



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

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

Application Number	20/01083/HOUSE
Location	Fir Trees, Maldon Road, Tiptree
Proposal	Rear two storey extension
Applicant	Mr A McCheyne
Agent	Paula Robertson – Plater Claiborne Architects
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor R H Siddall Reason: S1, H7, S8 and D1

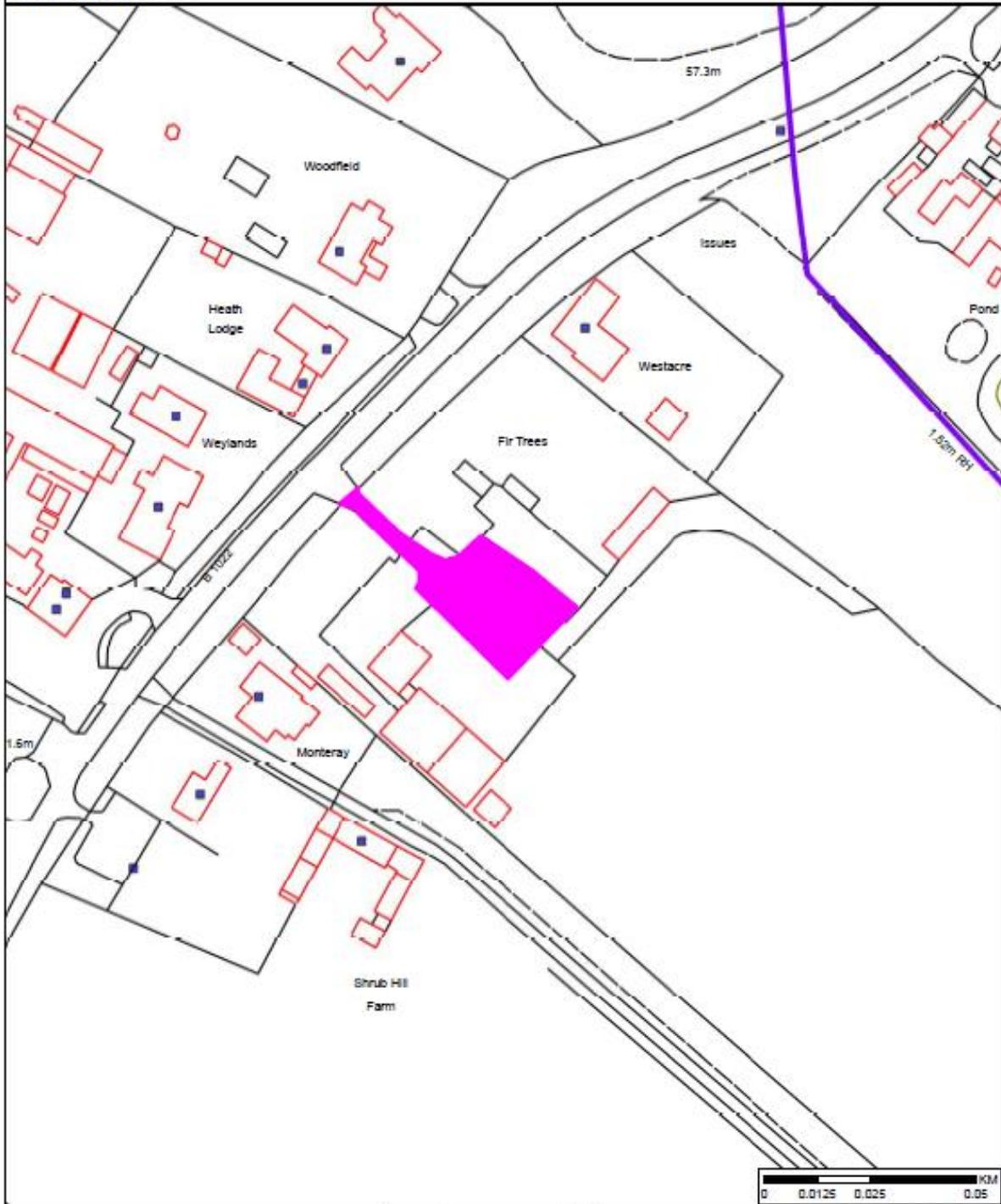
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Fir Trees, Maldon Road, Tiptree
20/01083/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Area Planning Committee
	Date:	26/11/2020
	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 to the southern side of Maldon Road and does not fall within any defined settlement boundary. The site is occupied by a two storey detached dwelling. Land to the east, south and west of the site is also within the applicant's ownership and is occupied by barns and open fields.
- 3.1.2 Planning permission is sought for the construction of a two storey rear extension. The proposed extension would have a maximum height of 8.2 metres with an eaves height of 5 metres, a width of 7.8 metres and depth of 5 metres. This would accommodate a kitchen and dining area at ground floor and extended bedrooms at first floor. The development would include the addition of a first floor window to the western side elevation of the proposed extension, a ground floor window to both the eastern and western side elevations, a juliet balcony and first floor window to the rear elevation and glazed doors at ground floor level to the rear elevation. The proposed extension would be constructed of materials to match the host dwelling.
- 3.1.3 Planning permission is also sought for the addition of a first floor window to the eastern and western side elevations of the existing dwelling.
- 3.1.4 It is noted that the property is subject to a condition (84/00488/MAL) that the occupants of the dwelling are agricultural workers.
- 3.1.5 This application is a resubmission of the previously refused application 20/00522/HOUSE, which was refused for the following reason:
- 'It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).'*
- 3.1.6 The proposed extension and proposed works remain unaltered as part of this application. However, additional supporting information has been provided to demonstrate that the extension is commensurate with the needs of the agricultural enterprise.

3.2 Conclusion

- 3.2.1 It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) (MDLDP) and Government advice contained within the National Planning Policy Framework (2019) (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
- 77-79 Rural Housing
- 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
- H4 Effective Use of Land
- H7 Agricultural and Essential Workers' Accommodation
- 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 occupation of the existing dwelling is restricted, by way of a condition attached to planning permission reference 84/00488/MAL, to the following:

3. The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed, or last employed, locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).

5.1.2 Planning permission for this new dwelling in the rural area would have, exceptionally, been granted on the basis that there was a need for a farm worker to live on site to meet the needs of the farm holding.

5.1.3 It is acknowledged that the countryside can only accommodate certain limited forms of development without detriment to the intrinsic beauty and character of the area and it is generally accepted that development in the open countryside, away from existing settlements, should be strictly controlled. However, it is also accepted that at times the specific needs of a farming enterprise may make it essential to live at or very close to the enterprise. Notwithstanding this, it is an accepted point that each case will

depend on the needs of the farm enterprise concerned and should not be based on the personal preferences or circumstances of any of the individuals involved. This involves the need to ensure that the dwelling is of a size and scale that proportionate to the need of the enterprise rather than meeting an aspirational want or need of the Applicant.

5.1.4 The current application seeks planning permission for an enlargement of this agricultural workers dwelling. Policy H7 of the MDLDP recognises that accommodation in the countryside is necessary to sustain the effective operation of a viable rural business. Policy H7 goes on to state that “Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;
- 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;
- 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;
- 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and
- 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area and is acceptable when considered against other planning requirements.”

5.1.5 Whilst not all criteria of this Policy are relevant to the assessment of an extension to an agricultural worker’s dwelling, criteria 4 and 5 are. In relation to criterion 4, as part of the agricultural supporting statement submitted, it is stated that the extension is required to allow the reconfiguration of the dwelling, to allow for the son of the occupant and his family to move into the property. This is considered necessary to ensure the future of the small holding in a number of ways, as stated below:

- Diversifying and regenerating the small holding:
 - Repairing outbuildings on site
 - Improving fruit trees
 - Converting field into grassland for hay production and increased livestock – reintroduction of pigs
- Living on site is essential to manage livestock and their welfare more effectively:
 - Major part of income – looking to maximise this
- Increase security on site.

5.1.6 It is understood that the applicant maintains the animals, field and small holding but this is not sufficient to demonstrate that the occupation of the extended dwelling would comply with the occupancy condition associated with the dwelling. Whilst, it is acknowledged that the extension is to allow for the refurbishment of the dwelling to make it more comfortable and accommodating for family living, it is not considered that the additional information provided shows a functional need for the extension in relation to the agricultural enterprise. The need for the extension is due to the personal circumstances of the applicant and the current occupier and not related to the

needs of the farm enterprise. The level of accommodation is considered to go beyond what would be reasonably expected to meet the day to day needs of the occupiers of the dwelling. Limited information has been provided to evidence the need for the extension in relation to the running of the farm. Therefore, it is not considered that the proposal would comply with criterion 4 of Policy H7. The impact on the countryside (criterion 5) will be discussed in section 5.2 of this report.

- 5.1.7 Based on the above, it is not considered that the development is acceptable in principle and is recommended for refusal on this basis below. The personal circumstances of the applicant and current occupier is a material consideration, but it is considered that the information provided does not justify planning permission being granted for a permanent, substantial enlargement of the existing, agricultural worker's dwelling.

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 Local Development Plan (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*

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

- 5.2.5 The proposed development would be located to the rear of the dwellinghouse and would not be highly visible within the surrounding area. Therefore, the development would have a limited impact on the character and appearance of the streetscene. The proposed extension would have a maximum height 0.2 metres lower than the ridge height of the host dwelling, would be inset from the side elevations of the host property by 0.2 metres and would occupy a footprint of 39m². Whilst, the extension would not be a wholly subservient addition to the dwelling, it is considered that the scale of the proposed extension would not result in an overly dominant form of development. Furthermore, due to the spacious nature of the application site, it is not considered that the extended dwelling would appear cramped or the site overdeveloped.
- 5.2.6 The proposed extension would draw on visual cues from the host dwelling, with a roof form to match the dwelling and is therefore not considered to result in an incongruous addition at the application site especially as the proposed extension would be constructed of materials to match the host dwelling. It is noted that the juliet balcony and first floor window on the rear elevation are set close to the eaves which does result in these elements appearing cramped. However, as they would be to the rear elevation, it is not considered that this alone would justify the refusal of the application.
- 5.2.7 The proposed additional first floor windows to the eastern and western side elevations of the existing dwelling are considered to be minor works that would not have a detrimental impact on the character and appearance of the site and surrounding area.
- 5.2.8 Therefore, it is considered that the extension, by reasons of its position, scale, design and appearance would not result in demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1, H4 and H7 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. Similarly, policy D2 of the approved LDP requires all development to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The closest neighbouring property to the application site is Monteray which is located over 40 metres to the west of the site. Westacre is located 50 metres to the north west of the site and Heath Lodge is over 50 metres to the north of the site. Due to these substantial separation distances, it is not considered that the proposed extension would represent an unneighbourly form of development in relation to any of the neighbouring properties and is therefore in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposed development would not alter the current parking provision provided on site or the number of bedrooms within the property. Furthermore, the application site benefits from a large driveway that could accommodate parking provision in excess of three vehicles which would comply with the adopted parking standard. Therefore, there are no concerns in relation to parking or highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The proposed development would result in the loss of 39m² of private amenity space. However, the site benefits from a spacious garden that would remain in excess of the minimum of 100m² as required by the standards. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
78/00173/MAL	Access	Approved
79/01151/MAL	Greenhouses	Approved
83/00776/MAL	Residential Caravan	Approved
83/00776/1/MAL	Residential Caravan	Approved
84/00488/MAL	House	Approved
84/00488/1/MAL	House	Approved
91/00318/FULF	Erection of livestock building	Approved
20/00522/HOUSE	Rear two storey extension	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council.	No response at the time of writing this report	N/A

8. REASON FOR REFUSAL

- 1 It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).