization of the site and the additional sprawl of residential built form beyond the settlement boundary. The intrinsic character of the countryside is that it should be free from unnecessary development. Erecting six dwellings at this site would erode the rural character and appearance of the site and represents the intrusion of residential development into the countryside. It is clear from the manner in which the local plan policies map has been drawn that this site should remain in the countryside and therefore should have an appearance that reflects that. The erection of six dwellings, which amounts to five additional dwellings at the site, would have a significant visual impact on the countryside.
- 5.3.11 The harm caused by the proposed development is further exacerbated by the form, design, layout and density of the proposed dwellings. The two rows of terrace dwellings do not reference any existing development pattern within the surrounding area in terms of form and design. The plot sizes are the smallest within the surrounding area and are considered to be more reflective of an urban rather than an edge of settlement site. Further the layout is inconsistent with the predominant built grain of the area; as stated above the development within the immediate area have their frontages facing the public highway. The proposed development would be in



contrast with the rear elevations facing the highway with the rear amenity spaces being adjacent to Pump Lane. As a consequence of the above the proposal is considered to result in a dense and urban form of development in this rural setting, which is in stark contrast to the existing grain of development and therefore wholly inappropriate.

- 5.3.12 Whilst the proposed development would replace six existing outbuildings, five of the buildings are reflective of agricultural buildings and are not considered to harm the rural area. In addition, these buildings have a maximum height of 3.7m, one of the outbuildings is a garage which is used in association with one of the residential dwellings and has a maximum height of 4.3m. The proposed terrace dwellings would have a ridge height of 7m, which is considered to be significantly taller than the existing development on the application site resulting in a more prominent form of development.
- 5.3.13 Therefore, due to the form, design, scale, layout and density of the proposed dwellings, the resultant and inherent domestication and urbanization of the site which would cause a sprawl of residential built form beyond the settlement boundary of Purleigh, would significantly harm the site and result in a detrimental impact upon the character and appearance of the area contrary to policies S1, S8, D1 and H4 of the LDP, the guidance and provisions as contained within the NPPF and the adopted MDDG. It therefore follows that the proposal would fail on the environmental strand of sustainability.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 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.
- 5.4.2 The southern boundary of the application site is adjacent to the end of the rear gardens of Valley House, Church Hill and Hillsbank Lodge, Church Hill. The proposed dwellings would be located a minimum of 70m from the neighbouring dwelling and the existing dwellings on the application site lie between the proposed dwellings and neighbouring dwellings. Therefore, it is not considered that the proposed development would result in a loss of light, overlooking or have a dominating impact to the detriment of the adjacent neighbouring occupiers.
- 5.4.3 There are two dwellings directly opposite the site; Goose Patch and Crofters. The front of the neighbouring dwellings face the front boundary of the application site with a minimum separation distance of 23m between the neighbouring and proposed dwellings. Given the separation distance and the level of screening proposed, it is not considered that the proposed development would detrimentally impact the amenity of the neighbouring occupiers in terms of loss of light, overlooking or a dominating impact.

- 5.4.4 In terms of the impact of the proposed dwellings on the amenity of the occupiers of the existing dwelling, it is noted that there is a separation distance of 18.8m between the side elevation of plot 3 and the front elevation of the existing dwelling within plot 4 and a distance of 20m between the side elevation of the dwelling within plot 6 and the existing dwelling within plot 5. Given the orientation of the dwellings in relation to each other and the separation distances, it is not considered that the proposed dwellings would detrimentally impact the residential amenity of the existing dwellings.
- 5.4.5 Having regard to the above assessment, it is not considered that the proposed development would impact the residential amenity of the neighbouring dwellings or existing dwellings on the application site.

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

- 5.5.1 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.
- 5.5.2 The application proposes six two-bedroom dwellings, the recommended standard contained within the VPS SPD is two car parking spaces per dwelling. These have been provided in the form of undercroft parking and the proposed spaces would be inline with the recommended bay sizes.
- 5.5.3 A double garage is proposed for each of the existing dwellings. No elevation or floor plans have been provided for these buildings. However, the proposed site plan indicates that the garages would be 6.7m by 7.8m, which is in excess of the recommended double garage size contained within the VPS. Therefore, should the application be approved a condition to ensure elevation and floor plans of the garages are provided for assessment will be imposed.
- 5.5.4 Given the above no concerns in relation to parking provision for the existing or proposed garages are raised.
- 5.5.5 There are two existing vehicular access points to the site, it is proposed to close the southern access and make the existing access to the north of the site the main access point to serve the six proposed dwellings and two existing dwellings. The highway authority has been consulted in respect of highway safety. However, their comments have not been received at the time of writing this report. An update will be provided on the members update, in this respect.

## **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 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.

- 5.6.2 The proposed development would provide six two bedroom dwellings resulting in a requirement of 50m<sup>2</sup> of private amenity space per dwelling. Each plot would be served by a private rear amenity area in line with the recommended standard. In addition, the private amenity space serving the existing dwellings on-site would not be altered. Therefore, no concerns in this respect are raised.

## **5.7 Ecology**

- 5.7.1 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.

- 5.7.2 Policy N2 of the LDP which states that:

“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”

- 5.7.3 The application submission has been supported by a Preliminary Ecological Appraisal prepared by Hybrid Ecology Ltd, dated May 2020. The report concludes the following:

*‘Mitigation measures have been provided in this report to minimise the impact of development to species including nesting birds and reptiles.*

*The development presents an opportunity to implement biodiversity enhancement measures such as tree/shrub planting, habitat boxes for birds and roosting bat and integrated habitat features on buildings. These measures would ensure compliance with the requirement for mandatory measurable “biodiversity net-gain” under Paragraph 170d of the National Planning Policy Framework 2019.’*

- 5.7.4 Given the above conclusion and the response provided from the Ecology Consultant a condition to ensure that the development is carried out in accordance with the mitigation measures contained within the report will be imposed, should the application be approved.
- 5.7.5 In terms of off-site impacts, 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 (MDC), 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 MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.7.6 Natural England (NE) 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.
- 5.7.7 NE 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 ZoI 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 Multiple 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.
- 5.7.8 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE'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.
- 5.7.10 To accord with NE'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

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.

- 5.7.11 Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority (LPA) 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 NE's advice, it is considered that mitigation, in the form of a financial contribution of £733.80 is necessary. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development may not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

**6. ANY RELEVANT SITE HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>90/00760/OUT</b>	Erection of farm workers dwelling	Refused
<b>93/00439/FUL</b>	Conversion of disused barn to dwelling	Approved
<b>94/00700/FUL</b>	New vehicle entrance to farm	Refused
<b>94/00701/FUL</b>	Proposed new garage block	Refused
<b>95/00017/FUL</b>	New garage block	Approved
<b>00/00354/FUL</b>	Retention of consent ref: MAL/93/0439 without compliance with condition 10 - agricultural occupancy	Refused
<b>02/00552/FUL</b>	Demolition of three buildings on the site to be replaced by a stable block, 2 hay barns and ménage with external illumination	Approved
<b>04/00230/FUL</b>	Detached residential annex	Approved
<b>06/00258/FUL</b>	Change of use from former agricultural buildings to business use (Offices).	Approved
<b>08/01288/FUL</b>	Re-pitching of garage roof & rooms in the roof space	Approved
<b>09/05068/DET</b>	Compliance with Conditions Notification: FUL/MAL/06/00258 Conditions 5,8,9	Conditions cleared
<b>12/00498/FUL</b>	Change of use of outbuildings to a 4-bedroom residential dwelling including a new link and conservatory and change of use of detached annexe to separate 2 bedroom residential dwelling.	Approved
<b>15/05112/DET</b>	Compliance of condition notification for approved application FUL/MAL/12/00498 (Change of use of outbuildings to a 4 bedroom residential dwelling including a new link and conservatory and change of use of detached annexe to separate 2 bedroom residential dwelling). Condition 8 - Contamination Investigation and Risk	Conditions refused

	Assessment; Condition 9 - Remediation Scheme, and; Condition 10 - Remediation Verification Report	
<b>15/05155/DET</b>	Compliance of conditions notification for approved application FUL/MAL/12/00498 (Change of use of outbuildings to a 4 bedroom residential dwelling including a new link and conservatory and change of use of detached annexe to separate 2 bedroom residential dwelling). Condition 4 - Boundary Treatment, condition 5 - hard & sof landscaping, condition 6 - gates.	Conditions cleared
<b>17/00046/FUL</b>	Variation of conditions 3, 8, 9, 10 & 11 of planning permission FUL/MAL/12/00498 (Change of use of outbuildings to a 4-bedroom residential dwelling including a new link and conservatory and change of use of detached annexe to separate 2 bedroom residential dwelling)	Approved

## 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>Object for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application site lies within a rural location outside of the defined settlement boundary of Purleigh where policies of restraint apply.</li> <li>• The District Council can demonstrate a five year housing land supply housing in the District.</li> <li>• The proposed development would substantially alter the open character and intrinsic beauty of the countryside on this side of Pump Lane and would detract from the equestrian character and appearance of the site, as a result of its domestication and the</li> </ul>	Please see sections 5.1, 5.2 and 5.3 of this report.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>inclusion of associated residential paraphernalia.</p> <ul style="list-style-type: none"> <li>• If developed, the site would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need for private vehicle ownership.</li> <li>• My Council believes some aspects of the application are misleading e.g. when describing the regularity of, and access to buses and in the assessment of the potential flood risk.</li> </ul>	

## 7.2 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions.	Noted.

## 7.3 External Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Ecology Place Services	No objection subject to a condition.	Noted.

## 7.4 Representations received from Interested Parties

- 7.4.1 **5** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
The site would benefit from being updated and re-developed.	Please see section 5.3 of this report.
Making use of brownfield sites and expanding into the countryside appears to be a government priority now.	Please see section 5.1 of this report.
There is limited housing of the proposed size in the area for first time buyers.	Noted.
There is a community shop around the corner which would benefit from	Noted.



<b>Supporting Comment</b>	<b>Officer Response</b>
increased trade.	
The small development would enhance the view and area in general.	Please see section 5.3 of this report.
Purleigh does need some small private housing to maintain the generational diversity of the area.	Noted.
A small development of much needed 2 bedroomed houses, which appear to be kept to a sensible height would neaten things up, be in keeping with the traditional barn already there and would not impact anyone's countryside views.	Noted.
Due to the amount of school run traffic on Pump Lane, any schemes encouraging more families to live in the village rather than travel in is a positive, in my view.	Noted.
Starter homes in the village are essential.	Noted.
The site already has residential planning permission, so this just seems to be a change to a pre-existing permission, rather than a completely new application.	There is an extant permission for one dwelling, the proposed development is for six dwellings.
Any boost that can be given to the economy is vital at this time.	Noted. However, applications are still required to be in line with the government and local policies and in this instance the proposal is not.
The design is tasteful and in and keeping with the current property on the land. I think it will look smart and tidy.	Please see section 5.3 of this report.
No parking issues	Noted.
The intended plans will tidy up the site and hopefully bring more families and younger people into the village.	Noted.

## **8. REASONS FOR REFUSAL**

- 1 The application site lies outside of the defined settlement boundaries 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 character of the site and surrounding area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site, representing a sprawl of built form outside the settlement boundary of Purleigh. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development

Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

- 2 The proposed development, by reason of its unsympathetic form, design, layout and density results in an incongruous form of development that would have a detrimental impact on the character and appearance of the rural locality and the streetscene. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 3 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.