



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

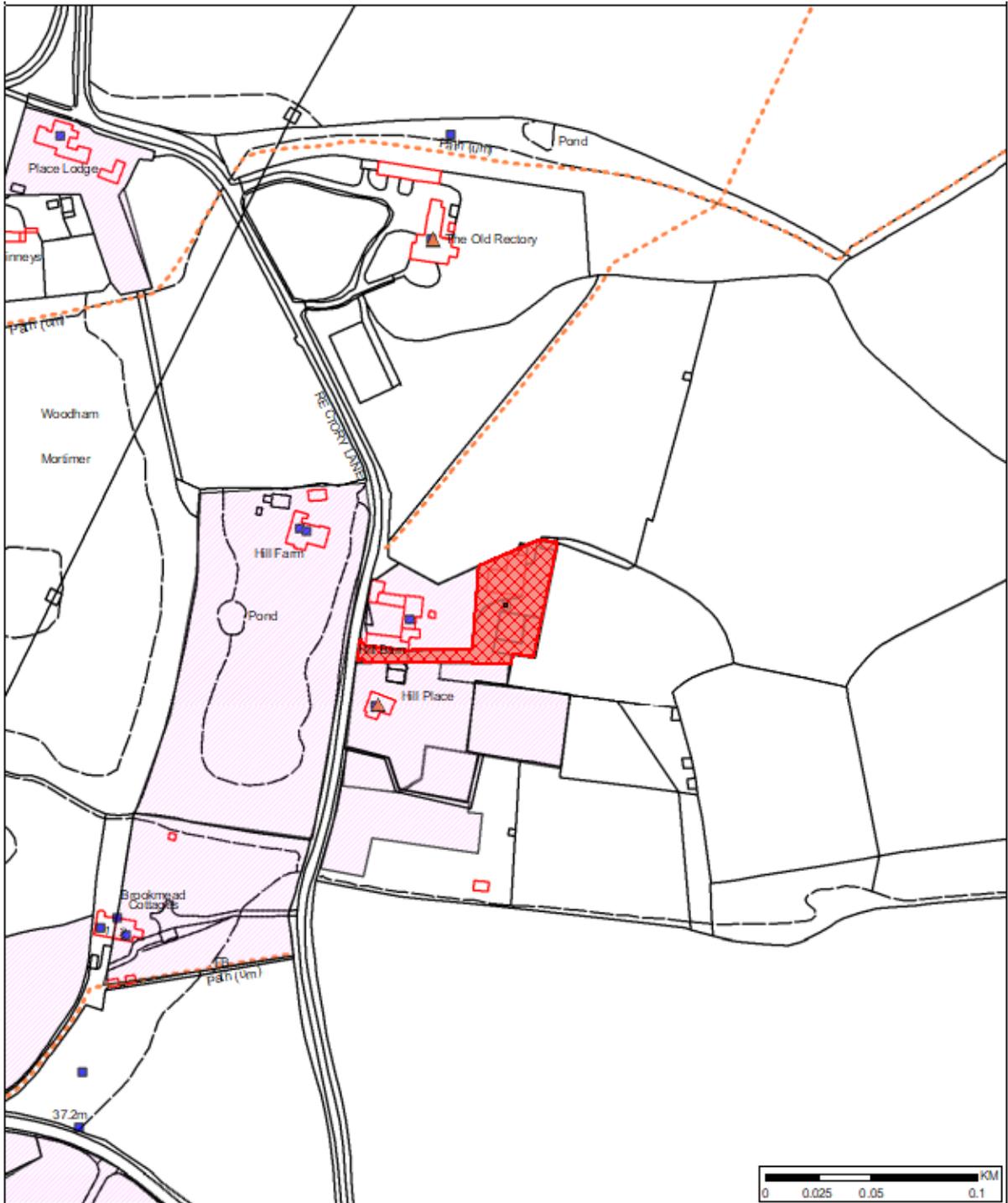
Application Number	20/01021/FUL
Location	Land Rear Of Hill Barn Rectory Lane, Woodham Mortimer
Proposal	Proposed conversion of existing equestrian/storage buildings to form offices (Use Class E(g) formally B1) alongside access, parking, landscaping and other associated development.
Applicant	Mr Mervyn Clark
Agent	Mr Lindsay Trevillian - Phase 2 Planning Ltd
Target Decision Date	03.12.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In from Councillor M F L Durham, CC - Reason: This is an employment opportunity which complies with elements of the Local Development Plan (LDP). Departure from Local Plan

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:	26/11/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms a parcel of land measuring 0.2 Ha; it is currently occupied by an agricultural barn, which is used for equestrian purposes and agricultural storage. The site lies in a rural area outside of the defined settlement boundaries of the district. Open fields lie to the north and east of the site and the residential properties 'Hill Barn' and 'Hill Place' lie to the south-west of the site.
- 3.1.2 Planning permission is sought for the conversion of the building from an agricultural/equestrian barn to a form Class E(g) offices with associated access, parking, landscaping and other associated development.
- 3.1.3 The scale of the building in terms of width, height and depth would not be altered as a result of the proposal. The proposed physical changes to the building include the removal of the existing corrugated metal sheeting and replacement with plain tiles and new and upgraded window and door openings are proposed in the north, south and eastern elevations. Minor internal alterations would be undertaken to provide a reception area, three open plan office areas and three WCs and kitchens.
- 3.1.4 There is an existing access to the site from Rectory Lane which would be retained and utilised by the proposed offices and a formal parking area to the south of the building is proposed.
- 3.1.5 A recent application for the *'Proposed conversion of existing equestrian/storage building to form 1No. new dwelling including the addition of a first floor, front extension, replacement single storey side extension, demolition of the existing open bay lean-to, changes to the fenestration and associated works'* was refused in April 2019 and the appeal was dismissed in April 2020. Given that the proposed works and policy position are significantly different in the assessment of an office use compared to a C3 use it is considered that the previous application has little relevance in the determination of this application.

3.2 Conclusion

- 3.2.1 Having taken all material planning considerations into account, it is not considered that the development would be acceptable in principle. The proposal fails to meet all the criteria contained within policy E4 of the Local Development Plan (LDP), given that inadequate information to support the justifiable and functional need for the proposal has been submitted. The harmful visual impact resulting from the urbanisation of the existing rural site and countryside has not been adequately justified and would not be off-set by the benefits in this instance. Therefore, it is considered that the development is contrary to policies S1, S8, E4 and D1 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 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
- 184 – 202 Conserving and enhancing the historic environment
- 117 – 123 Making effective use of land
- 80 – 84 Building a strong, competitive economy

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- 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 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 The building is existing and is currently used for equestrian and agricultural purposes. The National Planning Policy Framework (NPPF) encourages Local Planning Authorities (LPAs) to promote a strong rural economy through, among others, the diversification of agricultural businesses. Furthermore, the NPPF urges LPAs to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

5.1.3 The application site lies outside of any defined development boundary where policies of restraint apply. 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 one of the thirteen specified developments listed within that policy, it is considered that the proposal falls within the following: ‘*b) Employment generating proposals (in accordance with Policy E1).*’

5.1.4 Policy E1 of the approved LDP states that:

“The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target, including live work accommodation in both urban and rural areas (in accordance with other policies in this Plan). All new employment space should seek to meet the needs of local businesses and attract inward investment. [...] Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.”

5.1.5 As stated within the preamble of policy E4 of the approved LDP, the Council recognises that the District’s economic functions are not only based on formally allocated employment sites but also through employment activities that occur on farm conversions and similar rural sites which provide relatively lower cost accommodation and encourage local entrepreneurial activity. Policy E4 sets six criteria for conversions and states:

“The Council will support the change of use of existing rural buildings to other employment generation uses if it can be demonstrated that:

- a) There is a justifiable and functional need for the proposal;*
- b) It will contribute to the viability of the agricultural business as a whole;*
- c) Any development respects the building’s historic or architectural significance;*
- d) Any development will not negatively impact upon wildlife and the natural environment;*
- e) No storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area; and*
- f) The use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.”*

5.1.6 With regard to criterion (a), it has not been demonstrated that there is a justifiable and functional need for the proposal. No details of the business or businesses which will operate out of the units has been provided.

5.1.7 Criterion (b) cannot be met as there does not appear to be an agricultural business that the use will contribute to.

5.1.8 In relation to criterion (c), the building is of limited historic or architectural significance. In any case the proposed alterations are limited. As such this criterion is met. Further consideration about the external alterations to the building and their impact upon the character and appearance of the area and the setting of the listed

building within the vicinity of the site will be given in the following sections of this report.

- 5.1.9 Criterion (d) refers to the impact upon the natural environment and wildlife. A Preliminary Ecological Appraisal Incorporating Bat Survey Inspection has been submitted with the application, recommendations have been made within the report and should the application be approved a condition ensuring the development was carried out in accordance with the recommendations would be implemented. Further consideration about the impact of the development upon the natural environment and the local wildlife will be given in the following sections of this report.
- 5.1.10 Criterion (e) refers to a matter that could potentially be controlled with a condition if planning permission is granted.
- 5.1.11 Criterion (f) is considered to be met as the scale of the business that can be accommodated in this building is highly unlikely to lead to detrimental dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.
- 5.1.12 Having regard to the above analysis, the development would not meet all of the criteria of policy E4 of the LDP; thus, the principle of the development of the existing agricultural / equestrian building for an E(g) use would not be acceptable in this instance. The justifiable and functional need for the E(g) unit has not been demonstrated and therefore the loss of the agricultural and equestrian use and inherent urbanisation of the site, resulting from the change of use would not be off-set in this instance.
- 5.1.13 Other material planning considerations including the impact of the development on the rural site, are discussed in the following sections of this report.

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

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - 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 (2017).
- 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 Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations. In addition, policy E4 of the LDP, refers to the impact of the development upon the character of the building, the natural environment and the visual amenity of the area.
- 5.2.7 The application site is located within a rural area, set back from Rectory Lane by 55m behind a residential dwelling. To the south-west of the site is a further residential dwelling and open countryside lies to the north, east and west of the site.
- 5.2.8 The external appearance of the existing building is that of an agricultural barn and the use as a stable / storage building respects the rural nature of the area.
- 5.2.9 The existing corrugated iron roof of the barn would be replaced with plan tiles and the black waterboarded walls retained. The existing openings on the eastern elevation would be infilled with glazed windows and a doorway, there are three existing windows on the southern elevation which would be replaced with a glazed doorway and two larger window openings. The northern elevation would remain blank and the western elevation would be altered with an enlarged window opening and a doorway. The scale and form of the building would not be altered.
- 5.2.10 The alterations to the existing building, namely the proposed openings and the change of use to an office would alter the rural character of the site and result in the urbanisation of the site, to the detriment of the rural area. A parking court would be

adjacent to the southern elevation of the building, the existing access track and proposed parking area would be formalised with an expanse of hardstanding which would contribute to the visual harm of the proposal.

- 5.2.11 Views of the application site are not readily available from Rectory Lane, given its siting to the rear of an existing dwelling. It is noted that there is a public footpath around 40m in a north-west direction from the northern boundary of the site; the submitted block plan shows a new tree screen proposed to the north and western boundaries of the site which would further screen the site. However, this is not considered to outweigh the identified harm.
- 5.2.12 Hill Place is a grade II listed building sited to the south west of the site, in excess of 65m from the subject building. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Council's Conservation Officer has advised that due to the distance and established vegetation which separates the two sites, the proposal will cause no harm to the significance of the heritage asset.
- 5.2.13 Given the above assessment it is considered that the proposal would have a detrimental visual impact upon the rural appearance of the site and the intrinsic character of the countryside. The visual impact is not considered to have been off-set or justified by the benefits of supporting a functional need. Therefore, the proposal is contrary to policy D1 and E4 of the LDP.

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 The application site has two neighbouring properties; Hill Barn, Rectory Lane to the west and Hill Place, Rectory Lane to the south-west.
- 5.3.3 The proposed development would be 4.7m from the boundary with Hill Barn and approximately 32m from the neighbouring dwelling on this site. As the scale of the building is not changing, it is not considered that the proposed development would have an overbearing impact or result in a loss of light to this neighbouring dwelling. The western elevation of the building faces the rear boundary of the neighbouring site, the proposal would result in an enlarged window opening and a doorway within this elevation. However, the window and door are at ground floor level and the existing boundary fence and vegetation screen any views into the rear garden of this property.
- 5.3.4 The proposed development would be 32m from the boundary with Hill Place and approximately 67m from the neighbouring dwelling on this site. Due to this distance, it is not considered that the proposed development would impact upon this neighbouring property by way of loss of light or loss of privacy.

- 5.3.5 Concerns have been raised by a neighbouring occupier in relation to the detrimental impact of the proposed office use. The definition of an E(g) business is *'Uses which can be carried out in a residential area without detriment to its amenity.'* Therefore, as long as the building is used for a E(g) purpose as proposed, it is not considered that noise or odour would be produced to an extent that would be detrimental to the residential accommodation which is in excess of 30m from the site.
- 5.3.6 Further, the opening hours of the units will be conditioned, which will prevent traffic at inappropriate hours and given the distance from all other properties and that the building is existing, no further concerns are raised in terms of impact on the residential amenity of the area.

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. 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 application proposes 258sq m of office space. The VPS recommend 1 space per 20sq m of office space which results in a requirement of thirteen car parking spaces (rounded up). The area to the front of the building is large enough to comfortably accommodate 13 car parking spaces in line with the recommended bay size of 2.9m by 5.5. Whilst it is noted that the submitted block plan shows only nine car parking spaces, a condition should be imposed to ensure the parking provision serving the site is in line with the adopted VPS.
- 5.4.3 It is noted concerns have been raised by a local resident in relation to highway safety and the access to the site. The Essex County Council (ECC) Highways Authority (HA) has been consulted and raised no concerns to the proposal in this respect.

5.5 Ecology

- 5.5.1 The NPPF (the Framework) 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.
- 5.5.2 Policy N2 of the LDP 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.”
- 5.5.3 A Bat Survey has been submitted as part of the application. It concluded that there was no evidence of their presence at this site. The Ecology consultant has been consulted as is satisfied with the information submitted.

6. ANY RELEVANT SITE HISTORY

- **19/00121/FUL** – Proposed conversion of existing equestrian/storage building to form 1No. new dwelling including the addition of a first floor, front extension, replacement single storey side extension, demolition of the existing open bay lean-to, changes to the fenestration and associated works – Refused and Appeal Dismissed.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer	We raise no objection but wish to make the following comments: Although the change of use could be beneficial for local employment the Council raises concern in respect to the increase in vehicles using Rectory Lane. The proposal is also likely to have an intrusive impact on immediate adjacent properties	Noted and discussed within report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology	No objection, recommended informatives.	Noted.
ECC Highways Authority	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection.	Discussed in section 5.2 of this report.
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

7.4.1 Two letters have been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Harm to the character and appearance of the countryside.	Discussed in section 5.2 of this report.
Detrimental impact to the quiet amenity which the occupants of nearby residential dwellings.	Discussed in section 5.3 of this report.
Highway safety, vehicular movement and access concerns.	Discussed in section 5.4 of this report.
Contrary to the LDP.	Discussed in section 5.1 of this report.
Unsustainable location.	Noted.
References to recently dismissed appeal for residential development at the site.	Noted.
Site has not been used for commercial storage.	Noted.
Surface and foul drainage concerns.	This could be dealt with via a condition.
List of desirable conditions.	Noted.
Speculation on the intentions of the applicants.	This is not a material planning consideration.
Conversion of building to offices within a conservation area would set a precedent and open the floodgates to many more similar applications.	The application site is not within a conservation area. In respect of setting a precedent every application is assessed on its own merits.

7.4.2 In response to the above representations the Applicant has provided additional comments in correspondence received on the 30 November 2020. The additional information is not considered to raise additional material planning considerations or outweigh the harm identified in this report.

8. **REASONS FOR REFUSAL**

- 1 The proposed development would result in a harmful visual impact due to the urbanisation of the site resulting from the proposed change of use and physical alterations to the existing building. The identified harm has not been adequately justified and would not be off-set by the benefits of the scheme. The proposal is therefore contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 2 The site is located in a rural area where development should only be supported in specific circumstances. Insufficient information has been provided to demonstrate that there is either a justifiable and functional need or that the proposal would support the viability of an existing agricultural businesses contrary to policies S1, S8 and E4 of the D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.