



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
27 November 2017

Application Number	FUL/MAL/17/01160
Location	Land Adjacent Sunnycot, Chelmsford Road, Purleigh
Proposal	Erection of detached two bedroom chalet bungalow with associated cart lodge, access and amenity.
Applicant	Mr. T Selfe
Agent	Ms. Hayley Webb - Smart Planning Ltd
Target Decision Date	27 November 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In Departure from the Local Plan

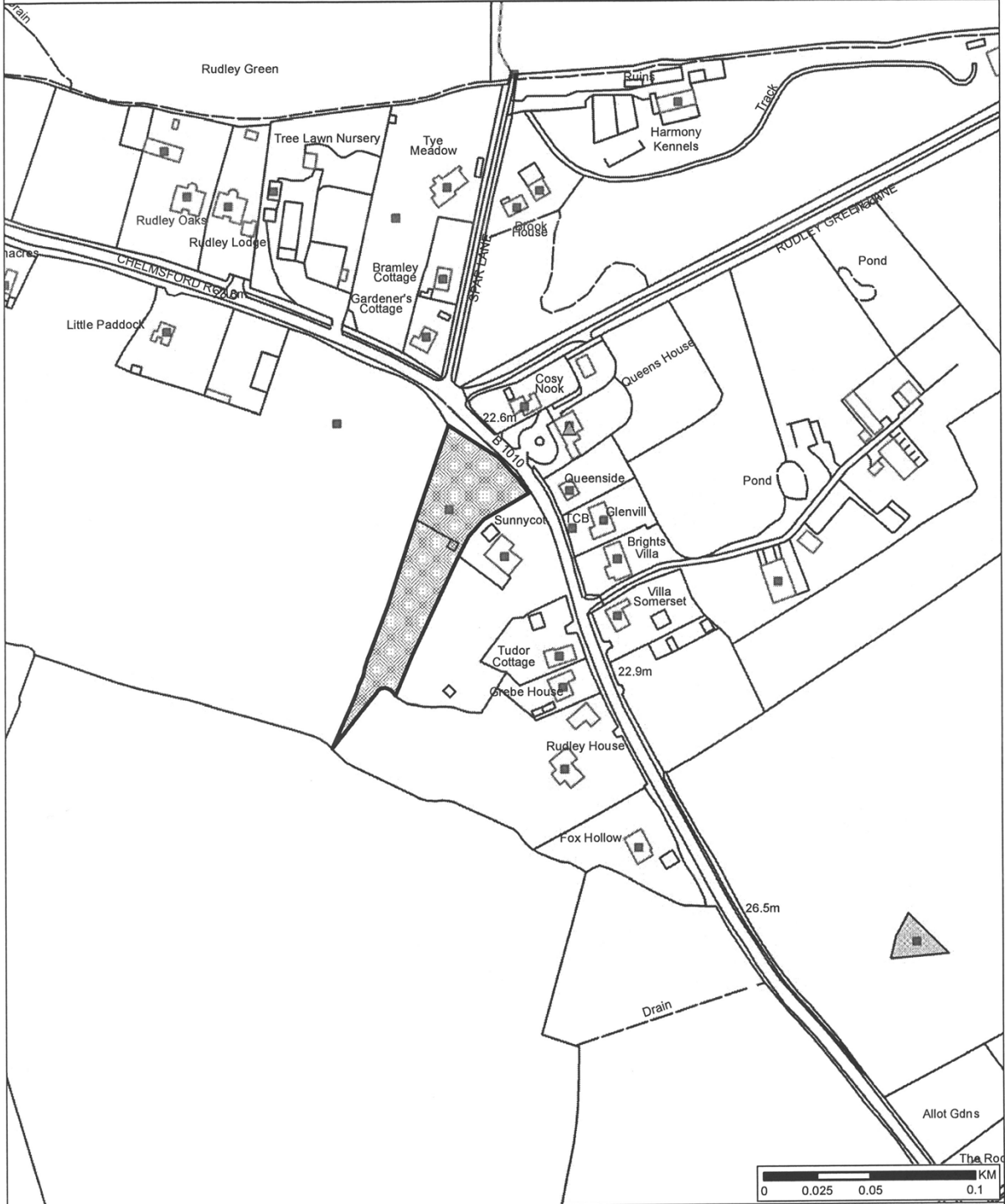
1. **RECOMMENDATION**

REFUSE subject to the reasons as detailed within Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Land Adjacent Sunnycot, Chelmsford Road, Purleigh
FUL/MAL/17/01160



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 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/01160/FUL
Date:	15/11/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises a parcel of land to the north west of a single storey dwelling known as Sunnycot. The plot forms an elongated triangle with an informal vehicle access to the highway. The plot comprises rough grassland with some hedging and existing site boundaries to the adjacent dwelling and the open agricultural fields to the northwest.
- 3.1.2 The site is outside of the settlement boundary of Purleigh.
- 3.1.3 Planning permission is sought for the erection of a detached dwelling on the site with associated vehicle parking, garaging, individual highway access and private amenity space.
- 3.1.4 The dwelling would have an “L” shaped footprint with overall measurements of 13.9m wide, 13.2m deep and with a ridge height of 6.95m to the main ridge parallel with the highway. The main section of the property would comprise weatherboard elevations with the rear projection rendered. The fenestration would be timber with the roof tiles a mix of clay and slate.
- 3.1.5 The detached garage would have a footprint of 6m by 6m with a ridge height of 5.5m. The garage would have a gable and hipped end roof structure with one enclosed garage space and one open carport. The building would be located adjacent to the north-western side elevation of the property and set back from the front elevation of the proposed dwelling by 5m.
- 3.1.6 In terms of external materials the property would have a brick plinth, weatherboard elevations and a red clay tile roof. At the front elevation, an over-sailing roof would provide a covered area for the front entrance.
- 3.1.7 A vehicle access would lead to the dwelling with additional off-street parking to the site frontage.

3.2 Conclusion

- 3.2.1 Having regard to the location of the proposed dwelling, it is considered on balance that the development would not accord with the tripartite approach of sustainability as defined by the National Planning Policy Framework. Notwithstanding the revisions made to the current scheme to reduce the width of the dwelling by 0.6m and the ridge height by 0.45m, the provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area.
- 3.2.2 As such the proposed dwelling would be contrary to the stipulations of policies S1, S8, H4 and D1 of the Local Development Plan and the guidance and provision as contained within 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:

- 14, 49 and 59

4.2 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
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- 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 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

5.1.2 The proposal is for a new dwelling outside of the settlement boundary of Purleigh as defined by the approved Local Development Plan and is therefore considered contrary to policy in principle.

5.1.3 Policies S1 and S8 of the Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District.

5.1.4 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature. The site lies to the north-west and adjacent to a cluster of properties which extend southwards along the highway with several detached dwellings opposite. The settlement boundary of Purleigh lies some 500m to the south-east with

access to the support services and facilities, which includes a primary school, village shop, public house and church.

5.1.5 Therefore, whilst the principle of a new dwelling outside of a defined settlement boundary is contrary to the Council's spatial approach of locating new dwellings within the development boundaries of existing built up areas, in this application the particular location of the dwelling and the specific details of the proposal and site specific constraints and benefits must be assessed.

5.1.6 The planning history of the site and planning appeal decisions on sites within the local area are pertinent in the assessment of this current application. These are discussed in the next section of this report.

5.2 Relevant Planning History

5.2.1 The site has been subject to a previous application for development of the site, FUL/MAL/17/00408 for a residential dwelling. This application was refused permission by the Local Planning Authority on the grounds of failure to protect or enhance the rural landscape setting which forms an integral part of and contributes to the locality. Furthermore, it was not considered to be a sustainable form of development as defined by the Framework and contrary to the tripartite approach of the guidelines and principles contained therein.

5.2.2 It is therefore considered that, notwithstanding the approval of the Local Development Plan since the determination of the previous application, comparisons and contrasts need to be drawn between both applications.

5.3 Housing Need

5.3.1 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.

5.3.2 Policy H2 of the LDP and its preamble, 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, and around 71% of all owner occupied properties having three or more bedrooms.

5.3.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in 1, two bed dwelling being created. However, the proposal is considered to make a very limited contribution to the housing supply/ addressing the housing stock imbalance in the district.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.4.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, including materials, design features and innovative design
 - Scale, height, massing and proportion
 - Landscape setting
 - Historic environment particularly in relation to designated assets and:
 - The natural environment
- 5.4.3 The proposal would comprise development of the site for the construction of a detached two storey dwelling on land to the north west of Sunnycot, which is a single storey property. Whilst it is acknowledged that there is a property of a similar design opposite the site, the dwellings in this area comprise an eclectic mix with those immediately adjacent and opposite being single storey.
- 5.4.4 Development of the application site would intensify the built form into an open site which currently provides an important visual gap and open area which prevents ribbon development and cohesion of the built form. The overall character of the area is agricultural land with the dwellings in this location being sited adjacent to the highway.
- 5.4.5 The settlement boundary of Purleigh is located to the south east of the site and is a minimum of 450m away. The village school is a further 350m with the village shop, public house and church further south again. In addition, there is a clear boundary formed by the dwellings in Lodge Lane with an undeveloped area between the settlement and the dwellings within the area known as Rudley Green.
- 5.4.6 Therefore any development beyond the clear confines of the settlement of Purleigh would introduce a harder edge to the highway as a result of built form, urban sprawl and domestic paraphernalia to the detriment of the character and appearance of the area and the general settlement pattern which is a key element of the countryside's character and appearance.
- 5.4.7 Furthermore, the site would be highly visible from the public highway. Whilst the volume of traffic to these properties may be limited, formal boundary treatments in this location for security and privacy would lead to the further urbanization of the plot to the detriment of the character and appearance of the area.
- 5.4.8 In terms of the design of the dwelling, this in itself is not considered to be objectionable and has taken visual clues from other similar dwellings within the vicinity of the site and it represents a cottage style dwelling.
- 5.4.9 However, notwithstanding the revisions between the previous scheme and that subject of this report, which comprises a minor reduction in width by 0.6m and height by 0.45m, the design, size, scale and bulk of the dwelling when compared to the dwelling

directly adjacent and those opposite is considered to represent a large built form in this semi-rural environment and would visually add to the urbanization of this open section of highway and add to the ribbon development along this section of highway.

- 5.4.10 Furthermore, whilst it is noted that new dwellings have been allowed through the appeal process to the northern side of the highway at the former Treelawn Nursery site, (Ref: OUT/MAL/15/00691 and APP/X1545/W/16/3148836) it must be noted that the Inspector for the appeal considered that site to represent previously developed land and was therefore distinguishable from the wider countryside and would consolidate rather than extend the pattern of settlement. The proposal subject of this report would extend the built form along the highway and would result in additional coalescence of the built form in this area.
- 5.4.11 As such it is considered that the proposal would fail to comply with policies S1, S8 and D1 of the LDP and the provision and guidance as contained within the NPPF.
- 5.4.12 The impact of the development on the character and appearance of the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the local plan, the approved policies of the LDP and the NPPF.

5.5 Effect on amenity of neighbouring occupiers

- 5.5.1 Policies D1 and H4 require consideration of the effect of development on neighbouring amenity and safety. Due to the degree of separation from the adjacent property to the south east, it is considered that there would be limited loss of amenity to occupiers of that property. Ground floor fenestration only is proposed within the south eastern side elevation. There are no further dwellings within the vicinity of the site which would be impacted upon.
- 5.5.2 The scheme is therefore considered to accord with the criteria of policies D1 and H4 of the submitted LDP. The guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

5.6 Access, Parking and Highway Safety

- 5.6.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two/three bedrooms or more require a maximum of 3 spaces. Such provision could adequately be accommodated within the site and within the proposed garage.
- 5.6.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety and there is no objection to the proposal. Whilst this consultee response is acknowledged and the recommended conditions relating to highway safety could be appended to any subsequent grant of permission, the visual impact of a new formal highway access would add to the built form in this location, to the detriment of this semi-rural area.

5.6.3 The scheme is therefore considered to accord with the criteria of policy T2 of the LDP in terms of highway access and parking provision but the benefit of achieving this would be contrary to the character and appearance of the area and therefore contrary to policies D1 and H4 of the Local Development Plan.

5.7 Private Amenity Space and Landscaping

5.7.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m² of private garden space rising to 100m². Such a provision would be met in this instance.

5.7.2 The application site already comprises some mature boundary treatment. A condition for their protection and retention, is considered necessary and reasonable and can be imposed upon any grant of permission should it be granted.

5.7.3 As the submission was supported by an Ecology Report, the Council's Coast and Countryside Officer has been consulted. A consultation response had not been received at the time of writing this response. However, it is noted that the previous scheme, which comprised very similar development in the same location on the same site was not objected to by the Coast and Countryside Officer, and conditions were recommended should permission be granted. As such, it is considered that should permission be granted for this proposal, similar conditions can be appended.

5.7.4 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

5.8 Other Considerations

The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to conditions for surface and foul water drainage scheme to be submitted prior to commencement and a procedural condition in the event that land contamination is found. These accord with their response from the previous application which was deemed acceptable for this element of the scheme. Therefore it is considered appropriate that similar conditions are appended to any grant of permission forthcoming from this recommendation

5.8.1 It is noted that a petition supporting the proposal has been received which states that the development of the site, which is considered "unused and unkempt" would be an improvement. However, notwithstanding the current state of the site, its development for built form with inherent domestic paraphernalia and urbanization is considered contrary to the aforementioned policies which seek to preserve and maintain the rural district.

5.8.2 It is noted that the supporting Planning Statement refers to the requirement of the applicants to return to the village and be close to family members. Whilst the Local Planning Authority is empathic to this requirement, this is not considered a sound planning reason to permit a two storey development outside of the settlement boundary for an independent market property.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00408** - Three bed detached chalet bungalow with associated detached cart lodge, landscaping and demolition of the existing storage building.
Refused 12 June 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to conditions for surface water and foul drainage schemes to be submitted prior to commencement and a procedural condition should land contamination be found.	The comments of the EHO are noted

7.3 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection. Subject to conditions for location of gates, no unbound driveway material and a visibility splay.	The comments of the Highway Authority are Noted

7.4 Representations received from Interested Parties

- 7.4.1 A single petition has been received signed by 14 people which supports the proposal

8. REASONS FOR REFUSAL

1. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality, contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

2. The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the ‘presumption in favour of sustainable development’ as contained in the National Planning Policy Framework and to policies S1 and S8 of the Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality, would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1 and S8 of the Local Development Plan and the National Planning Policy Framework as a whole.