



**REPORT of
CHIEF EXECUTIVE
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JULY 2017**

Application Number	FUL/MAL/17/00496
Location	Land Adjacent To Little Rushes Rushes Lane Asheldham
Proposal	Proposed detached 2 bedroom bungalow. Change of land use to C3.
Applicant	Mr & Mrs Darren Robinson
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	07.07.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In

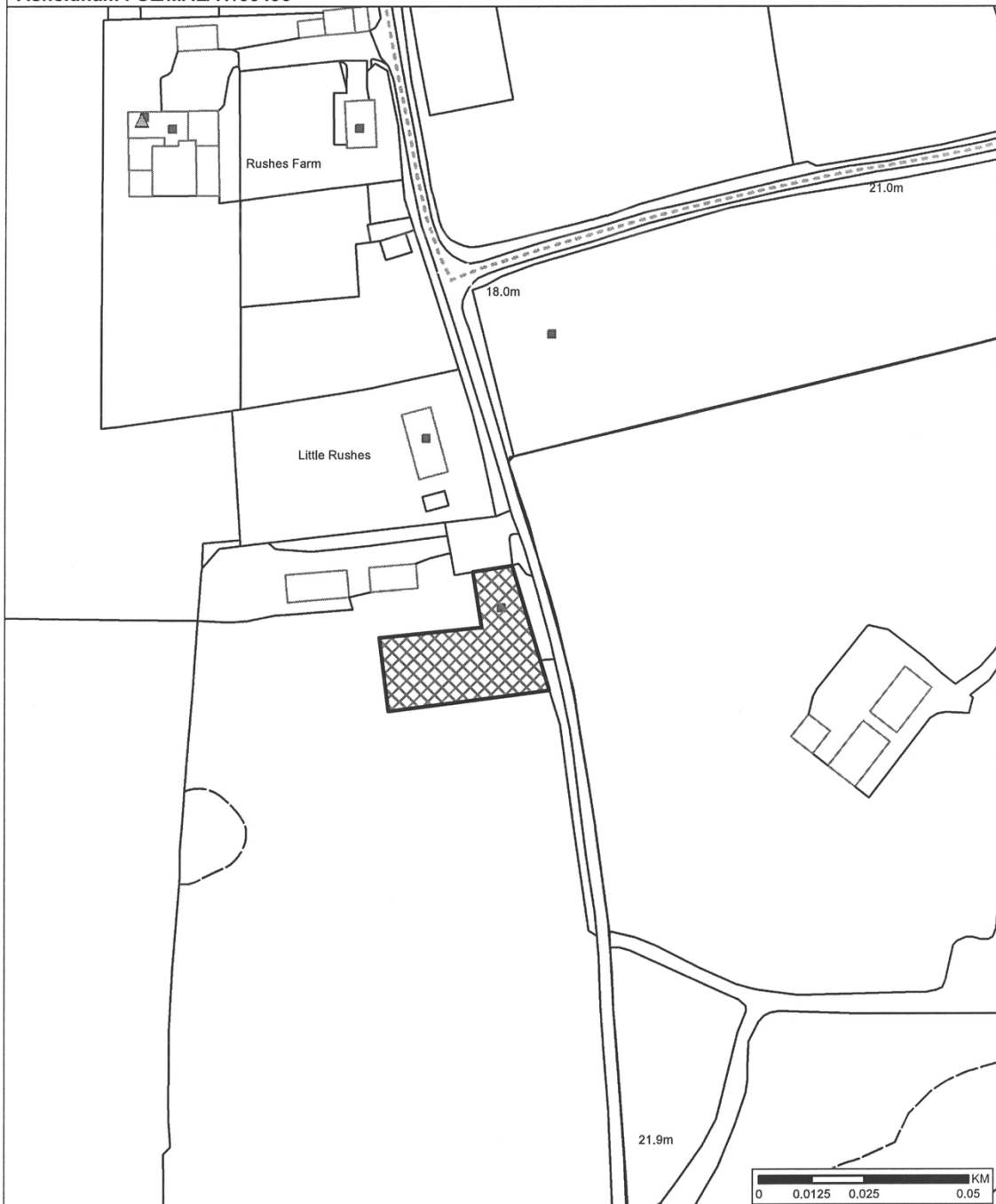
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Adjacent To Little Rushes - Rushes Lane
Asheldham FUL/MAL/17/00496



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: SE Committee

Date: 06/07/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is outside of a defined settlement boundary, located on the west side of Rushes Lane, which is an un-adopted single track lane some 600 metres from the adopted public highway. The site measures 0.09 sq metres and forms the north east corner of a large field which is currently grassland. To the south is a small barn and “Little Rushes” a bungalow and garage which is owned and occupied by the applicant. Further to the north is another dwelling (Rushes Farm). On the opposite side the lane there are flooded mineral workings (Local Nature Reserve) and another open paddock. To the west and south there is open countryside.
- 3.1.2 The application seeks planning permission for a detached two bedroom bungalow set within an “L” shaped plot. The access is from an open area associated with Little Rushes. The dwelling has a footprint of 10 metres by 11.9 metres and an open parking area to the front.
- 3.1.3 It should be noted that this application is a resubmission of a previously refused application (reference 16/01503/FUL). No amendments to the previously refused scheme are proposed.

3.2 Conclusion

- 3.2.1 The proposed development is remote from community support facilities and would facilitate unsustainable transport patterns. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion and encroachment into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan, S1, S8 and D1 of the Maldon District Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

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:

- 17
- 47
- 55
- 56
- 111
- 118
- 109

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 Design of Development and Landscaping
- S2 Development outside of settlement boundaries

- H1 Location of new development
- CC6 Landscape protection

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

- D1 Design Quality and Built Environment
- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H4 Effective use of land.
- D1 Design quality and built environment
- N2 Natural environment and biodiversity

The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.

Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring/Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.

There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Asheldham does not have a settlement boundary as defined by RLP policy S2 and LDP policy S8. Asheldham is defined as ‘other village’ in the settlement hierarchy detailed within policy S8 of the LDP. The settlement hierarchy reflects the current status and function of the villages within the District; “other villages” do not have a defined settlement boundary and have limited or no services and facilities. These

policies seek to direct new housing development within established settlements. Allocations are made in the development plan in order to protect the appearance and character of the rural areas as well as promote sustainable forms of development.

- 5.1.2 Asheldham comprises a loose knit form of development strung along the B1021. It is acknowledged that some bus services run along this road. However, the application site is located adjacent to a private track which is 600 metres from this road. The track (which is also a public footpath) is unmade and unlit and would not be attractive to pedestrians or cyclists at all times. It is therefore likely that the occupants of the proposed dwelling would be heavily reliant on the use of the private motor vehicle for all their day to day needs. It is considered that the proposed development would be in an unsustainable location.
- 5.1.3 In the past, the Council has not been able to demonstrate that there is a 5 year supply of housing land as required by para 47 of the NPPF. That is no longer the case and the latest version published in August 2016 confirms that there is the equivalent of 6 years supply of housing land which secures compliance with para 47 of the NPPF and that appropriate weight may be given to RLP policies S2 and H1. In terms of the NPPF the proposal does not align with the core principles set out in para 17 as the site is not brownfield and the intrinsic qualities of the countryside will be harmed. Furthermore no exceptional circumstances have been advanced to justify an isolated dwelling as required by para 55.
- 5.1.4 The above position is commensurate with the previously refused application 16/01503/FUL and dismissed appeal, APP/X1545/W/15/3139664, which proposed a 3 bedroom dwelling on land opposite Little Rushes.

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 sought to create a high quality built environment for all types of development.
- 5.2.2 The proposed dwelling would be located within the corner of a large field; there are no established boundaries, natural or otherwise that mark the southern or western boundaries. Apart from Little Rushes to the north, the adjacent area is open countryside with extensive views to surrounding areas. The application is “full” and the design of the dwelling is a standard bland suburban bungalow which has not drawn any specific local or rural references other than the nearby bungalow which itself does not reflect local vernacular. The dwelling and its domestic paraphernalia would, in this exposed location, adversely affect the character and appearance of the rural landscape contrary to the requirements of RLP policy CC6. In terms of its context the site does not form part of a recognisable grouping of development and when considered with its accessibility would be seen as relatively isolated in the context of NPPF para 55.
- 5.2.3 In the supporting statement the applicant’s agent in the supporting design and access statement advises that “This application is made in response to a recent planning inspectors decision which granted approval for two single storey 3 bedroom dwellings

at nearby number 1 Pitt Cottages, Hall Road, Asheldham”. This appeal site is located 500 metres from the application site and lies on the main road through the settlement close to other groups of houses on the bus route. However no reference is made to another appeal submitted by the same agent for the current applicant in respect of a proposed dwelling 30 metres to the north east on the opposite side of Rushes Lane (Planning ref OUT/MAL/15/00596 - Appeal ref: APP/X1545/W/15/ 3139664). In dismissing the appeal the inspector concluded that the site was not in a sustainable location and that a dwelling in this locality would cause substantial harm to the appearance and character of the countryside.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 No concerns were raised within the previous application in relation to a detrimental impact on residential amenity, given the distance from neighbouring occupiers. There are no new material planning considerations that would alter this stance.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 seeks to provide appropriate off-street parking provision in accordance with the District’s adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006). The adopted parking standard requirement for a two bedroom dwelling is two off-street parking spaces.
- 5.4.2 No concerns were raised within the previous application in relation to access, parking or highway safety. There are no new material planning considerations that would alter this stance.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 No concerns were raised within the previous application in relation to private amenity space. There are no new material planning considerations that would alter this stance.

6. ANY RELEVANT SITE HISTORY

16/01503/FUL - Proposed detached 2 bedroomed bungalow. Change of land use to C3 was Refused on 09/02/2017 for the following reason:

‘Policy S2 seeks to provide control over the development of new dwellings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policy S2 of the Maldon District Replacement Local Plan as the site lies within a rural area

outside of a settlement boundary and is remote from services and facilities needed for everyday living. The development, by way of its intrusive nature into the rural landscape, detrimental impact upon the landscape character and harmful nature of an urban residential development is considered contrary to policies BE1 and CC6 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework.'

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Noted

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
County Highways	Rushes Lane is a private road; therefore, from a highway and transportation perspective, the Highway Authority has no comments to make on the proposal.	Noted

8. REASON FOR REFUSAL

- 1 Policy S2 seeks to provide control over the development of new dwellings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policy S2 of the Maldon District Replacement Local Plan as the site lies within a rural area outside of a settlement boundary and is remote from services and facilities needed for everyday living. The development, by way of its intrusive nature into the rural landscape, detrimental impact upon the landscape character and harmful nature of an urban residential development is considered contrary to policies BE1 and CC6 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework.