



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to

NORTH WESTERN AREA PLANNING COMMITTEE

11 JUNE 2018

Application Number	OUT/MAL/18/00540
Location	Land South Of Wheelers Farm, Plains Road, Great Totham
Proposal	Erection of detached dwelling in connection with a rural business
Applicant	Upson Mowers
Agent	Mr, Peter Le Grys – Stanfords
Target Decision Date	28 June 2018
Case Officer	Hilary Baldwin
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call-In: Cllr. John Keyes Reason: Applicant has a business which services the local area.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land South of Wheelers Farm, Plains Road, Great Totham
 OUT/MAL/18/00540



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 Maldon District Council 100018588 2014



Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 18/00540/OUT

Date: 30/05/2018

MSA Number: 100018588

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3. SUMMARY

3.1 Proposal

- 3.1.1 The application site measures approximately 0.1 Hectares and is located on the eastern side of the track leading to Wheelers Farm which extends north from Plains Road. The application site is outside of the defined settlement boundary of Great Totham North.
- 3.1.2 The application site is currently an agricultural field laid to grass with mature hedgerow boundaries to the track and with a low hedgerow field boundary marking the eastern side of the plot. Access into the field is currently located outside of the red line area.
- 3.1.3 The proposal seeks Outline planning permission with all matters reserved for consideration at a future date for the erection of a detached dwelling which it is proposed is justified by the presence of a rural business.
- 3.1.4 No indicative plans have been submitted with the proposal but a planning statement and confidential accounts of the business have been submitted.

3.2 Conclusion

- 3.2.1 The proposed development of a rural workers dwelling is considered unacceptable in this instance. The proposed development fails to accord with the guidance within the NPPF and policy H7, S1, S8, D1 and H4 of the LDP. The evidence supplied is not considered adequate to sufficiently justify the functional need for a dwelling to be provided at the site. It is not considered that the harm caused by the erection of a dwelling in an unsustainable location is outweighed by the need for a rural workers dwelling.

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
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H4 Effective Use of Land
- H7 Agricultural and Essential Workers Accommodation
- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (2017) (MDDG)
- Vehicle 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 NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental roles. This requirement is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.

5.1.3 Policy S1 of the Local Development Plan 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 The requirement to focus strategic growth to the District's main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that “Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size,

function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”

5.1.5 Policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan 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.

5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located with it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise, such as if 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.

5.1.7 Policy H7 of the Maldon District Local Development Plan 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.”

5.1.8 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.” It is therefore considered that the application should be assessed in relation to each of these criteria and in doing so, regard must be had to the planning history of the wider site. Each of these matters will be addressed in turn below:

Relevant Planning History

5.1.9 The site subject of this proposal and the nearby site which contains the business function subject of the requirements of this proposal have been subject to a preceding planning application and claim for lawful development certificate respectively.

5.1.10 The preceding planning application (16/01228/OUT) was for very similar proposals in that it comprised a proposal for outline consent for a rural workers dwelling to be used in association with the nearby business. The application was refused on two grounds. It is considered pertinent to note those reasons for refusal here:

- 1. Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted 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 is currently undeveloped pasture with a wholly rural and tranquil feel which makes a positive contribution to the character and appearance of the area. The proposed development would urbanise the site and represent an unwelcome visual intrusion into the open and undeveloped countryside. The remote nature of the application site means that future occupiers would be reliant on the private motor vehicle and the proposal is not considered to represent sustainable development. As such, the proposal would be contrary to policies S2, BE1, H1 and CC6 of the adopted Maldon District Replacement Local Plan, policies D1, S1 and H4 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in the National Planning Policy Framework.*
- 2. Planning permission is sought for an essential rural workers dwelling which is justified as a means of increasing security at the site; an essential need for a dwelling in the countryside has not been demonstrated and justification has not been provided why an existing dwelling within the applicant's ownership cannot be occupied by the applicant or why a further dwelling is required. The proposal is therefore contrary to paragraphs 28 and 55 of the National Planning Policy Framework and the aspirations of policy H7 Maldon District Local Development Plan.*

5.1.11 Applications for Lawful Development Certificates related (**LDP/MAL/17/00500** and **LDP/MAL/17/01396**) have also been submitted with respect to the associated business on the nearby site. The first application was refused as the Local Planning Authority was not satisfied that sufficient evidence has been submitted to substantiate the claim that on the balance of probability the site indicated in red on the attached plan had been used continuously for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops for in excess of ten years.

5.1.12 A second application for a Lawful Development Certificate was accompanied by additional evidence in support of the claim and was accordingly deemed lawful and granted.

Full-Time Functional Need

5.1.13 To protect the rural nature of the District and encourage sustainable development, the Council's spatial approach is to locate new dwellings within the development boundaries of existing built up areas. However, it is recognised that in some circumstances the demands of farming, forestry, or other rural-based enterprises can make it essential for one or more full-time employees to live at, or very close to, their location of work, this is compliant with the NPPF. Whether this is sufficient grounds to require a dwelling to be erected in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

5.1.14 The activities involved with the rural enterprise include the restoration, renovation and maintenance of sports field machinery; the testing and demonstration of the machinery; the operation of a fleet hire service of sports field equipment; and also the purchasing, restoration and re-sale of second hand equipment. Work is undertaken both at the site and also at sites throughout London and the South East. These activities are not considered to justify that there is an essential need for one or more full-time employees to live at their location of work.

5.1.15 It is claimed that the activities taking place together with site security justify the necessity of a dwelling at the site. Whilst the NPPF makes no mention of crime prevention in relation to new rural dwellings, former PPS7 advised that security for a business might contribute to a justification for a rural dwelling but would not be sufficient to fully justify a new house in the countryside; this is considered to be consistent with the principle of this application. In a recent appeal decision at 40 Top Road, Tolleshunt Knights planning permission was sought for the construction of one live/work detached dwelling with associated garaging and off-street parking (appeal reference: APP/X1545/W/15/3136324). In the determination of the appeal the inspector stated that "the intention appears to be to allow residential occupancy at the appeal site in order to improve the security of the adjoining existing business" and then stated that "many businesses in rural areas do not have associated residential occupancy and, whilst I have no reason to doubt the incidence of theft from the existing business, it has not been adequately demonstrated that the issue could not be addressed using other, less harmful, security measures" and little weight was given to improving the security of the existing business. This argument is highly appropriate in the consideration and determination of the current application.

5.1.16 It is claimed that an on-site presence is required beyond that required for site security. Paragraph 6.8 of the Planning Statement states that security is an element of the justification but the principle requirement is for accommodation to house a worker for whom it is essential to live on or immediately adjacent to the business. The justification for this is based upon the need to carry out repairs at short notice over any 24 hour period. However, repairs of agricultural machinery, whilst considered vital to end users, are not considered to warrant on-site living. It is an accepted part of employment and business that out of hours calls and weekend requirements may involve personal time and transport to the place of work. It is reasoned that should a piece of agricultural machinery or land management implement fail and transportation to the workshop be required for repair, then it would be reasonable for a relevant worker to also travel to the workshop. Should on site repairs be required, then the relevant worker would be travelling to that site in any case.

5.1.17 Whilst the personal circumstances of not travelling to the site may be of benefit to the applicant it is not considered that these requirements are fully justified. As stated within the submission at paragraph 2.2, the site employs a total of 10 persons and therefore the onus of out of hours working requirements being the sole responsibility of the applicant has not been justified.

Available Alternative Dwellings

5.1.18 It is important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. Where there are existing dwellings on the enterprise the need for additional workers to live on the site for the proper functioning of the enterprise usually has to be demonstrated to be essential. Evidence must be provided to demonstrate that there are no other dwellings which are available to meet the need. If there are existing dwellings on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling

5.1.19 The application site has been outlined in red and land surrounding the site has been outlined in blue, indicating that the applicant owns this land. Included within the blue line area is the farmhouse associated with Wheelers Farm which is occupied by Mr Upson Snr according to the submitted Planning Statement at paragraph 2.1. It was previously considered that there was no explanation as to why the existing farmhouse could not be used by the applicant to provide the security to the site which was the justification for the preceding proposal.

5.1.20 In this respect the applicant has advised that the previous conclusion of the Local Planning Authority was incorrect on the grounds that a) the existing dwelling has a restrictive condition in effect that limits occupation to those people employed in agriculture only and b) the dwelling is unavailable as it is occupied by a retired farmer

5.1.21 The relevant condition attached to application **MAL/803/82** states that the occupation of the dwelling shall be limited to persons wholly or mainly employed, or last employed locally in agriculture.

5.1.22 Whilst the definition of agriculture at the time of granting that permission (Ref: **MAL/803/82**), may have been restrictive to working with crops, livestock or pasturage, it is clear from approved policy H7 of the LDP and the Framework that this definition has been widened to include scope for a rural worker. As the applicant is claiming the requirement for a dwelling as an essential rural worker, it is deemed that there is already a dwelling directly adjacent to the site. However, it is agreed that it is not appropriate to require a retired rural worker to leave a property and it is noted that the conventional condition has been amended to enable occupation of such dwellings by retired rural workers. In the absence of any information to the contrary, it is considered that it should be accepted that the existing dwelling on the land that is shown to be within the applicant's control is not available.

5.1.23 The Planning Statement contends that there are no available dwellings within the vicinity of the site which would suit their family requirements and supporting documentation to this effect has been submitted. However, this list is essentially a list of four bedroom dwellings for sale/rent within a radius of 0.5m of the site. It is stated in the Planning Statement that a site even 0.5 miles away would fail to provide the level of security and operational benefits of living on the site itself.

5.1.24 However, as previously stated, it has not been demonstrated that the operational benefits of living near the site for security measures could be addressed through other measures and that the requirements for a three to four bedroom property are for the personal requirements of the applicant.

5.1.25 Due to the assessment that is set out above, it is considered that it is not agreed that there is a functional requirement to live at or near the site and therefore the existing dwellings within the vicinity of the site would be adequate to address the needs of the enterprise without recourse to development outside the settlement boundary.

Business Viability

5.1.26 The financial statement for the period ending 30 April 2015 has been submitted to accompany the planning application; whilst this statement is identical to that submitted for the preceding application, it is considered to evidence that there is a viable rural enterprise.

5.1.27 At the time of the preceding application, there was no formal record of planning permission having been obtained to change the lawful use of the holding or agricultural buildings to a commercial use. However, since that time a claim for a Lawful Development Certificate of Existing use has been submitted to and granted by the local planning authority for the use of the holding.

Size of Dwelling Commensurate with Need

5.1.28 The application is outline in nature with all matters reserved for consideration at a later date but it is best practice to provide comment in relation to this criterion. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income of the rural enterprise, are not usually permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate. The applicant has stated that the proposed building is required for providing security for the yard as well as having a direct relationship to the running of the business; on this basis the needs of the enterprise would not require a substantial dwelling. The Planning Statement states that the application is in outline form, but it is envisaged that the resulting dwelling would be a 3-4 bedroom (family) house which would satisfy the needs of the owner or occupier rather than the needs of the enterprise.

Visual Impact

5.1.29 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of a dwelling on the site would urbanise it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.

5.1.30 The application is outline in nature with all matters reserved for consideration at a later date but it is best practice to provide comment in relation to this criterion. The site is currently an agricultural field which is commensurate with the rural setting of the site and contributes positively to the countryside aesthetic of the area. Any built form within the site is going to change the character and appearance of the site and impact on the area. Any future application would need to be visually low key to minimise the harm caused.

Temporary Dwelling

5.1.31 The abovementioned policy sets out that where the enterprise is new and not established, the dwelling should be provided in a temporary form for the first three years. That is clearly not the case here and therefore this requirement is not applicable to this application.

Summary

5.1.32 Where the proposal does not accord with the exception policy H7, it is considered that the proposal must be assessed as a conventional dwelling within the countryside. As noted above the site is located outside the settlement boundaries of the District in a remote, isolated location which is poorly served by facilities, services and public transport connections.

5.1.33 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.

5.1.34 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.1.35 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

5.2 Housing Mix

5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.

5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. As it comprises of four bedroom dwellings, the proposal's contribution to the District's identified housing need is therefore so limited that its benefits can only be categorized as very minimal in this instance. This does not outweigh the harm caused by inappropriate development in the countryside.

5.3 Design and Impact on the Character of the Area

5.3.1 The requirement to ensure high design and inclusive is seen as being of great importance in the NPPF. It is seen as being a key aspect of sustainable development and should establish a strong sense of place to create attractive places to live. It is seen as being;

“indivisible from good planning and should contribute positively to making places better for people.”

5.3.2 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

5.3.3 Similarly, policy H4 requires development to have regard to the setting of the site and policy S8 requires the protection of the intrinsic beauty of the countryside.

5.3.4 The Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District. As a part of the evidence base that has informed the preparation of the Local Development Plan, the Landscape Character Assessment is considered to be relevant to the determination of this application and can be afforded some weight.

5.3.5 The application site is located within the Totham Woodham Farmland Area, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base for the LDP. This character area covers the wooded eastern hills and slopes above the River Blackwater, which stretches from the sparsely settled Kelvedon Hall Farm area in the north, through Great Braxted and to the Eastern Wood and Captain's Wood in the south. The landform is rolling hills with some steep ridges and the field pattern is irregular, usually following the topography of the land. The scale varies from intimate and enclosed on the higher thickly wooded slopes and ridges, to

medium scale on the lower southern slopes where hedges and hedgerow trees predominate as field boundaries.

5.3.6 The application is outline with all matters reserved for consideration at a future date. However, some assessment of the general visual impact of a dwelling at this site can be undertaken. The application site measures approximately 0.1 Hectares (Ha) and is located on the eastern side of the track leading to Wheelers Farm which extends north from Plains Road. The application site is outside of the defined settlement boundary of Great Totham. The application site is currently an agricultural field bound at all of the boundaries by mature hedgerows.

5.3.7 The application site is currently located amongst open fields; it has a wholly rural and tranquil feel and makes a positive contribution to the character and appearance of the area. It is considered that the remote and detached nature of the site from other residential development means that a dwelling in this location, with its associated domestic paraphernalia, would urbanise the site and detract from the tranquil and rural landscape setting. However a proposal is advanced through the submission of reserved matters applications, the proposal would inevitably have a harmful effect on the character and appearance of the area. The proposal is therefore contrary to Policies S1, S8, D1 and H4 of the LDP as well as guidance contained within the NPPF.

5.3.8 It is noted that rural workers dwellings will inevitably have some visual impact and therefore this impact may be justified by other considerations. However, due to the objections set out above, it is considered that the conflict with policies and the harm caused would not be outweighed by the benefits of providing a rural workers dwelling at the site.

5.4 Effect on amenity of neighbouring occupiers

5.4.1 Policies D1, D2 and H4 require consideration of the effect of development on neighbouring amenity and safety.

5.4.2 Scale, layout and design are not matters for determination in this application and no illustrative plans have been submitted. However, the site is located at a distance of approximately 75 metres from Rohan House to the southwest of the site and 125 metres from dwellings fronting Plains Road to the south of the site. Therefore, it is considered that it would be possible to be able to design a scheme that did not cause a detrimental impact on the amenity of neighbouring occupiers. Full consideration of this matter would take place at reserved matters stage but it is considered that it is reasonable to assume that a dwelling could be provided at the site without causing harm to the amenities of neighbouring residents.

5.5 Access, Parking and Highway Safety

5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising four or more bedrooms require a maximum of three parking spaces.

5.5.2 Layout and access are not matters for determination in this application and no illustrative plans have been submitted. It is considered that it would be possible to

design a scheme that would not result in a detrimental impact on highways safety, and the Highways Authority have not objected to the outline planning application, in accordance with the criteria of, policy T1 of the LDP or the guidance contained within the NPPF. In addition, it is considered that the site would be able to provide car parking in accordance with the Council's adopted standards. However, full consideration of this matter would take place at reserved matters stage.

5.6 Provision of Amenity Space and Landscaping

- 5.6.1 The Essex Design Guide requires that four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be amply met in this instance.
- 5.6.2 Layout and landscaping is not a matter for determination in this application and no illustrative plans have been submitted. It is considered that it would be possible to design a scheme that would provide amenity space in accordance with the Essex Design Guide recommended standards and in accordance with the criteria of policy D1 of the LDP and the guidance contained within the NPPF. In addition, the landscaping of the site could be designed to assimilate the proposal with the surrounding countryside and reduce the visual impact of the development, albeit not to an extent that would outweigh the harm that has been identified above. Conditions can be appended to any grant of permission for tree and hedgerow protection and retention.

6. ANY RELEVANT SITE HISTORY

Site specific applications:

- **OUT/MAL/16/01228** – Erection of detached dwelling in connection with a rural business.
Refused: 19 January 2017

Applications on the adjacent holding:

- **LDP/MAL/17/01396** - Claim for lawful development certificate for existing use of land for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops.
Granted: 29 January 2018
- **LDP/MAL/17/00500** – Claim for a Lawful Development Certificate for the existing use of land for the restoration, renovation and maintenance of sports field equipment and similar machinery together with related office and workshops
Refused: 04 July 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to foul and surface water.	Noted.

7.2 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Although the site is outside of the Great Totham settlement boundaries, this long established rural business provides a successful and important service to the local community. The business deals with high value machinery and the proposed development will add to its greater security. The Council recommends approval.	The comments of the Parish Council are noted, but for the reasons set out above are not agreed with by Officers.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 One letter of support for the application was received and the reasons for support are summarized as set out in the table below:

Supporting Comments	Officer Response
<p>Site has operated in excess of 20 years.</p> <p>No traffic problems, noise or nuisance.</p> <p>The mown field adds to the visual attraction of the site.</p> <p>The new development would not spoil visual views.</p> <p>Location of one worker would reduce transportation requirements.</p> <p>Security would be improved by a nearby worker.</p> <p>A sound rural business which deserves Council support.</p> <p>A single dwelling is a low price to pay for upkeep of the business.</p>	<p>The comments of supporter are noted.</p>

8. REASON FOR REFUSAL

1. The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the

open character of the area and have an unjustified visual impact on the countryside. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location; it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Inadequate evidence has been provided to demonstrate that an essential functional need exists for a rural workers dwelling to be erected at the site and it is therefore considered that the harm identified is not outweighed by other material planning considerations. The proposal is therefore contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).