



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 MAY 2022**

Application Number	22/00414/FUL
Location	Jechs Barn, Crouchmans Farm Road, Ulting, CM9 6QT
Proposal	Change of use of land to residential and single storey side extension
Applicant	Mrs Jo Witney
Target Decision Date	12.05.2022
Case Officer	Nicola Ward
Parish	ULTING
Reason for Referral to the Committee / Council	Member Call In Councillor S J N Morgan has called in the application for the following policy reasons: LDP S1, S7, S8, D1 and H7

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

Jechs Barn Crouchmans Farm Road Uting
22/00414/FUL



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 09/05/2022
www.maldon.gov.uk	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on a bend to the north and to the east of Crouchmans Farm Road, outside of a defined settlement boundary. Access to the site is taken from the south of the site where it joins Crouchmans Farm Road. The site is occupied by an existing single storey dwelling. The neighbouring sites consist of residential units and agricultural buildings, with the remainder being open countryside.
- 3.1.2 The Planning permission is sought for the change of use of land to residential and the erection of a single storey side extension to the existing dwelling. The proposed extension would be located to the northern end of the dwelling and would project to the west of the dwelling resulting in an 'L' shaped property. The proposed extension would have a maximum height of 3.7m, with an eaves height of 2.4m, a width of 10m and a depth of 4.3m. The exterior of the extension would be finished in black weatherboard with clay roof tiles to match the existing property.
- 3.1.3 The proposed change of use relates to a large area of land that surrounds the main dwelling on the site and the proposed extension. The land is proposed to change from agricultural use to residential. It should be noted that upon assessing the site and application it has been noted that the change of use of land, particularly in relation to the western side of the existing dwelling, has already been undertaken without obtaining planning consent beforehand and therefore, the application is part retrospective.
- 3.1.4 This application is a resubmission of 21/00218/FUL which was refused for the following reason:

'The proposed extension, as a result of its siting, design, scale and bulk, would result in an overly large and incongruous addition to the dwelling that erodes the existing openness of the site, which in conjunction with the change of use of agricultural land to residential garden space, would result in a harmful suburbanisation of the countryside, to the detriment of its intrinsic character and beauty. It is therefore considered that the proposal would cause demonstrable harm to the character and appearance of both the application site and surrounding countryside, contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP) and Government guidance contained within the National Planning Policy Framework (NPPF).'

- 3.1.5 There have been no alterations to the current application from the previously refused application.

3.2 Conclusion

- 3.2.1 The current application does not overcome the previous reasons for refusal as there have been no alterations to the proposed development. Furthermore, there are no new material considerations since the determination of the last application that would indicate that a different outcome should be reached from determination of this application. Therefore, it is considered that the proposed development as a result of the scale, mass and bulk of the proposed extension would result in an overly large addition to the application site, which would result in demonstrable harm to the character and appearance of the site and the wider area. Therefore, the development is considered to be contrary to policies S1, S8, D1 and H4 of the

Maldon District Local Development Plan (MDLDP) and guidance contained with the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 119–123 Making effective use of land
- 126–136 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 184–192 Conserving and enhancing the historic environment

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
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards (VPS)

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 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 Local Development Plan (LDP).

5.1.2 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.1.3 Policy H4 of the LDP states that 'small, unobtrusive extensions of residential areas into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside, may be approved where the following criteria are met:

- 1) The proposal will not involve the loss of any important landscape, heritage features or ecology interests; and

2) Provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.'

5.1.4 Having regard to the above it is considered that Policy H4 broadly supports the change of use subject of this application in principle. However, the specific policy criterion will be considered within the relevant sections below.

5.1.5 Notwithstanding the above, the extension of the residential garden would involve the loss of some agricultural land. Policy S8, seeks to protect the countryside and sets out suitable forms of development that will be considered outside the settlement boundary. Residential extensions into agricultural land are not a form of development listed, therefore, the principle of the change of use is not automatically acceptable in principle.

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.

5.2.3 This principle has also 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:

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

5.2.4 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 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.
- 5.2.7 The current application hosts no alterations from the previously refused application 21/00218/FUL.
- 5.2.8 It is noted that the existing site is neighboured by existing buildings, the site is not considered to be of any important landscape, heritage or ecological interests. However, when considering the proposed change of use, which is likely to include the formalization of the natural verdant character of the area and associated residential paraphernalia, that will inevitably be associated with the change of use, it is considered that the proposal would be to the detriment of the rural appearance of the area. Whilst a condition could be imposed to limit development of this area in planning terms, the Local Planning Authority (LPA) could not prevent the provision of such paraphernalia as the formalization of the character and appearance of the area. Therefore, the cumulative impact of the change of use and the extension, as discussed below, would result in unacceptable visual impacts on the rural area.
- 5.2.9 Further to the above and in relation to criterion 2 of the Extension of residential garden into the countryside section of Policy H4, limited to no information has been provided regarding boundary treatments. In order to be able to provide suitable privacy to the amenity area of the site it is unlikely that suitable boundary treatments that would assimilate with the rural area could be achieved, in particular as Policy 5 of the Neighbourhood Plan resists the use of high walls and fences. This would further contribute to the demonstrable harm to the character and appearance of the rural area.
- 5.2.10 In terms of the impact of the proposed extension on the character and appearance of the area, the proposed extension would occupy a footprint of approximately 43m², this is considered to be a significant increase in built form as it is almost equal to the footprint of the host dwelling (44.5m²), it is therefore considered to be a dominating addition to the dwellinghouse. Furthermore, due to the orientation and position of the proposed extension, it would to some extent erode the openness of the site and close the existing gap between the built forms on the site.
- 5.2.11 In addition to the above, the height and width of the proposed extension is equal to that of the existing dwelling, which further exacerbates the bulk of the proposal and prevents the extension from being a subservient addition to the host dwelling.
- 5.2.12 Whilst it is noted that the dwelling is set back approximately 13 metres from the access to the site from Crouchmans Farm Lane, which is the vantage point where the dwelling and proposed extension would be most visible, and that the proposed extension would sit over 20 metres from this point and so would be partly blocked from public vantage points by the existing built form of the wider site, views of the development would be available from the site entrance. However, although it is not considered that the proposed extension would be an overly prominent form of development, these points alone do not mitigate against the harm identified above.

5.2.13 Having regard to the points raised above it is considered that the previous reasons for refusal have not been overcome as no changes or alterations have been proposed. Furthermore, there are not considered to be any new material considerations, since the determination of the last application, that would result in the outcome of the application being different to that of the previous planning application. The proposed development as a result of its siting, scale, bulk and mass would be contrary to policies S1, S8, D1 and H4 of the MDLDP.

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.

5.3.2 The application site is bordered by two neighbouring properties, 42 metres to the south east is 'Field End' and approximately 31 metres to the north is 'Longacre'. Due to the single storey nature of the proposed extension it is not considered that it would represent an unneighbourly form of development in relation to either of the neighbouring properties.

5.3.3 To the east of the dwelling is an agricultural building associated with Fieldend Farm, whilst the proposed extension would sit closer to this building it is not considered to result in unacceptable living conditions to the habitable rooms within the proposed extension.

5.3.4 Having regard to the above it is not considered that the development would be detrimental to the existing on neighbouring occupiers' amenity.

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 Council's adopted Vehicle Parking Standards (SPD) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.4.3 The number of bedrooms at the application site is proposed to increase from one to two and thus the vehicle parking provision requirement at the site would increase from one space to two. The submitted planning application form states that there are two vehicle parking spaces currently provided at the site and they are to be retained, but no detail has been provided on the plans to show the siting of the parking. However, it is noted that there is an existing hardstanding located to the east of the existing dwelling which could accommodate two vehicles. Therefore, there is no objection in this regard.

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 proposal includes a change of use of land to the west of the existing property to be used as amenity space. The proposed area is well in excess of the required 100sqm and therefore, the proposal is considered acceptable in this regard. Whilst this does provide some weight in favour of the application in terms of increasing the amount of private amenity space available, it is not considered that this limited benefit outweighs the harm previously identified.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
18/05157/DET	Compliance with conditions application COUPA/MAL/16/01324 (Prior approval of proposed change of use of agricultural building to a dwellinghouse (use class C3)) Condition 3 - Materials. Condition 4 - Boundary treatments.	Conditions Cleared
16/01324/COUPA	Prior approval of proposed change of use of agricultural building to a dwellinghouse (use class C3)	Prior Approval Granted
16/00552/COUPA	Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse	Prior Approval Refused
21/00218/FUL	Change of use of land to residential and single storey side extension.	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council	No Comment	N/A

7.2 Representations received from Interested Parties

7.2.1 No letters of representation for the application have been received.

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed extension, as a result of its siting, design, scale and bulk, would result in an overly large and incongruous addition to the dwelling that erodes the existing openness of the site, which in conjunction with the change of use of agricultural land to residential garden space, would result in a harmful suburbanisation of the countryside, to the detriment of its intrinsic character and beauty. It is therefore considered that the proposal would cause demonstrable harm to the character and appearance of both the application site and surrounding countryside, contrary to Policies S1, S8, D1 and H4 of the MDLDP and Government guidance contained within the NPPF.