



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**
**to
NORTH WESTERN AREA PLANNING COMMITTEE
06 MARCH 2017**

Application Number	OUT/MAL/17/00072
Location	Land at Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Demolition of former packing house buildings and erection of one dwelling
Applicant	Stanfords
Agent	Mr Peter Le Grys
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In

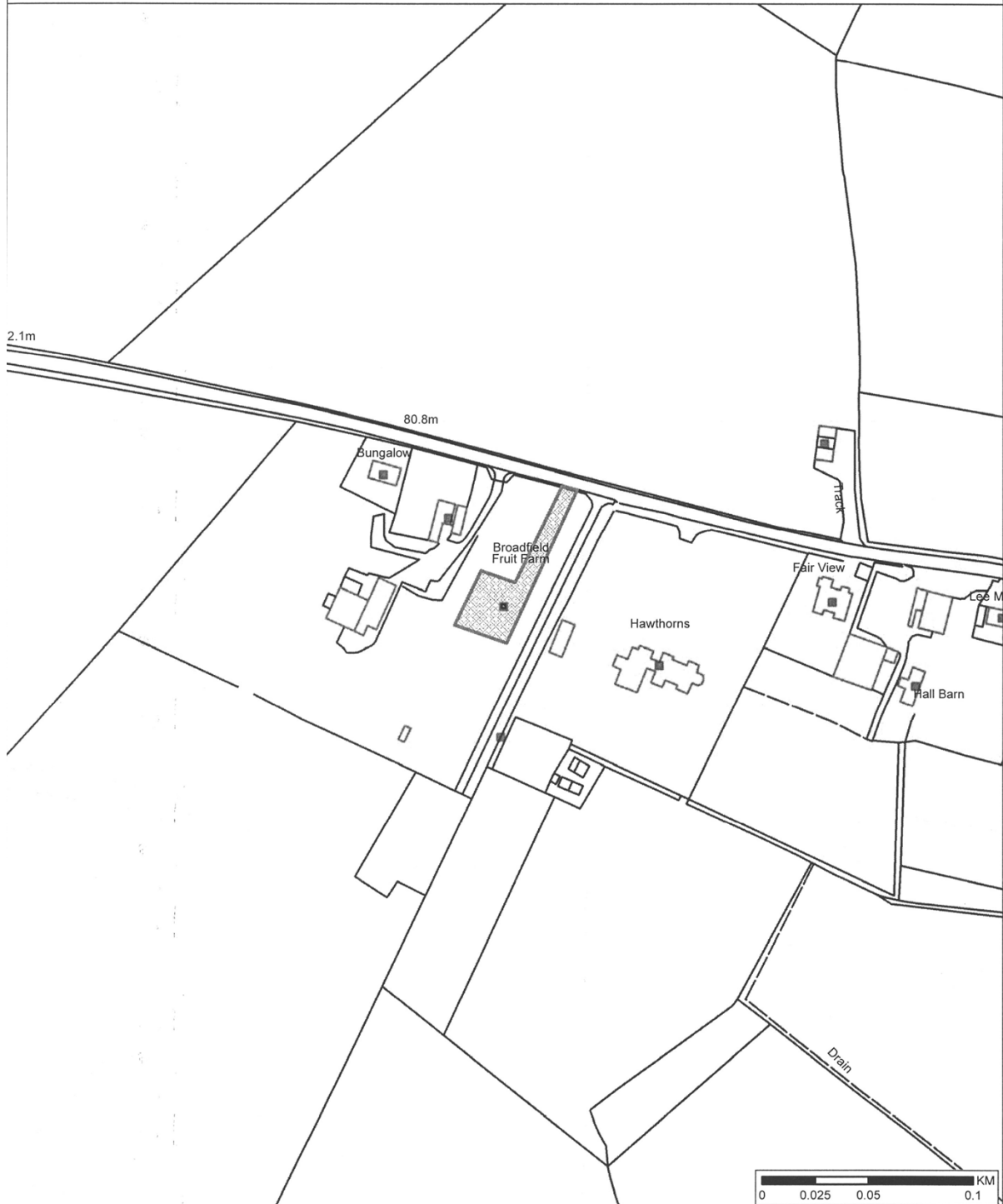
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land At Broadfield Farm, Braxted Park Road, Great Braxted
OUT/MAL/17/00072



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 Maldon District Council 100018588 2014

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00072
Date:	23/02/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Braxted Park Road outside of a defined settlement boundary. To the west of the application site is a substantial sized detached dwelling ‘Hawthorns’ and to the east of two modest sized dwellings which fronts onto the highway. To the north of the site is open agricultural land.
- 3.1.2 The application site, edged in red, forms part of a fruit farm formerly known as ‘Broadfield Fruit Farm’. To the south west of the site are redundant buildings, formerly used for storage and distribution purposes, associated with the fruit farm is also in the Applicant’s ownership, edged in blue. Vehicular and pedestrian access to these buildings is outside the Applicant’s ownership.
- 3.1.3 The application site is of a rural character and appearance with contributes to the wider rural landscape setting.
- 3.1.4 Outline planning permission is sought for the demolition of the redundant buildings within the site edged in blue and to construct one dwelling within the application site edged in red. All matters are reserved for consideration at a later stage. An indicative front and rear elevations and ground floor and first floor plans have been submitted in support of the application. The indicative plans detail a substantial two storey five-bed dwelling house with an “H”-shaped layout measuring approximately 17.6 metres wide, on average of 11.4 metres in depth with a height of 9.5 metres to ridge level. The dwelling would be positioned approximately 60 metres back from the highway almost in line with ‘Hawthorns’ to the east of the site.

3.2 Conclusion

- 3.2.1 The outline planning application contravenes policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework which seeks to provide control over new buildings in rural areas that are beyond defined settlement boundaries; to ensure that new residential developments are directed to appropriate; and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is currently undeveloped, free from any built form of development and contributes positively to the character and appearance of the rural area. The proposed development would urbanise the site and represent an unwelcome visual intrusion into the countryside, contrary to the aforementioned Development Plan Policies.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 49, 55, 56, 60, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development Outside Settlement Boundaries
- BE1 Design of New Development and Landscaping
- CC6 Landscape Protection
- H1 Location of New Housing
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Development
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004) and Section 70(2) of the Town and Country Planning Act 1990 (1990)).
- 5.1.2 Policies S1 and S2 of the adopted local plan provide the strategic position for the District through defined development boundaries for villages/urban areas and seek to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S2 of the adopted local plan, as well as policies CC6 and H1, indicate that outside the defined settlement boundaries housing will not normally be allowed and the landscape be protected for its own sake. Any development proposal should also be assessed against policy BE1 of the adopted local plan where the compatibility of a

scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.

- 5.1.3 The above policies should be read in conjunction with the Local Development Plan (LDP). The LDP has been produced in light of the National Planning Policy Framework's emphasis on sustainable development and policy S1 of the LDP promotes the principles of sustainable development encompassing the three dimensions (social, economic and environmental) identified in the NPPF. Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.
- 5.1.4 The application site lies outside of the defined settlement boundary and is in a rural location. It is considered that the adverse impact of the development would significantly and demonstrably outweigh the benefits that a new dwelling would provide when assessed against the adopted local plan, policies contained within the LDP and Paragraphs 14 and 49 of the NPPF. The proposal would not therefore be the sustainable development for which the NPPF indicates a presumption in favour.

5.2 Housing Land Supply

- 5.2.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement 2015/16 (FYHLS) dated August 2016 and the Council's Advisory Note dated August 2016.
- 5.2.2 Following the annual monitoring of housing completions undertaken in March 2016, and taking into account comments from Inspectors at recent appeals where the District's FYHLS position has been considered, as well as planning approvals and resolutions to grant planning permission subject to the completion of a Section 106 Agreement up to 24 August 2016, the Council has produced the August 2016 FYHLS Statement.
- 5.2.3 The August 2016 FYHLS Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District's OAN (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 year supply of deliverable housing land.
- 5.2.4 Since the Council published the July 2015 FYHLS Statement, in the 17 appeals where the Council's FYHLS position has been considered, 12 appeals concluded that the Council could demonstrate a FYHLS with the latest being the appeal decision at Nipsells Farm Lodge, Nipsells Chase, Mayland (Appeal Ref: APP/X1545/W/15/3139154 dated 7 December 2016) where a Public Inquiry was held over a period of 6 days. In that appeal decision, the Planning Inspector states that the can demonstrate a five year housing land supply. The August 2016 FYHLS Statement and the recent appeal decisions has therefore strengthened the Council's FYHLS position.

5.3 Housing Need

- 5.3.1 The application is outline in nature with all matters reserved for consideration at a later date. However, it is noted that the indicative plans submitted in support of the application proposes that the resulting dwelling would have five bedrooms at first floor level.
- 5.3.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.3.3 Policy H2 of the Local Development Plan and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council is therefore encouraged to provide a greater proportion of smaller units to meet the identified needs and demands. The illustrative floor plans submitted in support of the application show that the proposal would provide one, five bed dwellinghouse. As such, the proposal is considered to make a limited contribution to the housing supply in the District.

5.4 Design and Impact on the Character of the Area

- 5.4.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework. In order to comply with Policy BE1 of the adopted local plan, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the Local Development Plan ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.4.2 The proposal seeks to demolish the existing redundant buildings and to construct a dwelling of a substantial size within the plot. The application is outline in nature with all matters reserved to be considered at a later date. Planning permission is sought for the erection of a dwelling within the site. Layout, scale and design are not matters for consideration within this application. However, based on the indicative elevational plans and floor plans submitted, it shows a substantial two storey dwelling with an “H”-shaped floor layout.
- 5.4.3 The application site, edged in red, is irregular in shape. The dwelling would be positioned some 60 metres back from the highway and the area where the dwelling would be sited upon measures approximately 25 metres wide and 28 metres deep. It is considered that the proposal, if approved, would introduce a considerably greater level of built form onto the application sit where it is currently free from any built form of development.
- 5.4.4 The redundant buildings, formerly used for storage and distribution, are currently tucked behind the two modest sized bungalows fronting onto Braxted Park Road and

as such, the height, bulk and massing of the buildings would not be apparent when viewed from the street scene. The proposed dwelling and its position, whilst acknowledged in illustrative form, is considered to be significant in terms of height, bulk, massing and visual prominence in its rural setting. The development proposal would substantially reduce the spatial qualities of the application site and its surroundings and would erode, to a considerable degree, the rural qualities of the area. Consequently, the proposal would result in significant harm to the character and appearance of the area. Due to the location of the development, it is not considered that any landscaping of the application site would adequately mitigate this inherent harm. The proposal is therefore contrary to policies BE1 and CC6 of the adopted local plan, policies S1, S8, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

- 5.4.5 It is noted that the Applicant has submitted examples of appeal approvals in support of the case. The sites being referred to in the submission are located in the Colchester Borough and the Tendring District. As these examples are not located within the immediate vicinity of the application site and therefore do not share the same context.
- 5.4.6 Policy CC6 of the adopted local plan states that the natural beauty, tranquillity, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that no harm is caused to the landscape character in the locality, and the location, siting, design and materials are appropriate for the landscape in which the development is proposed, and the development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.
- 5.4.7 The application site is currently undeveloped and its boundaries within the wider field are undefined. There is residential development fronting Braxted Park Road to the east and west of the site and redundant agricultural buildings are also to the west of the site. The application site makes a positive contribution to the rural landscape setting of the locality.
- 5.4.8 The application is outline form with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. Layout, scale and design are not matters for consideration within this application. However, indicative elevations and floor plan have been submitted. The indicative plans detail a substantial two storey dwelling with an "H"-shaped layout.
- 5.4.9 It is considered that the construction of a new dwelling in this locality and resultant loss of the break in built form in this part of Braxted Park Road would cause significant harm to the countryside and its intrinsic characteristics as a result of intensification of ribbon development in the street scene.
- 5.4.10 In this location, and on the basis of the indicative plans, the proposed residential dwelling would be visually prominent in the open landscape, thus creating an unwelcome form of development which would materially and adversely encroach onto the rural landscape and significantly detract from the natural beauty, quality and amenity of the countryside. In light of the submitted plans it is considered that the scale of the proposed dwelling and its associated residential paraphernalia would be noticeable as well as causing demonstrable harm to the rural setting of the site.

- 5.4.11 The proposed development would erode the gap between the existing dwellings which conflicts with the aspirations of the Council's policies to protect the rural landscape for its intrinsic values and the NPPF. The proposal is therefore considered to conflict with policies BE1 and CC6 of the adopted local plan, policies S1, S8, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

5.5 Impact on Residential Amenity

- 5.5.1 Policy BE1 of the adopted local plan requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan (LDP) similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.5.2 The application is outline in nature with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. No block plan has been submitted to indicate the position of the dwelling within the plot.
- 5.5.3 Scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent reserved matters application. Based on the illustrative plans submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring properties in accordance with the criteria of policy BE1 of the adopted local plan, policy D1 of the Local Development Plan, and the Government guidance contained within the NPPF.

5.6 Access, Parking and Highway Safety

- 5.6.1 The application is outline in nature with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. No block plan has been submitted and no details of access or parking have been provided.
- 5.6.2 The Highways Authority has been consulted. No comment has been received at the time of writing this report however it is noted that in the previous submission (reference: 16/01369/OUT), the Highways Authority had raised no objection to the proposal subject to the imposition of suitable conditions.
- 5.6.3 For a dwelling with five bedrooms, as shown on the illustrative plans submitted, the Council's adopted Vehicle Parking Standards (SPD, 2006) requires that a maximum of three parking spaces should be provided for dwellings with four or more bedrooms. Given the extent of the application site, it appears that there would be sufficient room within curtilage of the dwelling to accommodate the number of vehicles to meet policy requirement T8 of the adopted local plan and policy T2 of the Local Development Plan.

5.7 Private Amenity Space and Landscaping

- 5.7.1 The illustrative floor plans submitted show a dwelling comprising five bedrooms. For a dwelling with five bedrooms, the Essex Design Guide advises that amenity space measuring 100m² should be provided. Whilst a block plan has not been submitted, given the extent of the site, it appears such amenity space can be achieved on within the plot. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.
- 5.7.2 It is noted that no landscaping details have been provided as this can be dealt with at the reserved matters stage.

5.8 Contaminated Land

- 5.8.1 The application site has previously been used for intensive agricultural/commercial purposes. Because of this, the current state of the site and the proposed sensitive end use, further information in relation to contamination would be required. It would be reasonable to impose planning conditions to address this should the application be approved.

5.9 Other Material Considerations

Whether or not the site would represent sustainable development?

- 5.9.1 The application site is outside of any defined settlement boundary. Policy T1 of the adopted local plan seeks to direct development to within defined development boundaries where, amongst other things, there is a choice of transport modes and it encourages walking, cycling and public transport. The adopted local policies provide a basis for understanding the approach to transport objectives for new development and the aim and purpose is broadly consistent with paragraph 35 of the Framework which sets out that ‘...developments should be located and designed where practical to... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities...’.
- 5.9.2 Paragraph 7 of the NPPF indicates that there are three dimensions to sustainable development; economic, social and environmental. Concerning the economic role the provision of a new dwelling would provide employment during construction. Future residents would also be likely to make use of existing services. There would be some economic benefits, albeit some would be temporary.
- 5.9.3 The proposed dwelling would be within walking or cycling distance of the bus stops on the main road (B1022). These buses connect to Tiptree, Maldon and Colchester. However, parts of the route would not be conducive to walking or cycling after dark or in inclement weather. Further, there is no station and the nearest one is at Witham which is about 3.8 miles away. The route would again be via country roads to connect to the main B1022 and across to the A12 to Witham. Great Totham North has a florist and public house. In practical terms, in order to access a substantial range of facilities to undertake day to day activities and meet day to day needs, such as shopping, the occupants of the new dwelling are likely to be reliant upon the private car for a large proportion of trips. Therefore, even taking into account that that NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, it is considered that the proposal would not contribute to sustainable travel patterns.

- 5.9.4 In terms of the social dimension of sustainability, the Council is in a position where it can demonstrate a five year housing land supply and the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability.
- 5.9.5 The proposal would have a negative and harmful impact of the natural and built environment and would not contribute to environmental sustainability. Taking into account the concerns over the proposals harmful effects on the character and appearance of the rural area and travel patterns, it is concluded that its adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, amount to a sustainable form of development thus failing to accord with the aims of policy T1 of the adopted local plan, policies S1, T1 and T2 of the Local Development Plan, and Government advice contained within the NPPF.

Rationale for application

- 5.9.6 The description of the application states "*demolition of former packing house buildings and erection of one dwelling*" and the planning statement refers to "*the extent of the buildings on the site*". The application site is outlined by the red line on the location plan and is entirely laid to grass. There are buildings present within the wider field in which the application site is located, and which is in the same landowner as the application site, but they are not within the application site.
- 5.9.7 The Applicant also referred to the fall-back position of Class Q of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) permitting the change of use of agricultural buildings to residential dwellings subject to prior approval and has referenced two appeal decisions where this fall-back position has been afforded material weight.
- 5.9.8 Appeal reference: APP/P1560/W/16/3145830 dated 27 July 2016 related to a refused planning application which was outline in nature for the erection of three dwellings with a combined floor space not exceeding 450m² at Larges Farm, Rectory Road, Great Holland. The site was situated on the edge of a settlement and was formerly a farmyard. At the time of the determination of that appeal, the local authority was unable to demonstrate a five year housing land supply. Reference to a fall-back position of the GPDO was dismissed by the Inspector at paragraph 20 of the appeal decision "*It has been suggested by the appellant that an alternative scheme for the residential development of the site may potentially be achieved by the use of the 'permitted development rights' for the conversion of the existing buildings to a residential use. Details of such scheme are not before me, or any substantive evidence to demonstrate that a specific position would not be required in this respect*". There was no need to investigate this further due to her previous findings. In this instance, the Applicant is not applying to convert the existing buildings or even demolish them and erect a dwelling in a similar position within the site. As such, that appeal decision is not considered to be comparable to this current scheme.
- 5.9.9 Appeal reference: APP/A1530/W/16/3144635 dated 14 July 2016 related to a refused planning application which was outline in nature for the three detached dwellings with a combined floor space not exceeding 450m² at Chestnut Farm, Abberton Road, Layer De La Haye. In the context of that appeal site, prior approval had previously been granted for the conversion of agricultural buildings to three dwellings on the site

and in paragraph 13 of the appeal decision evidence was provided in the appeal to show that the proposed development would not be occupied more intensively than the prior approved development and this was afforded significant material weight (paragraph 16). It is worth noting in the case of that site there was a previous appeal decision APP/A1530/A/14/2223563 dated 26 November 2014 following the refusal of an application seeking planning permission for three additional dwellings, paragraph 19 notes the fall-back position but states that with limited information of the fall-back details it must be given reduced weight.

- 5.9.10 The appeals above acknowledge the fall-back positions but require that information is required so that it can be afforded the relevant weight, and a key consideration is whether the proposed development would be '*occupied more or less intensively*' that that permissible through the provisions of the GPDO; this information has not been provided within the application. Regardless of this, the Applicant is not applying to convert the existing redundant buildings or even demolish them and to erect a dwelling in a similar position within the site. An assessment of the GPDO has not been undertaken, nor have the buildings been inspected in any depth to ascertain whether they would even benefit from the provisions of the GPDO in light of the case law published in November 2016 where the above mentioned appeal case studies predate. Therefore, the fall-back position as presented by the Applicant is considered to be of limited weight given that the redundant buildings referenced not within the application site.

6. **ANY RELEVANT SITE HISTORY**

- 16/01369/OUT - Demolition of former packing house buildings and erection of one dwelling. Refused: 25 January 2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	No reply at the time of writing this report	Any comments received will be reported on the Members Update

7.2 **Statutory Consultees and Other Organisations (*summarised*)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No reply at the time of writing this report	Any comments received will be reported on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No reply at the time of writing this report	Any comments received will be reported on the Members Update

8. **REASON FOR REFUSAL**

- 1 Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site, edged in red, is currently free from built form and undeveloped. The site is wholly rural and tranquil feel which makes a positive contribution to the character and appearance of the area. The proposed development, if approved, would urbanise the site and represent an unwelcome visual intrusion into the open and undeveloped countryside. The remote nature of the application site also means that future occupiers would be reliant on the private motor vehicle thus represent an unsustainable form of development. As such, the proposal would be contrary to policies S2, BE1, H1, CC6, T2 of the adopted Maldon District Replacement Local Plan, policies D1, S1, S8, H4, T2 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in the National Planning Policy Framework.