

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

04 January 2022

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 12 JANUARY 2022 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: Due to current social distancing restrictions the Council is limited on the number of physical attendees in a meeting. Therefore, members of the public wishing to speak under the Public Participation Protocol are requested to attend remotely via Microsoft Teams. Members of the press are advised to view the meetings via the Council's YouTube channel: <https://www.maldon.gov.uk/watchlive> where all meetings are streamed live.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance
COMMITTEE MEMBERSHIP:

CHAIRMAN

Councillor V J Bell

VICE-CHAIRMAN

Councillor N J Skeens

COUNCILLORS

M G Bassenger
B S Beale MBE
R G Boyce MBE
Mrs P A Channer
R P F Dewick
A S Fluker
M W Helm
A L Hull
W Stamp, CC





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 12 JANUARY 2022

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 8 December 2021, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **21/01103/FUL - Hall Meadows, Hall Road, Asheldham, Southminster, Essex, CM0 7JF** (Pages 11 - 26)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **Any other items of business that the Chairman of the Committee decides are urgent**
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Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) - 2018
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the report)
 - Essex and South Suffolk Shoreline Management Plan – October 2010

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

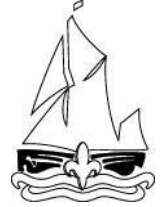
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
8 DECEMBER 2021**

PRESENT

Chairman	Councillor R P F Dewick
Councillors	M G Bassenger, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm and W Stamp, CC
In attendance	Councillor C Morris

333. APPOINTMENT OF A CHAIRMAN FOR THE MEETING

In the absence of the Chairman and Vice-Chairman the Lead Specialist Place opened proceedings and called for nominations to the position of Chairman. Councillor M W Helm proposed Councillor R P F Dewick, and this was seconded by Councillor Mrs. P A Channer. The Committee agreed this by assent.

IN THE CHAIR: COUNCILLOR R P F DEWICK

334. CHAIRMAN'S NOTICES

The Chairman welcomed all present and took the Committee through some general housekeeping issues.

335. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, A L Hull and N Skeens.

336. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 13 October 2021 be approved and confirmed.

337. DISCLOSURE OF INTEREST

The following councillors declared on agenda Item 5 21/00745/VAR - Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex.

Councillor R G Boyce declared a non-pecuniary interest as he had received an email from the agent to remind him not to pre-determine having called in the application. He reassured the Committee that he had never pre-determined any application.

Councillor M G Bassenger declared a non-pecuniary interest having been contacted by both parties. He also stressed he had no pre-determination.

Councillor W Stamp declared a non-pecuniary interest as a member of Essex County Council a consultee on this agenda item and she also had communication with the applicant.

Councillor M W Helm declared a non-pecuniary interest as he had a business close by and had communications from various parties. He added that he had cleared his attendance at the meeting with the Monitoring Officer.

Councillor A S Fluker declared a non-pecuniary interest having received and acknowledged an email from the applicant.

338. 21/00745/VAR - LAND REAR OF RED LYONS FARM, BURNHAM ROAD, LATCHINGDON, ESSEX

Application Number	21/00745/VAR
Location	Land Rear Of Red Lyons Farm, Burnham Road, Latchingdon, Essex
Proposal	Variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) Change the permitted working to 6:00 until 20:00 Monday to Saturday.
Applicant	Mr J Sinclair
Agent	Miss Catrin Davies - Warner Planning
Target Decision Date	02.11.2021 (EoT agreed: 10.12.2021)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor R G Boyce has called in the application for the following policy reason: LDP policy E4 (Agricultural and rural diversification)

A Members' Update had been circulated prior to the meeting that detailed further information from Environmental Health (EH) and interested parties, as well as an additional condition (condition 8). The EH information dealt with recent complaints regarding noise nuisance from Unit 10 and advised that a more specific noise assessment would be secured through the imposition of a condition. Following the Officer's presentation, an Objector Mr Bennett and the Agent Mr Warner addressed the Committee.

A lengthy debate ensued opened by Councillor Boyce who had called in the application as he was aware of the problems across the site and the adverse impact industrial sites had on neighbouring properties. Members raised issues around human rights, the length of the proposed business hours, the types of business in operation and the cumulative effect of noise from this unit and across the site.

The consensus was that the noise would have a detrimental impact on the amenity of neighbouring properties, corroborated by the fact EH required a specific noise assessment conditioned and compounded by the long hours of business. Given the concerns Councillor Stamp, referring to the adverse impact on residential amenity and other concerns and questions raised, proposed that the application be deferred and this was duly seconded by Councillor Helm.

The Chairman put the proposal to defer the application to a future meeting to allow for further information to be provided in respect of various matters, including noise and the lawful use of the site to the Committee and it was agreed.

RESOLVED that the application be **DEFERRED** in order to provide additional information in relation to various matters including noise and the lawful use of the site.

The meeting closed at 8.24 pm.

COUNCILLOR R P F DEWICK
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
12 JANUARY 2022**

Application Number	21/01103/FUL
Location	Hall Meadows, Hall Road, Asheldham, Essex, CM0 7JF
Proposal	Retention of the existing temporary rural workers dwelling for a further period of 3 years.
Applicant	Mr and Mrs David and Linzie Henson
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	07.01.2022
Case Officer	Anna Tastsoglou
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2014 – 2029 Member Call In Councillor A S Fluker has called in the application for the following policy reasons: LDP policy D1 (Design Quality and the Built Environment)

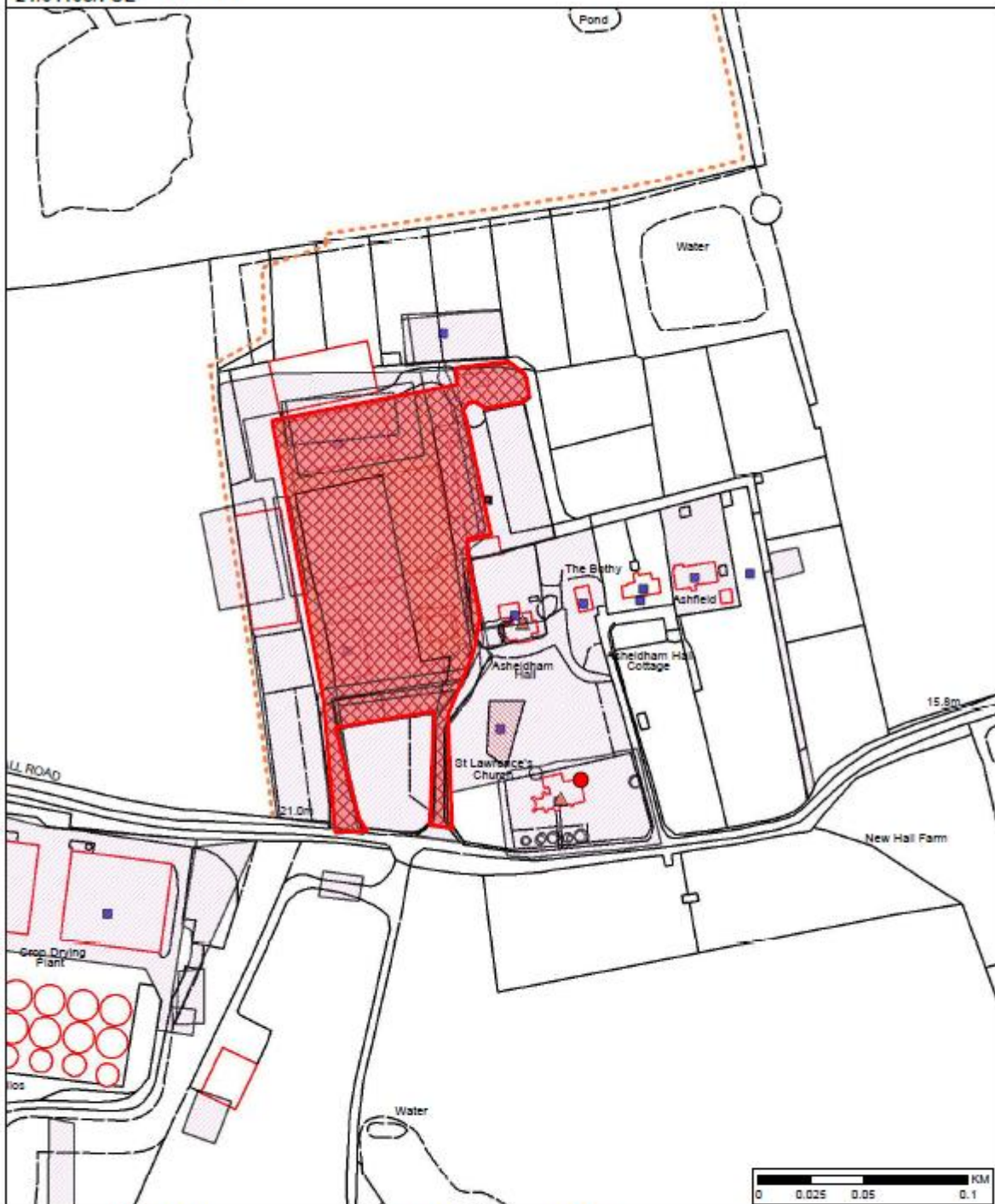
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

SE Area Committee
21/01103/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	15/12/2021
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located to the north of Hall Road, north of Asheldham Hall Farm. The application site covers an area of approximately 0.35 hectares, which consists of land where the mobile home is stationed and all other land necessary to access the site, including two access tracks that link the site to Hall Road. The application also includes a long finger of land that measures 250 metres long and connects to the public highway of Hall Road with a separate branch at a point 80 metres from the south boundary that is 'dog-legged' and also connects to the public highway.
- 3.1.2 The application site is part of a larger area of land that is shown to be within the applicants' control which hosts a stables, a menage paddocks and grazing land associated with the equestrian use of the site. The applicant states that the site currently stables 24 horses.
- 3.1.3 A number of large sized storage units are sited to the southeast of the application site. To the south of the application site there are four detached dwellinghouses, one of which is a Grade II listed building (Asheldham Hall).

Description of Proposal

- 3.1.4 Planning permission is sought for the retention of the existing temporary rural workers dwelling for a further period of three years.
- 3.1.5 The temporary mobile home is located at the northeast part of the application site and measures 6.1 metres deep by 10.1 metres wide. Two parking spaces are provided to the west of the mobile home measuring 5.5m x 2.9m. The site is bounded by a low height post and rail fence and it appears to benefit from an outdoor amenity area in excess of 300sqm.
- 3.1.6 In summary, the applicant states that the reason for the extension of the time period for the stationing of the mobile home in this location is to continue to live onsite to service the everyday needs for the case of the livery business and the welfare of the horses in their charge.
- 3.1.7 It should be noted that the current application is a resubmission following refusal of application 21/00571/FUL for the erection of a chalet style rural workers dwelling in this location. This application was refused for the following reasons:
- *Insufficient information has been submitted to demonstrate the essential need for a permanent worker's accommodation in this location and therefore it is not considered appropriate to allow an exception for an agricultural workers dwellings in this rural location. The proposed development, by reason of its location and residential nature would substantially alter the rural character of the area and have an unacceptable and unjustifiable visual impact on the countryside through the urbanisation and domestication of the site. If developed, the site by reason of its location, would be disconnected from the existing settlements, where the majority of services and facilities are provided and it would be provided by poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The proposal is contrary to the National Planning Policy Framework's "presumption of sustainable development"; the poor sustainability credentials of the site and the unjustifiable harm caused to the countryside would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Maldon District*

Local Development Plan (2017) including policies S1, S8, H4, H7 and T2 and Government advice contained within the National Planning Policy Framework (2021).

- In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.*

3.1.8 An application (reference no. 18/01111/FUL) seeking permission for the stationing of a mobile home for rural workers for a temporary period of 3 years, the rationalisation of the existing livery business to form part livery and full livery and the erection of 5 stables with associated tack room and feed store was previously approved by the South Eastern Area Planning Committee in January 2019.

3.1.9 The current application seeks to extend the time period for the stationing of the rural workers mobile home at the application site approved under the terms of application 18/01111/FUL for an additional period of 3 years. the following documents have been submitted in support of the current application:

- Three years gross margin budget, which is the same as the one previously submitted as supporting information for application 18/01111/FUL
- Accounts for the year ended April 2021
- Financial support statement
- Planning support statement
- Equine specific planning statement
- A letter written by an equine vet

3.2 Conclusion

3.2.1 Having taken all material planning consideration into account, it is considered that sufficient information has been submitted to demonstrate an essential need for the extension of the time period of the stationing of the temporary rural workers accommodation in this location. No other concerns in relation to the impact on the development on the character of the area, the amenities of the neighbouring occupiers or any highways issued are raised. In light of the above it is considered that the proposal subject to conditions would be acceptable and in accordance with the policies of the Local Development Plan (LDP) and the guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making

- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 84 -85 Supporting a prosperous rural economy
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 104-113 Promoting sustainable transport
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (2014 – 2029) approved by the Secretary of State:

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- H7 Agricultural and Essential Workers' Accommodation
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its LDP unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at paragraph 47 of the NPPF.
- 5.1.2 The site lies outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 3km away from the application site.
- 5.1.3 Policy S1 of the LDP states that “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:

2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations

- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
 - 4) *Support growth within the environmental limits of the District;*
 - 5) *Emphasise the importance of high quality design in all developments;*
 - 6) *Create sustainable communities by retaining and delivering local services and facilities;*
 - 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
 - 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community"*
- 5.1.4 Policies S1 and Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.5 The abovementioned policies are in compliance with the NPPF which, in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities. It is also stated that development of isolated homes in the countryside should be avoided, unless special circumstances indicate otherwise, such as in case there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is supported by policies H7 and S8 which support agricultural and essential workers accommodation in certain circumstances.
- 5.1.6 Policy H7 of the MDLDP states that "Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:
- 1) *Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
 - 2) *There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
 - 3) *It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
 - 4) *The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and*
 - 5) *The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements."*
- 5.1.7 It further continues stating that "*In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.*"
- 5.1.8 It should be noted that planning permission (18/01111/FUL) for the stationing of a mobile home for rural workers for a temporary period of 3 years, including the

erection of 5 stables with associated tack room and feed store and the rationalisation of existing livery business to form part livery and full livery was approved on 18 January 2019. An application (21/00571/FUL) proposing the erection of a chalet style rural workers dwelling was thereafter refused due to the unjustifiable needs for a permanent worker's dwelling in this location and inability to meet the necessary developer contributions towards the nature conservation sites.

- 5.1.9 The first criterion of Policy H7 relates to a functional need and the existence, or future existence of a viable enterprise. As part of the previously approved application (18/01111/FUL) it was considered that the proposed new stables and full livery service proposed to be provided were setting a completely different basis for the assessment of the need for a dwelling from the originally DIY livery business that the site had permission for.
- 5.1.10 The applicant has submitted a Planning Statement advising that there are 19 stables on site and an additional five with a ten-year lease and that the livery yard stables a total of 24 horses, increased from the 19 when permission for the temporary accommodation was granted. It is also stated that at present the livery business employs two people that reside on site in the previously approved temporary accommodation and one more person that lives near the site and undertakes the 'serviced' livery (part livery service). Although within the statement reference is made to the identified demand of a 'proposed' full livery business, it appears that this has not yet been fully implemented, and the business is run as a part livery business.
- 5.1.11 Within the reasons given regarding the need for onsite accommodation is the welfare of the animals. The applicant's statement includes substantial details of the risks that can occur if horses are not extensively monitored. This is also supported by the letter submitted by an equine vet. In particular it is stated that constant surveillance is required due to the unpredictable and abnormal behaviour of horses that sometimes lead to injuries as well as to prevent burglaries. A permanent worker on site is also necessary to deal with situations caused by exogenous factors, such as fires. It is also stated that the reason for the need for a dwelling is to allow 24-hour care and security of the site as well as avoid daily commuting, which is not sustainable.
- 5.1.12 Although the applicant states that a 24-hour surveillance and care of the horses would be able to support the applicants' plan for a full livery business and provide suitable care for the horses at the site, as noted above, at present the business appears to be operating as a part livery business, with only a very limited element of a full livery (2 full liveries started in 2021, as opposed to 10 forecasted at the three year gross margin budget submitted with the application 18/01111/FUL). One of the main considerations to approve the stationing of a temporary residential accommodation on site, as part of the previously approved application 18/01111/FUL, was the fact that the business plan submitted indicated the progression of the business to a full livery which requires a 24-hour care for horses. When considering the recently refused application for the erection of a permanent dwelling, consideration was given to the fact that a permanent dwelling on site heavily relies on the functional need for a worker in this location. It was therefore questionable whether a mainly part livery business was able to demonstrate a functional need for a worker on site on a 24-hour basis and consequently the need for a permanent residence in this remote and rural location. Although it is acknowledged that the full livery has not yet been fully implemented, a level of need for a worker on site to operate the part livery business was recognised. Furthermore, consideration is given to the impact that the business had due to the Coronavirus restrictions, as stated in the submitted Equine related planning statement, dated 18 October 2021. It should be noted that the current application is for the retention of

the existing mobile home for an additional temporary period of three years, and this is considered materially different to a proposal for the construction of a permanent dwelling, as the one previously refused under the terms of application 21/00571/FUL, due the nature of the structure being proportionate to the needs identified. The proposal is for a temporary permission and if at the end of the additional three-year period the original business plan for a full livery business has not been implemented then this structure can be removed, as opposed to the recently refused permanent dwelling.

- 5.1.13 With regard to second criterion, it is stated that there are no other existing dwellings in the area that are available. Although no evidence has been submitted in that respect, due to the limited number of dwellings in the vicinity of the site and their connection to existing agricultural uses, this argument is considered to be plausible. Furthermore, officers have no evidence to suggest otherwise. It is not considered this shortfall, alone, in this instance would be an appropriate reason for refusal.
- 5.1.14 With respect to criterion three, the applicant has submitted a Financial Statement, providing information regarding costs to improve the livery business. This included investing in a new post and rail fence and security electric tape fencing, renting an additional 3.5 acres of grazing land, renewal of the waterpipes and building of an additional five stables. According to the applicant the cost of these improvements equates to £47,000. Information regarding the accounts for year 2021 have been submitted and it is stated that the turnover had increased from £23,328 in 2020 to £44,282, which equates to an increase of 89.3%. It is also advised that the net profit for the tax year 2020 - 2021 was £28,736 against £9,063 for the 2019 – 2020 tax year, which equates to a net profit of 217%. Whilst it is accepted that the actual profits deviate from the forecasted gross margin budgeted submitted as part of the approved application 18/01111/FUL, it is advised this was due to the coronavirus pandemic, the need and circumstances of their clients have changed, resulting in more clients requiring a part livery than a full livery service. Taking all the above factors into account, it is considered that although inadequate to support the construction of a permanent dwelling, on balance, the information supplied is sufficient to show a profitable and viable business, which potentially outside of the pandemic restrictions would be able to meet the original aims of the business plan in the following three years. It is further considered that the retention of this temporary dwelling would help secure the future prospects of this business.
- 5.1.15 The contents of the applicants' submissions are noted with respect to the findings of a High Court case and appeal decision, but in the most part these are given limited weight as each case has to be treated on its own merits. Whilst the content of the High Court case regarding financial test, which is intended to be applied less strictly than it was previously is noted, it is noted that Policy H7 is an up-to-date policy of the LDP and criterion (3) requires that it can be demonstrated that the enterprise is, or will be in the case of new businesses, a financially sustainable and viable business with secure future prospects. For that reason, the viability and financial sustainability of the enterprise should be assessed.
- 5.1.16 On the basis of the above, although substantially higher profits would be expected to demonstrate that the equine related business on site is economically viable to be able to sustain a new permanent dwelling, the purposes of the current application is to extend the time period of the stationing of the existing mobile home. It is accepted that the business provides yearly profits which are expected to increase in the following year. The yearly profit for the tax year 2020 - 2021 was £28,736, which could theoretically equate to a reasonable living wage which would be enough to sustain a household. Therefore, although the previously approved full livery business has not been implemented, the submitted evidence is considered to demonstrate that

the business provides profits that they have increased in the last three years and are sufficient to establish the business viability for the purposes of the development proposed.

- 5.1.17 In relation to criterion 4, it is noted that the existing temporary mobile home would house the applicant, his wife and his family, including two children. The temporary accommodation is a three-bedroom mobile home and it was previously considered acceptable to meet criterion 4 and thus, it is considered unreasonable for an objection to be raised as part of this application given that the existing mobile home is to be retained and not enlarged. It should be noted though that there are some discrepancies between the mobile home plans approved as part of application 18/01111/FUL and the mobile accommodation stationed on site. These include differences in the configuration of fenestration and also the installation of a veranda. From the photographic evidence is clear that the structure on site, although slightly different from that approved under the term of application 18/01111/FUL, is still a mobile structure, given that there is a clear central line dividing the structure into two pieces in order to be able to be moved at any time. Furthermore, the veranda, is not an uncommon feature installed on mobile homes and although it was not part of the original proposal, it does appear as a permanent structure, which would result in the mobile home having changed to a permanent building/dwelling house. Therefore, notwithstanding the minor differences between this application and the previously approved proposal, it is still considered that the temporary accommodation on site remains in compliance with criterion 4.
- 5.1.18 In relation to the fifth criterion, this matter will be fully assessed in the 'design' section below, but as the proposal relates to a temporary mobile home, it is considered that the level of impact is low and reversible.
- 5.1.19 Policy H7 clearly states that the provision of a worker's accommodation where it relates to a new enterprise would only be granted permission as a temporary structure, which would be able to be removed within a period of three years. It is only after this period when a permanent structure could be considered acceptable, should it comply with all the above-mentioned criteria. Although the three-year period of the temporary structure on site comes to an end, for the reasons stated above, it is considered that due to the evidence submitted and the resultant impact to the business due to the Corona Virus pandemic, the extension of the time period of the temporary accommodation for an additional three-year period are acceptable circumstances in this instance.

Summary

- 5.1.20 For the reasons set out above, subject to the imposition of conditions and the full assessment of the proposal in all other respects, it is considered that the principle of the development is acceptable.

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 seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, 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 for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 It should be noted that the stationing of a mobile home at this location was previously assessed under the terms of application 18/01111/FUL and found acceptable. Whilst the retention of the temporary mobile home for an additional three years would prolong the resultant urbanisation and domestication of the site, due to the above assessment with respect to the principle of the development, it is not considered that this represents unwarranted development in the countryside.
- 5.2.7 As noted above, some discrepancies between the mobile home plans approved as part of application 18/01111/FUL and the mobile accommodation stationed on site, have been identified. However, these minor alterations to the fenestration configuration and the addition of a veranda are not considered to result in a materially different appearance from the mobile home as proved under the terms of application 18/01111/Ful and also the structure stationed on site, it still appears to be a mobile and not a permanent structure. Therefore, whilst not having an appearance that would be supported in the long-term, it is deemed to be of adequate appearance for the period that it would be at the site. The impact of the single storey structure is considered to be limited and weight can be afforded to the fact that the impact of this part of the development would be temporary.
- 5.2.8 By reason of the distance of the proposed development from the Grade II Listed Buildings to the south (Asheldham Hall and Church of St Lawrence) it is not considered that it would have a detrimental impact on the heritage assets that would warrant the refusal of the application on these grounds.
- 5.2.9 On the basis of the above, it is considered that the development, whilst it causes some limited localised harm, by reason of its siting in an open rural area and its

temporary nature, does not have an unacceptable or unjustified impact on the character of the countryside.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 Although the development prolongs the existing levels of activity from the use of the site for residential purposes, given the separation distance to the nearest residential units, it is considered to not result in a materially harmful impact on the nearby occupants' residential amenity, in terms of noise and disturbance. It is also noted that the Council's Environmental Health team has been consulted and raised no objection to the proposed extension of the time period of the stationing of the mobile home in this location.
- 5.3.3 By reason of the position of the mobile home, it is considered that it would not have any greater impact on residential amenity in terms of overshadowing or overlooking.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The mobile home has three bedrooms and therefore two parking spaces are required. The submitted plan demonstrates that a minimum of two parking spaces measuring the required dimensions are provided on site and therefore, there are no objections to the proposal in terms of parking provision.
- 5.4.3 The site would utilise an existing direct access onto Hall Road and thus, no objection is raised in that respect. The Essex County Council Highways Authority(ECC) has been consulted and raised no objection to the proposed development from a highway and transportation perspective.
- 5.4.4 Overall, there are no objections to the proposal in relation to access, parking or highway safety.

Private Amenity Space and Living Conditions of the Future Occupiers

- 5.4.5 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. In addition, the adopted Maldon Design Guide SPD which was adopted to support its policies in assessing applications for residential schemes advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.4.6 Although the garden of the mobile home is bounded by a low picket fence and therefore, it is not fully private, given the location and separation distance maintained between the residential plot and other nearby properties, it is considered that an

acceptable level of privacy of the amenity area can be secured for the occupiers of the mobile home. In terms of size, the garden area is in excess of the minimum amenity space requirements as set out in the MDDG SPD and therefore, the development is able to meet the outdoor requirements of the occupiers.

6. **ANY RELEVANT SITE HISTORY**

6.1.1 The relevant planning history is set out below:

- **FUL/MAL/02/01193** - Erection of stable building incorporating 10 loose boxes, a tack and a feed room. Construction of a menage. All to be used as a private DIY livery business between the hours of 8.00 - 18.00 on any day. - Planning permission granted.
- **FUL/MAL/04/00506** - Non-compliance with Condition No. 2 of planning permission 02/01193 (hours of use) to increase. Operational times to 8.00-20.00 Mon-Fri, 8.00-20.30 hours Sat and Sun (April to October) and 08.00-19.00 hours Sat and Sun (November to March). - Planning permission granted.
- **FUL/MAL/17/00840** – Erection of chalet bungalow – Refused Planning Permission for the reasons discussed above.
- **FUL/MAL/18/00313** - Erection of chalet bungalow in association with livery business – Withdrawn
- **18/01111/FUL** - Stationing of mobile home for rural workers for temporary period of 3 years. Rationalisation of existing livery business to form part livery and full livery. Erection of 5 stables with associated tack room and feed store. - Approved
- **20/05135/DET** - Compliance with conditions notification 18/01111/FUL (Stationing of mobile home for rural workers for temporary period of 3 years. Rationalisation of existing livery business to form part livery and full livery. Erection of 5 stables with associated tack room and feed store) Condition 6 - No burning of stable waste. Condition 10 - Car parking. Condition 11 - Water drainage scheme. Condition 12 - Foul drainage scheme. – Details agreed
- **21/00571/FUL** - Construction of a chalet style rural workers dwelling. – Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	Support the application.	Noted.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.	Noted. Informative recommended below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No specific comments as the development is under 10 dwellings.	Noted. Informative recommended below.
Lead Local Flood Authority	The development does not pose a significant flood risk. It was noted that there is not a significant change to the area of hardstanding associated with the site or opportunities to deliver new SuDS features.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection. Informative advised.	Noted. Informative recommended below.

7.4 Representations received from Interested Parties

7.4.1 Representations received objecting to the application:

1 letter of support has been received.

Support Comment	Officer Response
The existing accommodation has proven unobtrusive in the landscape, and is essential to the successful livery business.	Noted.
There were no valid reasons to refuse the planning permission for a permanent dwelling.	It is noted that this comment relates to a different application that is not the matter of assessment of the current application. The reasons for refusing this previous application were explained in the relevant officer report.

8. **PROPOSED CONDITIONS**

- 1 The mobile home hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority on or before 12th January 2025 unless before that date a formal planning application for the retention of the building has been approved by the local planning authority.
REASON: It is not considered that the granting of a permanent planning permission would be appropriate, and a temporary permission would enable the local planning authority to reassess the impact of the development on the character and appearance of the area.
- 2 The development shall be retained in accordance with the approved drawings 1211/01 – Location Plan and 1211/02 – Site Plan.

- REASON: To ensure the development is retained in accordance with the details as approved.
- 3 There shall be no means of external lighting anywhere on the site edged in red on the plans hereby approved or on any other land owned by the applicant that could be used to illuminate the stables or menage.
REASON: To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
 - 4 There shall be no burning of stable wastes anywhere on the site edged in red on the plans hereby approved or on any other land under the control of the applicant and waste shall be managed in accordance with the details of the scheme of waste management approved as part of application 20/05135/DET. The development shall be used in accordance with the approved details in perpetuity.
REASON: To protect the character of the area and residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
 - 5 The occupation of the temporary mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
REASON: The local planning authority would not be prepared to permit the stationing of a mobile home on this site unconnected with the use of the land or neighbouring land in accordance with policies H7 of the approved Local Development Plan (2017).
 - 6 The mobile home shall make provision for car parking within the site in accordance with the Council's adopted car parking standards and be retained as such for the permitted duration of the development.
REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards, in accordance with policy T2 of the approved MDLDP and the guidance contained in the MDDG SPD.
 - 7 The surface water drainage scheme shall be retained in accordance with the details approved under the terms of application 20/05135/DET for the permitted duration of the development.
REASON: To avoid the risk of water flooding in accordance with policy D2 of the MDLDP.
 - 8 The foul water drainage scheme shall be retained in accordance with the details approved under the terms of application 20/05135/DET for the permitted duration of the development.
REASON: To avoid the risk of pollution in accordance with policy D2 of the MDLDP.

Informatives:

1. Caravans/Mobile Homes

- (a) The applicant must contact the Environment Services Department to discuss the need to apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960 should permission be granted.
- (b) There must be at least 6 metres between caravans on the site and any other structure.
- (c) Fire appliance access should be available to within 45 metres of every point within the mobile home or to 15% of the perimeter of the mobile home whichever is the less onerous.

2. Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

3. Highway Authority

- All highway related details shall be agreed with the Highway Authority
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to: development.management@essexhighways.org.

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