



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
NORTH WESTERN AREA PLANNING COMMITTEE
3rd NOVEMBER 2021

Application Number	21/00987/OUT
Location	Land Adjacent 24 Catchpole Lane, Great Totham
Proposal	One detached dwelling
Applicant	Mr A Marven
Agent	Mr Peter Le Grys
Target Decision Date	17.11.2021
Case Officer	Sophie Mardon
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes - Policies D1, H4 and S1 of LDP

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

Land Adjacent 24 Catchpole Lane, Great Totham
21/00987/OUT



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Area Planning Committee
	Date:	15/10/2021
	MSA Number:	100018588

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the north western side of Catchpole Lane outside of the settlement boundary of Great Totham. The site is currently undeveloped land laid to grass and surrounded by a number of trees. There is a timber fence and a metal gate along the front boundary. To the south west of the site is a pumping station owned by Anglian Water and to the east is a row of residential properties along Catchpole Lane.

The ground levels decrease towards the north and the west of the site towards Catchpole Brook which runs to the west of the land at approximately 19 metres from the red line boundary of the proposed site.

3.1.2 Outline planning permission is sought for one detached dwelling on the application site. The outline application procedure allows for the general principles of how a site can be developed (land use policies and any relevant material considerations for example) and applicants can identify specific matters for consideration either at the application stage, or at a later date (under reserved matters applications), which would include details of layout, access, scale, appearance and landscaping. The applicant has submitted this application to consider the general principle of development of the land for a single dwelling with all matters reserved for consideration under future reserved matters applications should outline planning permission be granted for this proposal.

3.1.3 The submitted drawing shows the proposed house located towards the southern part of the substantial (rectangular section) of the site and above the existing access tract to that part of the site. All matters are reserved for future consideration, however, the drawing details dimensions to the likely proposed dwelling and its position relative to the site boundaries. The plan shows a dwelling which could occupy the site with a depth of 14 metres and a width of 11 metres, which would be located 19 metres from the rear boundary and 32 metres from the front boundary of the site. The height of the dwelling, the number of storeys or the number of bedrooms has not been indicated within the planning application. The block plan indicates that there would be an access from Catchpole Road to the east of the site, an area for car parking to the front of the proposed dwelling and private amenity space to the rear of the proposed dwelling, whilst these details are indicative only there is no other foreseeable way to provide access to the site. The planning statement however states that there is a dropped kerb to the south east corner of the site shared with the entrance to the dwelling house at 24.

3.1.4 This application is effectively a resubmission of a previous application (**19/00004/OUT**) which was refused for the following reason;

'The application site lies outside of the defined settlement boundary of Great Totham 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 proposal would therefore, represent the unjustified encroachment of built form onto undeveloped land, with associated visual impacts, contrary to policies S1, S2, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.'

- 3.1.5 The applicant took advantage of the opportunity to appeal the Council's decision to refuse planning permission however, the Planning Inspector dismissed the subsequent appeal.

3.2 Conclusion

- 3.2.1 The application is effectively the same as the previous proposal which was refused by the Council and dismissed on appeal for reasons set out above. The only difference in circumstances between the previous and the current application, as stated by the applicant's agent, is that the Council's position regarding the supply of housing land within the district has materially changed, that being the Council can no longer demonstrate a Five Year Housing Land Supply (5YHLS), since that decision. Notwithstanding, it is the Council's position that although the tilted balance is now engaged due to the lack of a 5YHLS, the benefits of the scheme, that being the limited addition of one dwelling, would not outweigh the harm to the open character and appearance of the area which, due to the urbanisation of the site, would detract from the intrinsic character and beauty of the countryside. Therefore, the development is considered to form an unjustified sprawl of built form on this currently undeveloped site, contrary to policies S8, D1 and H4 of the Local Development Plan (LDP).
- 3.2.2 It should be noted that the previous application was not refused for lack of The Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) contribution, this is due to the fact that Essex Coast RAMS SPD was not adopted at the time of the decision. Since the previous decision, the Essex Coast RAMS SPD was formally adopted on 6th August 2020 and is therefore a material consideration which should be given significant weight when assessing the suitability for any new development to mitigate any adverse effects on the integrity of European sites from recreational disturbance, when considered 'in combination' with other development. As the applicant has not submitted a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2021 including paragraphs:

- 2-14 Achieving Sustainable development
- 38 Decision-making
- 4-50 Determining applications
- 54-57 Planning conditions and obligations

- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152–173 Meeting the challenge of climate change, flooding and coastal change

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
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD
- Special Housing Needs SPG
- Great Totham Neighbourhood Plan

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the National Planning Policy Framework (NPPF) require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 8 - 8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme
- 5.1.8 Paragraph 79 of the NPPF states that:
- ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’*

- 5.1.9 The application site is located outside of the defined settlement boundary of Great Totham, a village that is classified as one of the “larger villages” within the district, as detailed within Policy S8 of the LDP.
- 5.1.10 The site is located adjacent to the settlement boundary of Great Totham. There is a public footpath which could be used by residents of the proposed development to access services and facilities within the village itself. In terms of public transportation, the nearest bus stop is in close proximity on Catchpole Lane, which provides services and links to employment opportunity and other facilities both in Witham and Maldon. Furthermore, in a previous appeal decision at the site for the same proposal (Appeal reference; APP/X1545/W/19/3236566) the inspector stated *‘The site is located on the edge of Great Totham which is classified as a larger village in the LDP, and it has several services and facilities. The site is next to a footpath and close to bus stops along Catchpole Lane. The appellant highlights these serve Maldon and Colchester. Therefore, future occupiers would not have to be solely reliant on private modes of transport to access services, facilities or to commute. I therefore consider the appeal site is an acceptable location, in terms of access to services and facilities’*. Taking the above into account it is considered that the future occupiers of the dwelling would not be overly reliant on the private motor vehicle and therefore, and in respect of this, it is considered that the proposed site is acceptable.
- 5.1.11 Whilst the site is considered to be accessible, this is not considered to outweigh the concerns raised regarding the impact on the intrinsic character and beauty of the countryside, which will be discussed in section 5.3 of the report.

5.2 Housing Need and Supply

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council’s current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and PPG, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.4 No information regarding the number of bedrooms on site has been provided. The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Whilst the council is unable to demonstrate 5YHLS, as the proposal is only for 1 dwelling, it is considering the single dwelling would provide a negligible contribution to the housing mix and therefore, it is considered any minor benefits of this, in terms of improving the mix of the district's housing stock would not outweigh the harm identified in the assessment below.

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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.3.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.3.4 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.
- 5.3.5 The site is currently undeveloped agricultural land just outside of the defined settlement boundary. In the previous appeal decision at the site for the same proposal (Appeal reference; APP/X1545/W/19/3236566) the inspector highlighted the importance of this particular parcel of land stating '*The appeal site provides an important open countryside gap in the road and contributes to a significant break in the residential development. The site has a predominantly rural character and appearance, which helps to define the edge of the village.*' '*The proposal would introduce a new dwelling and associated residential paraphernalia such as a driveway, car parking and garden to the site. Although in outline, the plans show a dwelling with a substantial footprint. Whilst it would be set back from the road, it would still be clearly visible from public vantage points. The site performs an important transition between the residential part of the road and the more rural character to the west.*' When considering the impact of the development on the character and appearance of the area the inspector concluded '*I find the domestication of the site and introduction of built form, which would also result in the loss of vegetation from the site, would distinctly alter the character and appearance of the appeal site and would erode the pleasant rural gap in development on the northern side of Catchpole Lane. This in turn would harm the intrinsic character and beauty of the countryside.*' Taking the above into account, the proposed development would have a detrimental impact on the character and beauty of the countryside through the addition of built form on the land and the introduction of a residential use of the site which would result in the addition of domestic paraphernalia. Furthermore, it is considered that the erosion of this important parcel of land, which currently

provides an important break between development and countryside along Catchpole Lane, would significantly detract from character and appearance of the site, to the detriment of the intrinsic character and beauty of the countryside.

- 5.3.6 Whilst limited details of the proposed development are available, it is considered that however the site is developed, the proposal would introduce built form on an otherwise undeveloped piece of land and would result in the sprawl of development into the countryside which would result in material harm to the character and appearance of this relatively rural area. Whilst it is acknowledged that the proposed dwelling house has been set back from the road in an attempt to mitigate flood risk concerns, the inappropriate siting of the development would cause further harm to the character and appearance of the locality, which would be at odds with the grain of development within the immediate street scene. It is noted that No.18 is set back a considerable distance from the road however, due to the location of No. 18, which is surrounded by residential properties, this dwelling is not highly visible when traveling along Catchpole lane and therefore its siting is less prominent within the locality. This approach is consistent with the previous appeal decision where the inspector did not consider that the proposal would constitute appropriate infill development, as the appeal site is set back considerably from the nearby buildings, and due to the modest size of the pump house building.
- 5.3.7 With regard to the above, the proposed development of this site for a new single dwelling would result in demonstrable harm to the open character and appearance of the area which, due to the urbanisation of the site, would detract from the intrinsic character and beauty of the countryside. The harm identified above would significantly outweigh any benefits of a new dwelling house, given the limited contribution that a single dwelling would provide to the housing stock. Therefore, the development is considered to form an unjustified sprawl of built form on this currently undeveloped site, contrary to policies S8, D1 and H4 of the LDP.
- 5.3.8 No details have been provided with regard to the appearance of the proposed development and therefore this cannot be assessed at this outline stage.

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 (2017).
- 5.4.2 The application site has two neighbouring properties bordering the application site. These are No.24 Catchpole Lane and No.18 Catchpole Lane to the east. No.18 is not directly next to the site but its private amenity space is to the rear of No.24 and abuts the application site.
- 5.4.3 Based on the layout shown the proposed dwelling would be located 3 metres from the boundary with No.24 Catchpole Lane. Due to the change in the ground levels on the application site, which decreases to the north and the west, the proposed dwelling would be at a lower level than the neighbouring property at No.24. The application does not indicate the height of the proposed dwelling or the number of storeys, however due to the lower ground level and given that the dwelling could be proposed as a bungalow, chalet or two storey dwelling, it would be reasonable to believe that a dwelling could be provided on this site in some form that would not have an overbearing impact on the dwelling at No.24, subject to the details being assessed within the reserved matters application. Similarly, details of the proposed fenestration have not been included as part of this outline application and it is

considered that there is a reasonable prospect that the windows could be positioned on the dwelling to ensure that there was no loss of privacy to the occupiers of No.24.

- 5.4.4 The application site also borders the private amenity space of No.18 Catchpole Lane. However, the proposed dwelling would be situated forward of this boundary. Therefore it is not considered that there would likely be any overlooking which would be significantly worse than that which is currently experienced by the windows on the rear elevations of No.24, 22 and 20 Catchpole Lane which all adjoin the private amenity space of No.18.
- 5.4.5 For the reasons discussed it is considered that there is a reasonable prospect that a dwelling could be erected that would not be detrimentally harmful to the amenity of neighbouring occupiers to a degree which would warrant refusal of the application. Therefore, the proposal is considered to be in accordance with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 Access does not form part of the outline application however the block plan indicates an access from Catchpole Lane to the proposed dwelling, which is the only realistic way of providing an access within the application site. There is currently an existing gate providing access to the site with a dropped kerb onto the road. Whilst no response had been received from Highways to date, the Highways Authority was consulted on the previous scheme, which has not been altered with this current submission, and previously advised there was no objection to the scheme, subject to several conditions. Therefore, it is likely that no objection would be raised in regard to highway safety, subject to condition.
- 5.5.3 The number of bedrooms within the dwelling is currently unknown and therefore the parking provision required in the SPD is also not known. However, from the details provided on the block plan, it is likely that there would be enough parking provision for at least two vehicles to the front of the dwelling which would be sufficient for a three bedroom dwelling. Therefore, it is likely that there would be suitable parking provision on the site and would not be considered to form a reason for refusal.

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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The block plan provided shows that the private amenity space would be in excess of 100m² in accordance with the guidance contained within Maldon Design Guide SPD for larger dwellinghouses and policy D1 of the LDP. Therefore, there are no objections with regard to this.

5.7 Flood Risk

- 5.7.1 The applicant has indicated that the proposed site is outside of both Flood Zone 2 and Flood Zone 3 however, both of these would be in close proximity to the proposed dwelling. In the previous appeal decision for the site the inspector stated that '*with*

respect to flood risk and the absence of a Flood Risk Assessment, I cannot safely conclude the development would be acceptable from a flooding perspective'. The Council's Environmental Health team have advised that the site has acted as a natural flood plain against surface water. Whilst the proposed dwelling has been set back into the site to avoid the relevant flood zones which addresses fluvial flood risk, it does not appear that surface water risk has been considered.

- 5.7.2 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The NPPF also makes it clear that the sequential test process should take account of surface water flood risk as well as fluvial when locating a new property. Although the site would be located within an area at a high risk of surface water flooding, as identified by the Environment Agency map, the Councils' Environmental Health team have considered that this could be dealt with by way of a condition requesting a surface water drainage scheme, along with other relevant conditions surrounding foul drainage. This would allow the construction of the proposed development whilst also ensuring that the risk of surface water flooding to this site and the surrounding properties is not increased.
- 5.7.3 Therefore, although there are concerns with regards to flooding, and the inspectors comments have been taken into consideration, it is considered that in this instance this could be satisfactorily addressed by way of an appropriately worded condition.

5.8 Impact on Designated Sites – RAMS

- 5.8.1 The application site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast 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.
- 5.8.2 The development of one dwelling 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 (Zol) 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.

- 5.8.3 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.
- 5.8.4 The Essex Coastal RAMS document has been adopted since the previous application was dismissed at appeal and therefore is a material consideration which should be given significant weight when assessing the suitability for any new development. This document states that the flat rate for each new dwelling has been calculated at £127.30 and thus, the developer contribution should be calculated using this figure. However, 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 would constitute a reason for refusal of the application.

5.9 Planning Balance and Sustainability

- 5.9.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5THLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration.
- 5.9.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.9.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate, to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.9.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.9.5 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional unit may support local businesses such as shops and services. This would however be very limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered marginal.
- 5.9.6 In social terms the proposal has limited benefits in terms of supporting a strong vibrant and healthy community, as the housing would be located in an area where there is access to local facilities without the unavoidable need for private cars and the proposed dwelling would provide adequate living conditions for future occupiers in terms of private amenity space. Furthermore, the development would not impact on the amenity of any neighbouring occupiers. However, given the limited contribution the single dwelling house would provide to the housing stock, the above benefits

would not outweigh the harm identified on the character and appearance of the locality. Particularly when considering the previous appeal and the inspector's decision to dismiss the appeal based on the adverse impact on the intrinsic character and beauty of the countryside.

5.9.7 In environmental terms the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars. However, these minor benefits are not considered to outweigh the significant concerns raised with regard to the detrimental impact on the character and appearance of the area. Particularly when considering the previous appeal and the inspector's decision to dismiss the appeal based on the adverse impact on the intrinsic character and beauty of the countryside

5.9.8 Overall, due to the concerns raised regarding the detrimental impact on the character and appearance of the locality, it is not considered that any benefits would outweigh these concerns, particularly when considering the previous appeal and the inspector's decision to dismiss the appeal based on the adverse impact on the intrinsic character and beauty of the countryside.

6 ANY RELEVANT SITE HISTORY

- **19/00004/OUT.** – Outline application for the erection of one detached dwelling - Appeal dismissed – 18th November 2019.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	The Council objects to the application. The development would result in unjustified encroachment of built form onto undeveloped land causing detrimental harm. The proposed site is outside of the development limits and provides an important break in the residential developments into open countryside.	Comments noted. Addressed in section 5.2 of the report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or	Noted and discussed in section 5.7 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy	
Essex County Council Highways	No response at the time of writing the report	N/A

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	EH raised an objection to a previous application based on the siting of the development within flood zones 2 & 3 and that the site acted as a natural flood plain against surface water. Whilst the dwelling has been moved back into the site to avoid the relevant flood zones addressing fluvial flood risk, it does not appear that surface water flood risk has been considered. The updated NPPF makes it very clear that the sequential test process should take account of surface water flood risk as well as fluvial when locating new property. On this basis, should the application be approved, a suitable surface water condition should be applied along with other relevant conditions and informatives	Noted and discussed in section 5.6 of the report.

7.4 Representations received from Interested Parties

7.4.1 No representation have been received for the application

8 REASONS FOR REFUSAL

- 1 The proposed development of this site for a new single dwelling would result in demonstrable harm to the open character and appearance of the area which, due to the urbanisation of the site, would detract from the intrinsic character and beauty of the countryside. The siting of the dwelling would not reflect the pattern of development within the area and would exacerbate the harm to the character and appearance of the area. The harm identified above would significantly outweigh any benefits of a new dwelling house, given the limited contribution that a single dwelling would provide to the housing stock. Therefore, the development is considered to form an unjustified sprawl of built form on this currently undeveloped land, contrary to policies S8, D1 and H4 of the LDP.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the development makes no contribution for affordable housing to meet the identified need in the locality, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, the management and maintenance of the public open space and would fail to secure the provision of residential travel packs for sustainable modes of transport, required for the future occupiers of the site contrary to Policies S1, D1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.