



Appeal Decision

Site visit made on 12 March 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/X1545/W/18/3207980

JAP Contracts, The Old Dairy, Broad Street Green, Great Totham, Maldon CM9 8NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Lawson of JAP Contracts against the decision of Maldon District Council.
 - The application Ref FUL/MAL/17/01272, dated 27 October 2017, was refused by notice dated 7 March 2018.
 - The development proposed is: Extension to office building to form an attached live/work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, the National Planning Policy Framework (the Framework) has been revised. Both main parties have had an opportunity to comment on any relevant implications for the appeal and any comments received have been taken into account in my reasoning.

Main Issues

3. The Council has confirmed it does not raise any objection to the appeal scheme on the basis of the accessibility of the site and in light of the evidence provided I have no reason to disagree with this position. Therefore, the main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - the effect of the proposal on the future operation of the adjacent warehouse building and the supply of employment land in the district.

Reasons

Character and appearance

4. The appeal site is a commercial plot in the countryside where Policy S8 of the Maldon District Local Development Plan 2017 (the Local Development Plan) states 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 of a type specified in the policy. The appeal scheme is for a live/work unit which is not a type of development specified as permitted by Policy S8.

5. Open fields adjoin the appeal site to the north. To the south is an existing single storey pitched roof office building that the proposed live/work unit would adjoin. To the rear of the site is a warehouse building. The existing office and warehouse building share a vehicular access from Broad Street Green Road which runs north-south to the east of the site. A variety of dwellings line the east side of this road and there is a scattering of dwellings to the west side. Overall the area has a rural character.
6. The live/work unit would have a broadly L-shaped footprint and would be physically linked to the office building with a connecting internal door. Its roof form would be part-hipped and part-pyramidal, unlike the simple existing office building it would be attached to, the neighbouring warehouse or any other buildings seen within its immediate context. As such it would have an incongruous and contrived appearance, particularly within the context of the commercial site on which it would be sited.
7. Whilst I appreciate it may have been designed as a gatehouse, the contrast between the live/work unit and the existing office building would make the live/work unit appear bolted-on and poorly related to the existing structure and the wider commercial site. I conclude the appeal development would harm the character and appearance of the area. This would not comply with Policies D1, S1, S8 and H4 of the Local Development Plan or the Maldon District Design Guide 2017. Together these seek high quality design, which does not harm the character or appearance of the area.
8. My attention has also been drawn to Policies S2 and N2 of the Local Development Plan but it has not been explained how they are relevant to this main issue. I appreciate the proposed building may have been designed by a local award winning conservation architect but this does not change my overall conclusion on this main issue, given my findings above. I am told the proposal adheres to principles in the Design Guide, noted above, but limited information has been provided to explain how this is the case.

Future operation of the warehouse building and supply of employment land

9. The appeal site and neighbouring warehouse are currently in employment use. Policy E1 of the Local Development Plan resists mixed-use redevelopment where it will detrimentally impact upon the quality of the site for employment uses. The proposed live/work unit would be sited immediately adjacent to the vehicular access for the existing office and warehouse building. Windows to habitable rooms within the live/work unit would face directly on to this access.
10. Based on the evidence before me, I am not satisfied this arrangement would provide suitable living conditions for future occupants of the live/work unit without restricting operations of the existing adjacent business premises. In my judgement, this would likely lead to unreasonable restrictions being placed on those premises as a result of occupation of the live/work unit and this would significantly compromise the future operation of the adjacent warehouse and consequently the supply of employment land in the district.
11. This would not comply with paragraph 182 of the Framework or Policy E1, noted above. I appreciate it may be intended that the proposed live/work unit would be occupied by the applicant but I am not satisfied this changes my conclusion above as occupation would inevitably change in the future. The warehouse is described by the appellant as underused/seldom used but this does not change my conclusion either as I have no information that convinces me this would not change in the future.
12. I also appreciate the warehouse use may not have caused problems to date but this is not surprising given the extent to which it is reported to be currently used and the absence of accommodation in close proximity to it in which people live. I am told the permission for the commercial uses restricts them to uses which, by definition, can only take place within a residential area. But this does not mean those uses do not have the potential to affect the living conditions of the occupants of a property in which people live, particularly given the proximity of this accommodation to the vehicular access.

Other Matters

13. The appellant considers the proposal complies with Policy S7 of the Local Development Plan. Amongst other things, this policy states the Council will actively seek to support and facilitate sustainable economic development within "the villages" through the provision of live-work units. However, this policy needs to be read within the context of the plan as a whole. The evidence indicates "the villages" referred to in Policy S7 are those specifically defined in the subsequent policy, Policy S8, and this does not include the location where the appeal site is.
14. I am not satisfied therefore that Policy S7 relates to exceptions to the defined settlement boundaries as alleged by the appellant. Even if I am wrong in this regard and Policy S7 should be read as supporting live/work units outside the settlement boundary, including where the appeal site is, this does not change my overall conclusion to dismiss the appeal in light of the harm identified above.
15. I appreciate the appeal scheme would provide a 2 bedroom unit on brownfield land and this may meet an identified need for such accommodation. I also appreciate it may reduce the need for occupants to travel to work and mask

the commercial operation undertaken from the rest of the site. But I am not satisfied these are benefits significant enough in this case to change my overall conclusion in light of the harm identified above.

16. The appeal scheme would not result in the loss of existing commercial floorspace. It also has not raised concerns in respect of highway safety, flooding, contamination or ecology. It would not cause harm to the living conditions of existing residents or any landscape, heritage or environmental designations. But all of these are neutral points and not benefits of the scheme and as such I give them limited weight in this decision.

Conclusion

17. For the reasons given above, I conclude the appeal should be dismissed.

L Perkins

INSPECTOR