



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 NOVEMBER 2022**

Application Number	22/00896/FUL
Location	Homelands, Southminster Road, Asheldham, CM0 7DZ
Proposal	Erection of 4 bedroom bungalow, detached garage and new vehicular access
Applicant	Mary Anderson
Agent	Raymond Stemp Associates
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Call-in by Councillor M W Helm for the following reason(s): Policy D1

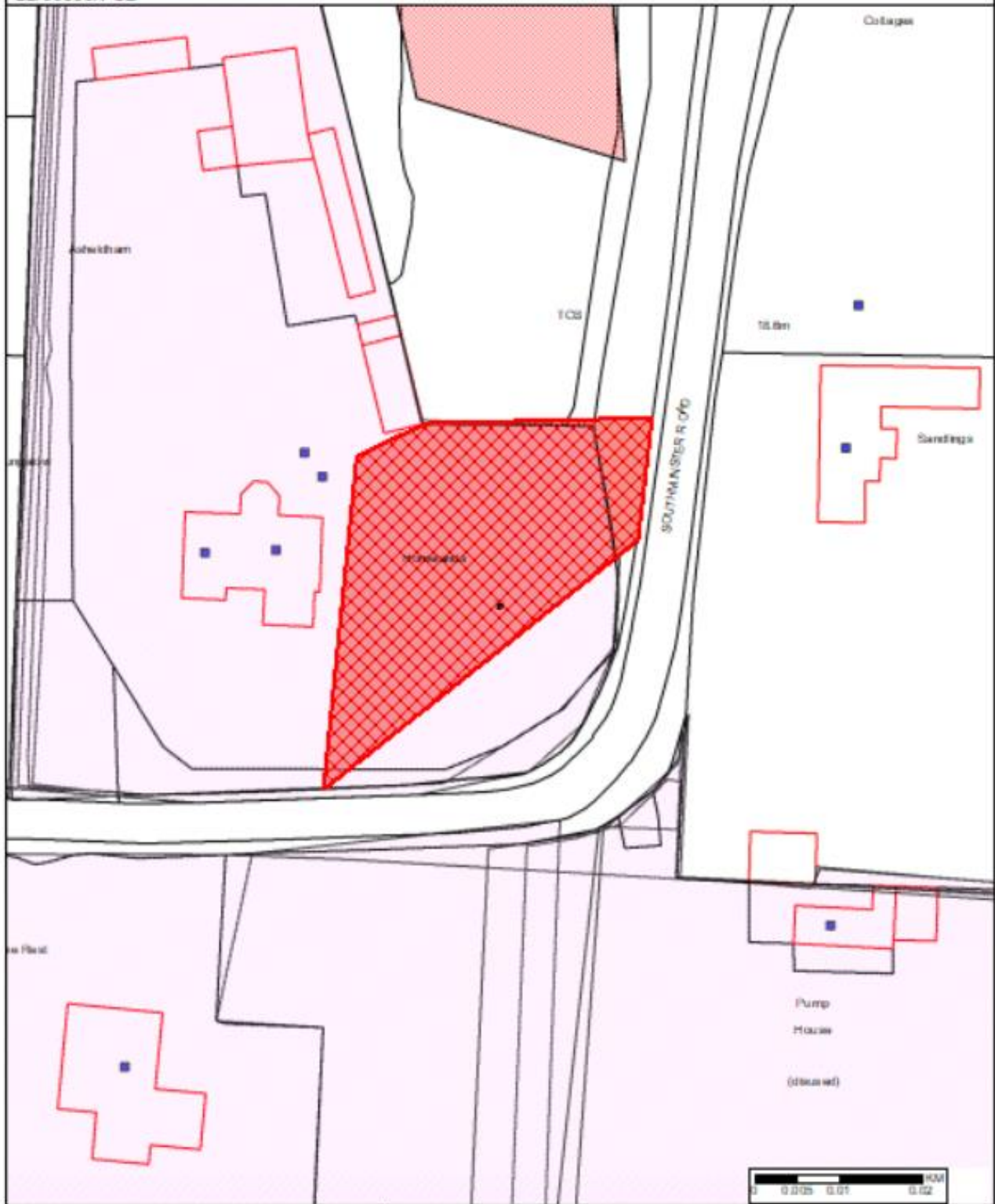
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8.

2. SITE MAP

Please see below.

Land at Homelands, Southminster Road, Asheldham
22/00896/FUL



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 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	South Eastern Area
Date:	25/10/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies within Asheldham which does not have a settlement boundary. The nearest settlement boundary to the site is that associated with Southminster around 2km along Southminster Road to the south.
- 3.1.2 The site is located to the east of Homelands, a detached chalet bungalow (indicated as being within the ownership of the applicant) and is enclosed by a right-angled bend in Southminster Road (B1021) around 300m to the east of its junction with Foxhall Road. It is stated that the application site falls within the residential curtilage of Homelands. There is loose knit development within the vicinity of the site and there is a Council Depot to the north of the site.
- 3.1.3 The land is irregular in shape and is currently laid to grass but is devoid of existing buildings or other development and the site only benefits from limited boundary landscaping.
- 3.1.4 The proposed, four bedroom bungalow would have a rectangular footprint with a front elevation facing east and a patio and amenity space to the rear. A detached garage is proposed immediately to the north of the dwelling. The external materials to be used would be red facing brick for the walls, red plain tiles for the roof and grey UPVC windows and doors.
- 3.1.5 The bungalow would measure 17.5m x 9.5m and 6.1m in height. The detached garage would measure 6m x 6m and 4.5m in height. Two parking spaces are proposed in front of the garage, each measuring 5.5m x 2.9m. It is stated that there would be an electric car charging point within the garage.
- 3.1.6 The dwelling would be 3.8m from the south-eastern boundary of the site at its closest point and 6.4m from the western boundary of the site with Homelands.
- 3.1.7 The access to the site would be located towards the north-eastern boundary of the site. As part of the application, it is stated that this access is existing, but, whilst there is a gate, there is no dropped kerb or crossover and so the creation of a vehicular access is included within the description of the development.
- 3.1.8 The application is accompanied by a Supporting Statement which contains the following information:
- the 'alignment of the plot has regard to information supplied by the Highway Authority relating to the re-alignment of Southminster Road' understood to be required for highway improvements to allow two lorries to pass in opposite directions around this bend. It is claimed that the development would 'help in the implementation of this essential road improvement' [but it is not explained how]. It is stated that the proposed vehicular access to the site may require revision to accommodate these highway improvements.
 - the applicant intends to give the bungalow to a relative.

3.2 Conclusion

- 3.2.1 It is considered that the principle of the development is not acceptable, and objections are raised in relation to the impact of the proposal on the character or appearance of the area. However, no objections are raised in relation to the impact

of the development on the amenity of local residents, highway safety / access / parking, flood risk or nature conservation.

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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change and Environmental Impact of New Development
- Policy D5 - Flood Risk and Coastal Management
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

5. **MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwelling, highways / access / parking, flood risk, and nature conservation.

5.2 **Principle of Development**

5.2.1 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).

5.2.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy.

5.2.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties such as that proposed.

5.2.4 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). The Council is not currently able to demonstrate a deliverable 5YHLS with only 3.66 years of housing land supply.

5.2.5 Where a Local Planning Authority 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 7 - 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).

- 5.2.6 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 Local Planning Authority (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).
- 5.2.7 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. Furthermore, 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’.
- 5.2.8 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.
- 5.2.9 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. 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 proposals outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three-dimension tests of the NPPF, the LPA is 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.
- 5.2.10 Paragraph 78 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’.*
- 5.2.11 The application site is located outside any defined settlement boundary and is an ‘other village’ within the District, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.
- 5.2.12 Environmental Dimension
- 5.2.12.1 Accessibility is a key component of the environmental dimension of sustainable development and also is the basis of criteria 2 and 5 of Policy H3. Policy T1 aims to

secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.

5.2.12.2 There are no services or facilities within Asheldham. Therefore, occupiers of the proposed bungalow would need to travel to other settlements to gain access to services and facilities. As part of the application, it is stated that there is a bus stop to the west towards Brook Lane served by bus service 200 which connects South Woodham Ferrers, Althorne, Tillingham and Southminster; the 104 service which connects Tillingham, Bradwell on Sea, Southminster and Burnham-on-Crouch; and the Dart service connects South Woodham Ferrers, Althorne and Tillingham. However, bus service 104 is only a school bus service with one bus at the beginning and end of the school day during term time; bus service 200 is a single service on Fridays and bus service Dart4 only runs every two hours between 07:25 and 19:42 Mondays to Fridays, some of these services require pre-booking and there is a more limited service on Saturdays. Therefore, the bus service is very limited and would not provide the occupiers of the proposed bungalow a realistic alternative to the use of a private vehicle to gain access to day-to-day services and facilities. Furthermore, due to the rural nature of the roads in the vicinity of the site which lack footpaths and streetlights and the location of this site on a right-angled bend on a main road, it is not considered that it would be realistic to expect occupiers of the proposed bungalow to gain access to any services or facilities by means of walking or cycling. Therefore, whilst Officers are aware that planning permission for other proposals for new residential properties elsewhere within Asheldham have not been refused on accessibility grounds such as that referred to below, it is not considered that this application site is within an accessible location.

5.2.12.3 It is acknowledged that an appeal relating to a dwelling proposed to the east of Wheatsheaf Farm, Rushes Lane (reference 19/00920/OUT) was not dismissed due to a lack of accessibility. The Inspector considered that the site was within walking distance of bus stops, that as 'the proposal would have some connectivity by means of public transport it would not conflict with policies' S1 (which requires minimisation of the need to travel and promotion of sustainable modes of transport and D1 (which seeks to maximise connectivity to surrounding areas). The Inspector concluded that 'there would be some accessibility to services and facilities by sustainable means. This would be limited however and does not weigh either in favour or against the proposal'. However, the Inspector did not have any details of the frequency of any local bus services, and it is important to note that they did not conclude that the development would have been located within an accessible location. For these reasons and due to the information highlighted above it is considered that this appeal decision should be given limited weight when determining the current planning application.

5.2.12.4 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, the quality of life for the occupiers of the proposed dwelling, nature conservation and residential amenity) are discussed below.

5.2.13 Social Dimension

5.2.13.1 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District at a time when the Council is only able to demonstrate 3.66 years of housing land supply. This matter weighs in favour of the proposal but is limited as only one additional dwelling is proposed.

5.2.13.2 The provision of an additional four-bedroom dwelling would not help to meet one of the greatest housing needs identified in the recently published Local Housing Needs Assessment (May 2021) which is for two and three bedroom dwellings. This would weigh against planning permission being granted for the development proposed.

5.2.14 Economic Dimension

5.2.14.1 With reference to the economic dimension of sustainable development, the development would result in economic benefits through employment and business created by the construction of the dwelling and the additional expenditure in the local economy by the new residents. These economic benefits would weigh in favour of the proposal but would be very limited as only one additional dwelling is proposed.

5.2.15 Conclusion

5.2.15.1 Based on the above assessment, objections to the principle of the development are raised.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG).
- 5.3.5 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The application site is currently an undeveloped piece of grassland within the visually prominent location within a right angled bend of the main road through Asheldham which benefits from limited existing screening.
- 5.3.7 It is acknowledged that the bungalow proposed would not be greater in height or size than the existing dwelling to the west (Homelands). However, the development proposed would urbanise the site and introduce buildings, hardsurfacing, fencing domestic paraphernalia etc. which would harm the character and appearance of the site and its surroundings. The proposed dwelling would also be located within a plot which is significantly smaller than those within the vicinity of the site and so would be out of keeping with the residential development within the local area which would exacerbate the incongruity of the development. It is noted that, as part of the appeal decision reference 16/00331/OUT, the Inspector commented that the predominant building form in this area is detached dwellings, and the rural character of the area is emphasised by the irregular and informal positions of these dwellings within spacious plots.
- 5.3.8 It is not indicated as part of the application what the treatment of the external boundaries of the site would be; a condition could be imposed to require details and soft landscaping if planning permission were to be granted. However, it is not considered that this would be sufficient to mitigate the visual harm the development would cause.
- 5.3.9 As a result, the development would contravene Policies S8, D1 and H4 of the approved LDP.

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 development proposed would be located at a sufficient distance away from existing residential properties to avoid any adverse impact being caused with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.5 Quality of Life for the Occupiers of the Proposed Dwelling

- 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 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.

5.5.2 The rear garden proposed would extend to over 100sq.m. and so would be sufficient to comply with the minimum recommended within the MDDG for a four bedroom dwelling.

5.5.3 Based on the above, it is considered that an adequate quality of life for the occupiers of the proposed dwelling would be provided, in compliance with Policy D1 of the Local Development Plan.

5.6 Access, Parking and Highway Safety

5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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.

5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.

5.6.3 The development includes the creation of a new vehicular access onto Southminster Road. Essex County Council (ECC) Highways have not commented on the proposal at the time of writing this report but, in the absence of any concerns having been raised by ECC Highways, no objection to this means of access is raised.

5.6.4 There would be sufficient space within the site to accommodate at least two parking spaces which would be sufficient to comply with the adopted parking standards.

5.6.5 Therefore, in the absence of any objection having been raised by ECC Highways, no objections to the proposal are raised on the grounds of highway safety, access or car parking.

5.7 Nature Conservation

5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.

5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.

5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).

5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.7.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zol) of these sites cover the whole of the Maldon District.
- 5.7.7 NE anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.8 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a Habitats Regulation Assessment should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.9 To accord with Natural England's requirements, a Essex Coast RAMS Habitat Regulations 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, as follows:

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 specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment – as a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution (currently £137.71 per dwelling), is secured. No such financial contribution or Unilateral Undertaking to secure payment has been received. Therefore, the harm to off-site nature conservation interests has not been adequately mitigated.

5.8 The Planning Balance

- 5.8.1 It is important to recognise the balance between the LDP 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 5YHLS. 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.
- 5.8.2 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 economic, social and environmental objectives as set out in the NPPF.
- 5.8.3 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.
- 5.8.4 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, against the harm which would arise from the proposed development.
- 5.8.5 The main benefit of the proposal is considered to be the social benefits associated with the contribution the development would make to the Council's housing land supply at a time when the supply is significantly below the 5-year minimum required. However, the development would cause harm to the character and appearance of the area, be within an area which lacks reasonable and convenient accessibility to services and would cause harm to nature conservation. These matters are considered to outweigh the benefits of delivering one additional residential unit.
- 5.8.6 The development proposed would, therefore, not be sustainable, and is recommended for refusal below.

6. ANY RELEVANT SITE HISTORY

- **20/00766/FUL** Erection of two bedroom bungalow with an annex and detached cart lodge. Approved 23.09.2020.
- **19/00453/FUL** Erection of two bedroom bungalow with side projection to form an annex and detached cart lodge. Approved 11.07.2019.

- **16/00331/FUL** Proposed construction of two chalet style houses and carport. Refused 26.06.2016. Appeal dismissed due to the adverse impact the development would have had on the character and appearance of the area.
- **15/01147/FUL** Proposed construction of two bungalows. Refused 06.01.2016.
- **15/01100/OUT** Outline application for the construction of a 2 bedroom single storey dwelling. Refused 23.12.2015.
- **14/00252/FUL** Erection of a new two bedroom bungalow and cart lodge. Approved 10.07.2014.
- **12/01083/FUL** Erection of a new two bedroom bungalow and cart lodge. Change of land use to C3. Approved 20.01.2014.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	No response.	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response.	Refer to section 5.6 of report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No response.	N/A.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. REASONS FOR REFUSAL

1. The site is located in an 'other village' where occupiers of the dwelling would be reliant on the use of private vehicles to gain access to everyday services and facilities. The future occupiers would therefore be dependent on the use of unsustainable modes of transport as a result of the development being in an unsustainable location, contrary to Policies T1, T2, S1 and D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
2. The proposed development would cause harm to the character and appearance of the site and the surrounding area through the urbanisation of

the site, contrary to Policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, I1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.