



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 2017**

Application Number	OUT/MAL/17/00676
Location	Land South West Of Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Demolition of former packing house buildings, removal of mobile home and erection of one self-build/custom built dwelling
Applicant	Mr J Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	29 August 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In

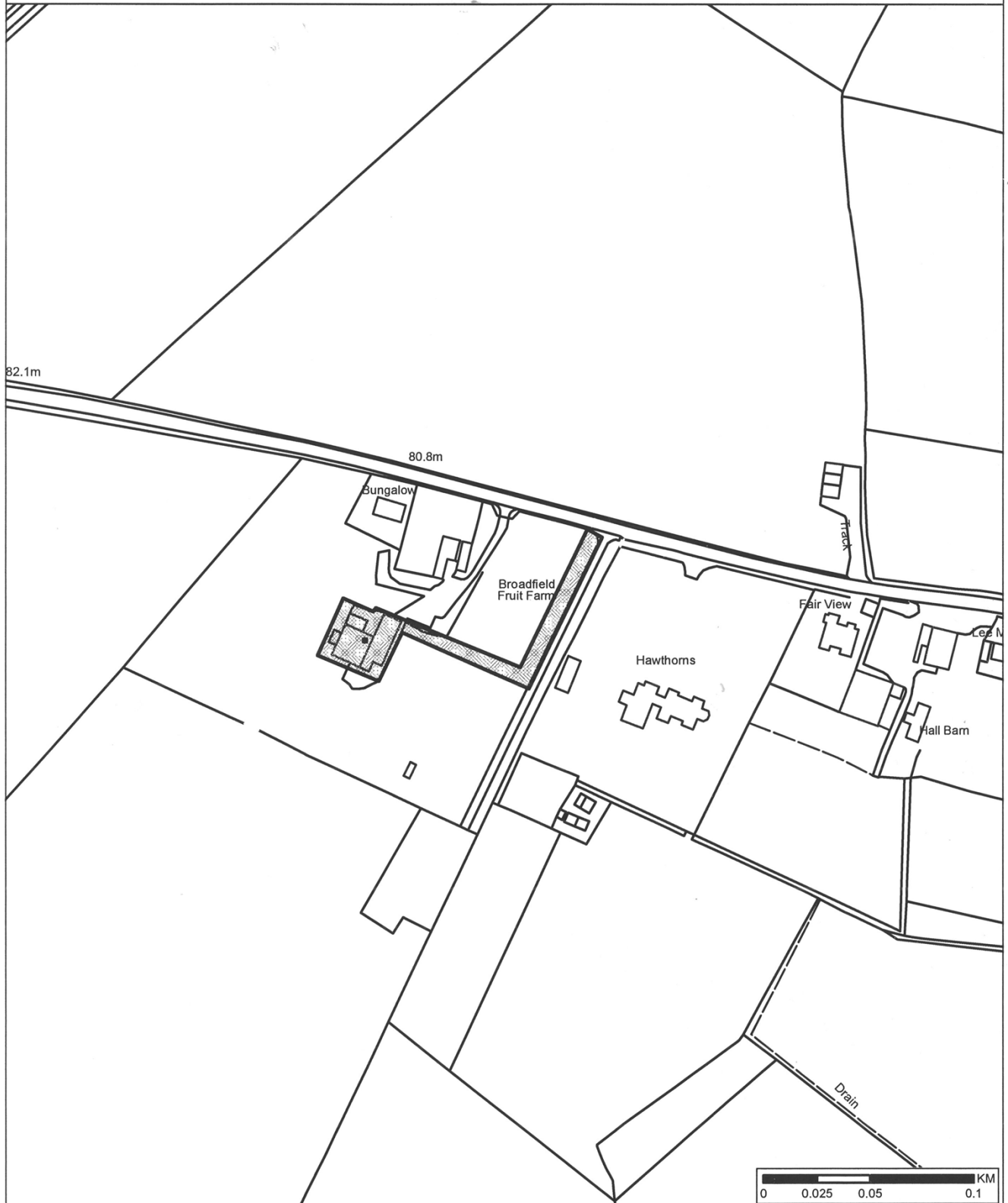
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land South West Of Broadfield Farm, Braxted Park Road, Great Braxted
OUT/MAL/17/00676



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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 17/00676/OUT

Date: 25/07/2017

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 any defined settlement boundary. To the east of the application site is a substantial sized detached dwelling 'Hawthorns' and to the north are two modest sized dwellings which front onto the highway. To the south east of the site is open agricultural land and is used for the storage of building materials. Within the land edged in blue, there is a mobile home which has been claimed to be used as temporary accommodation and mess building for farm workers on the land.
- 3.1.2 The application site, edged in red, contains redundant outbuildings that were once used for packing and the storage of fruits and formed a part of a fruit farm formerly known as 'Broadfield Fruit Farm'. Vehicular and pedestrian access to these buildings will be via an access point to the north east corner of the site.
- 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 removal of a mobile home within the site edged in blue, the demolition of the redundant outbuildings within the site edged in red, and to construct a one self-build / custom built dwelling. All matters are reserved for consideration at a later stage. No details or indicative drawings have been submitted to illustrate the one self-build / custom built dwelling to be constructed on site.

3.2 Conclusion

- 3.2.1 The outline planning application contravenes policies S1, S8, D1, H2 and H4 of the Maldon District Local Development Plan (LDP) 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, whilst comprising outbuildings which are in poor condition, are rural in nature and contributes positively to the character and appearance of the area. The proposed development would urbanise the site by reason of its domestic paraphernalia 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 Local Development Plan as approved by the Secretary of State:

4.2.1 The Council was informed by the Secretary of State on 21 July 2017 that the Inspector has concluded that, with the inclusion of a number of main modifications proposed by the Council, the Plan now satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This is therefore now part of the Development Plan.

4.2.2 The following policies that are relevant to this case are:

- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- H2 - Housing Mix
- H4 - Effective Use of Land
- N2 - Natural Environment, Geodiversity and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 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 Policy S1 of the Maldon District Local Development Plan (LDP) promotes the principles of sustainable development encompassing the three dimensions (social, economic and environmental) identified in the National Planning Policy Framework (NPPF). Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.

5.1.3 The application site lies outside of any 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 one self-build / custom built 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 On August 2016, the Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2015 / 2016 August 2016. The Council's position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014 - 2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.
- 5.2.2 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 28 April 2017.
- 5.2.3 Further, since the submission of this planning application it has been announced that the Maldon District Local Development Plan 2014 - 2029 has been approved by the Secretary of State on 21 July 2017, with the inclusion of a number of main modifications proposed by the Council. The Plan now satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This is therefore now part of the Development Plan and is material consideration when determining all planning applications.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The NPPF advises on good design and in paragraph 56 states that:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

- 5.3.2 Such design principles are dealt with by local plan policy D1 of the Local Development Plan which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development.
- 5.3.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Local Development Plan policy H4 is also considered relevant to this application as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.

- 5.3.4 The proposal seeks to demolish the existing redundant outbuildings and to construct a one self-build / custom built dwelling within the plot. The application is outline in nature with all matters reserved to be considered at a later date. Based on the limited information submitted by the Applicant, the Council cannot appropriately assess the built form of development and its likely impact on the rural area.
- 5.3.5 The application site, edged in red, is roughly square-shaped, measuring 30 metres wide and 35 metres in depth. The proposed one self-build / custom built dwelling would be positioned approximately 20 and 30 metres back from the two existing dwellings which currently fronts onto Braxted Park Road and would be set back some 70 metres from the highway. Due to the limited of information submitted, the Council cannot ascertain whether the one self-build / custom built dwelling would occupy the same footprint of the site or if the height of the development would appear dominant in its open rural surroundings or would substantially reduce the spatial qualities of the application site and its surroundings thus eroding, to a degree, the rural qualities of the area. However, the principle of a residential dwelling on site and the associated paraphernalia would result in significant harm to the character and appearance of the area due to urbanisation of the site and appear out of keeping with the rural character. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Local Development Plan and Government advice contained within the National Planning Framework.
- 5.3.6 In Paragraph 5.3 of the Applicant's Planning Statement, similar appeal decisions were mentioned in support of this case. These appeal sites are located in the Colchester Borough and the Tendring District. As these were not submitted as part of the outline planning application for the Council to consider and they relate to other districts where policies are different, limited weight has been afforded to them when determining this current outline planning application.
- 5.3.7 Policies S1 and D1 of the Local Development 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.
- 5.3.8 The application is in outline form with all matters reserved for consideration at a later date. Outline planning permission is sought for the erection of one dwelling within the site. Layout, scale and design are not matters for consideration within this application.
- 5.3.9 Having considered the rural nature of the built form to be demolished and replaced would result in a new dwelling being 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. The outbuildings does not comprise of any domestic paraphernalia on site. With the new dwelling, its associated residential paraphernalia, access and hardstanding, the development proposal would cause noticeable and demonstrable harm to the rural setting of the site. Further, proposal

would result in a new access, running for some 65 metres across this open field in a prominent location, would appear as a scar on the countryside, depreciating the visual character of the open countryside. The proposal is therefore considered to conflict with policies S1, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the Local Development Plan advises that all new development must protect the amenity of surrounding areas by taking into account privacy, overlooking, noise, smell, light, visual impact, pollution daylight and sunlight.
- 5.4.2 The application is outline in nature with all matters reserved for consideration at a later date. Outline planning permission is sought to demolish the existing packing shed and outbuildings and to erect one self-build / custom built dwelling within the site. No block plan has been submitted to indicate the position of the dwelling within the plot.
- 5.4.3 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 plan 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 D1 of the Local Development Plan, and the Government guidance contained within the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 The application is outline in nature with all matters reserved for consideration at a later date. Outline 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.
- 5.5.2 The Highways Authority has been consulted. No comment has been received at the time of writing this report however it is noted that in a previous planning submission where the proposal is similar to this current scheme (reference: OUT/MAL/17/00072), the Highways Authority had raised no objection to the proposal subject to the imposition of suitable conditions.
- 5.5.3 No details have been submitted regarding to off-street parking. However, given the extent of the application site, it appears that there may be sufficient room within curtilage of the dwelling to accommodate vehicles to meet policy requirement T2 of the Local Development Plan.

5.6 Private Amenity Space and Landscaping

- 5.6.1 No details have been submitted regarding the one self-build / custom built dwelling and as such the Council is unable to ascertain whether the provision of private amenity space would be adequate for the future occupiers of the site. It is also noted that no landscaping details have been provided. However, this can be dealt with at the reserved matters stage.

5.7 Contaminated Land

- 5.7.1 The application site has previously been used for 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.

5.8 Other Material Considerations

5.8.1 Whether or not the site would represent sustainable development?

- 5.8.1.1 The application site is outside of any defined settlement boundary. Policies S1, T1 and T2 of the Local Development 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...’.
- 5.8.1.2 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.
- 5.8.1.3 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 the 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. Furthermore, concerns were raised regarding the sustainability of the site. A similar outline planning application was previously submitted which precluded the packing shed and outbuildings (planning reference: OUT/MAL/17/00072) where the application was refused. It is not considered that this current proposal has addressed this element contained in that reason for refusal.
- 5.8.1.4 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.

5.8.1.5 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 policies S1, T1 and T2 of the Local Development Plan and Government advice contained within the NPPF.

5.8.2 Rationale for Application

5.8.2.1 The description of the application states “*Demolition of former packing house buildings, removal of mobile home and erection of one self-build/custom built dwelling*”. 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.

5.8.2.2 As 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. However, in light of the case law published in November 2016, it is considered that the fall-back position as referenced by the Applicant is considered to be of limited weight as a Prior Approval application is unlikely to be supported by the Council. Notwithstanding this, the lack of an approved Prior Approval application would limit the weight that this could be afforded in the determination of this application.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/16/01369** - Demolition of former packing house buildings and erection of one dwelling. Refused: 25 January 2017.
- **OUT/MAL/17/00072** - Demolition of former packing house buildings and erection of one dwelling. Refused: 8 March 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	Great Braxted Parish Council cannot comment on this application as there is very little information about the proposed new development.	Noted in the report.

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.
UK power Network	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.
Leisure and Liveability	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.
Economic Development	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. **REASONS FOR REFUSAL**

- 1 Policies S1, S8 and D1 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, whilst containing rural outbuildings currently makes a positive contribution to the character and appearance of the rural 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 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.