



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00389</b>
<b>Location</b>	T J's Riding School, Burnham Road, Southminster, Essex, CM0 7BL
<b>Proposal</b>	Permanent retention of manager's dwelling following temporary consent granted 17 October 2014
<b>Applicant</b>	Ms Bridge Jennings - TJs Riding School
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	28 <sup>th</sup> June 2018
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The item has been called in by Cllr Fluker on the grounds of public interest and equine security.

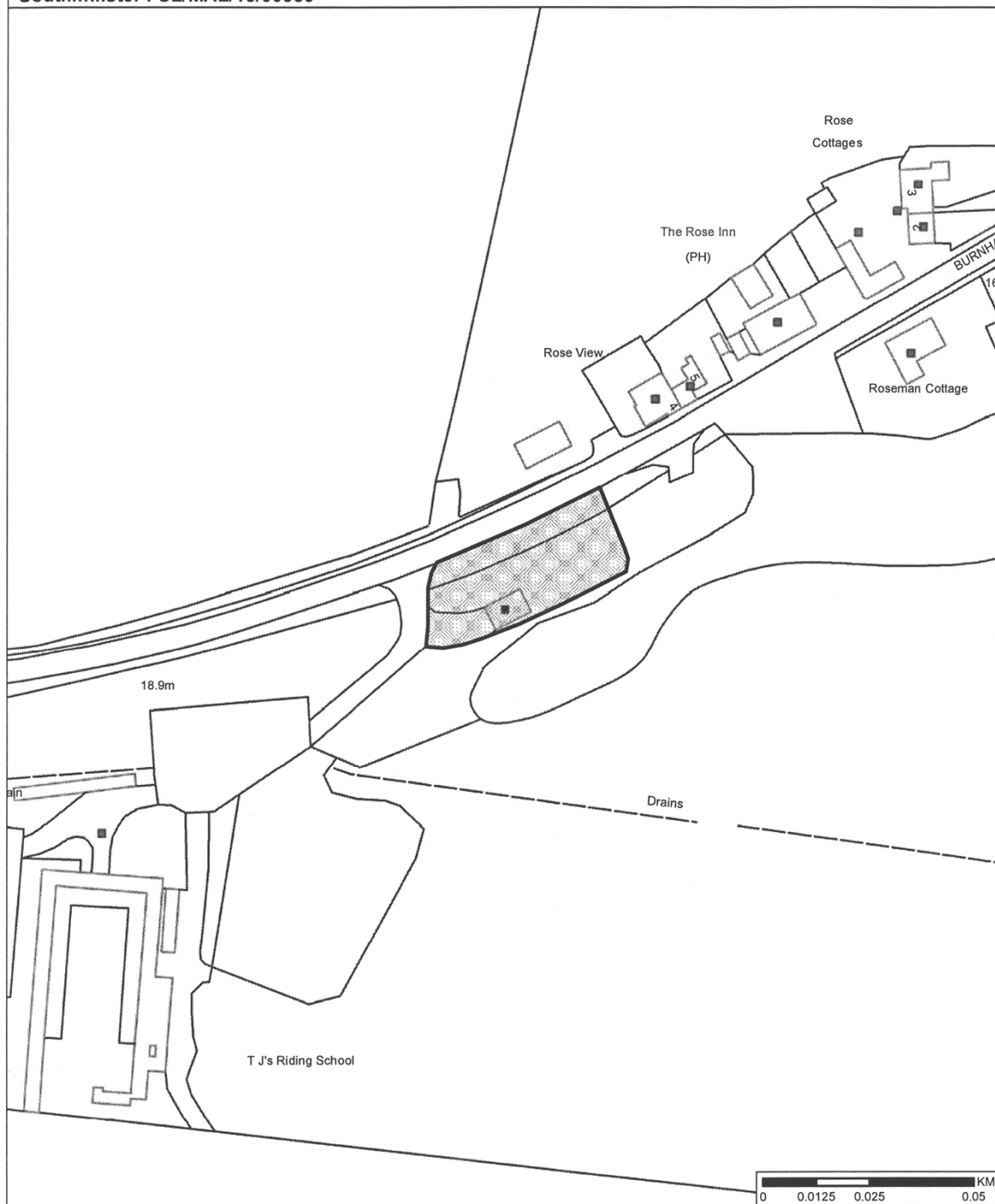
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**T J's Riding School - Burnham Road**  
 Southminster FUL/MAL/18/00389



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Area Committee
	Date:	07/06/2018
	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### *Site description*

- 3.1.1 The application site is located on the southern side of Burnham Road, outside the development boundary and it comprises a detached log cabin and other single storey timber structures.
- 3.1.2 The site is contained within a larger area under the applicant ownership that has two entrances, one opposite the Rose and Crown Public House and another one near the previously approved temporary dwelling, which was formerly part of Ratsborough Farm. The riding school comprises a “U” shaped stable block which, according to the applicant’s statement, accommodates 35 animals and an outdoor ménage. These elements are located to the west of the site and close to the Burnham Road.
- 3.1.3 Topographically the site drops downwards to the southwest and the stables are below the level of the main access point. The closest residential dwellings are clustered by the Public House and the Burnham Road, there are open agricultural fields to the south and the Ratsborough Farm complex to the south east of the site. The highway boundary comprises a mature hedgerow and landscape belt which screens it from the road.
- 3.1.4 The temporary dwelling, previously approved to be erected and maintained for a period of three years (FUL/MAL/14/00510) is located in close proximity to Burnham Road, on the northern side of the applicant’s ownership and it is a timber structure raised from the natural ground level.

##### *Description of proposal*

- 3.1.5 Planning permission is sought to permanently retain the previously approved temporary dwellings at T J's Riding School. The temporary single storey residential unit, which is a form of a log cabin, was previously approved to be erected on the 17<sup>th</sup> October 2014 for a time period of three years until 1<sup>st</sup> November 2017.
- 3.1.6 The previous temporary permission was given on the basis of the owner’s need to live on site for safety, security and welfare of the animals purposes. A Planning Statement has been submitted with the application stating that the owner wishes to permanently retain the temporary structure on site, in order to continue providing security and welfare to the animals. Further evidence in relation to the functional need of a workers dwelling and accounts of the last three years has been submitted in support of the application.
- 3.1.7 The timber building is located to the east of the entrance to the site and 10m back from the highway. The cabin accommodation measures 10.3m by 6.8m with an overall height of 5.4m. There is also an external deck to the front and side of the dwelling, with a ramp providing access to the raised structure, which projects a further 1.5m under an overhanging roof. Internally the cabin comprises two bedrooms, a bathroom, a utility room and an open plan kitchen/dining room.

- 3.1.8 Externally, the cabin is finished in timber cladding, bituminous felt roof tiles and brown UPVC fenestration.
- 3.1.9 The residential curtilage of the proposed dwelling forms part of the wider area under the applicant's ownership and it measures approximately 821sqm. No designated parking spaces for the dwelling are shown in the submitted plans.
- 3.1.10 It is noted that at the time of the site visit timber structures had been erected to the southwest of the temporary dwelling. These structures have not been shown on the submitted plans and appear to require planning permission.

*Background of the application*

- 3.1.11 The site has authorised planning use as an equestrian centre, including stabling for 24 horses, office, first aid room, toilet, barn, ménage, car park and access, as a result of the approval of application FUL/MAL/05/00212.
- 3.1.12 Conditions imposed upon this permission state that there shall be no more than 24 horses stabled on the site, that the site shall not be open to visitors, except staff outside of 08:00 to 20:00 Monday to Friday and 08:00 to 19:00, Saturday, Sunday or on Bank Holidays.
- 3.1.13 Following the above permission, an application for the erection of a temporary structure to be used as a worker's dwelling on the land was approved for a temporary period of three years. A condition requiring the removal of the structure and the restoration of the site on or before 01 November 2017 was imposed.
- 3.1.14 An application to retain the timber structure on site for an a further three years was recently submitted and withdrawn before its presentation to the South Eastern Area Planning Committee Meeting.

### **3.2 Conclusion**

- 3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development which, by reason of its location outside the defined settlement boundary, it's out of keeping appearance to the surrounding area and its unsustainable and isolated form of development, would result in a development that is materially harmful to the rural character of the area. Furthermore, insufficient information has been submitted demonstrating the essential need or viability of the workers accommodation in this location and thus, the development does not accord with the purposes of exception policy H7. In light of the above, it is considered that the development is substantially harmful to the visual amenity and character of the area to an extent that it cannot outweigh the positive aspects of the proposal that have been set out by the applicant.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development

- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 28 - Supporting prosperous rural economy
- 29-41- Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

#### **4.2 Maldon District Local Development Plan (July 2017) Policies:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy H4 – Effective Use of Land
- Policy H7 – Agricultural and Essential Workers’ Accommodation
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The proposal is to permanently retain a temporary timber structure used as a worker’s dwellinghouse for an additional three years period at the entrance of the T J’s Riding School in Southminster. The site is part of a larger area and the existing use relates to a commercial equine business.
- 5.1.2 The site lies outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 800m away from the application site.
- 5.1.3 Policy S1 of the Local Development Plan (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 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 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks 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 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, 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 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.

5.1.7 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."*

- 5.1.8 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."
- 5.1.9 It is noted that planning permission for the erection of a temporary timber cabin to be used as a dwellinghouse for a temporary period of three years was granted on 17 October 2014, including a condition to remove the structure and restore the land to its former condition on or before 1 November 2017 unless before that date a formal planning application for the retention of the building has been approved by the local planning authority. This was attached in order for the Local Planning Authority (LPA) to be able to reassess the impact of the development on the character and appearance of the area. The application for the permanent retention of the existing temporary structure was made valid 3 May 2018; therefore, after the period set out in the imposed condition of the previous permission (FUL/MAL/14/00510). At the time of the site visit, the timber cabin was still on site, together with other structures that do not benefit from planning permission and the applicant is therefore advised that the local planning authority is aware of the unauthorised structure and an informative would be added as a reminder for the applicant of the Council's power to consider enforcement action against the unauthorised development.
- 5.1.10 The application site lies within a rural area and distant from the development boundary of Southminster. Although there are some existing dwellings in the vicinity to the northeast of the site, there is no identifiable settlement in this area or local community support services or facilities. Whilst it is accepted that a bus service is provided near the site, which can also be accessed via an established pedestrian/cycle route, all community services and support facilities that need to be reached are away from this site which is sited in a remote location to the settlement boundary. It is therefore considered that by reason of its location and impact on the character of the open countryside the temporary dwelling does not constitute sustainable development.
- 5.1.11 A planning statement accompanies the application where it is stated that the reason for the permanent retention of the log cabin is to allow a 24-hour security of the site as well as easier management of the health and welfare of the animals. It is stated that the presence of the applicant on site has improved the security of the site, the animals' welfare and breeding of the animals. It is noted that from the 35 horses that live onsite, some are in 'full' liveries, there are mares, young horses and also older horses that require further care. It is suggested that were the applicant to move off the site the previous problems with safety and risks to animal welfare would recur. According to the applicant the business has changed recently focusing on more specialist and profitable areas, such as mares in foal and breaking young horses.

Although it is suggested that in the recent years the business has moved away from offering time consuming and less profitable lessons to focus on the livery business, a summary of the income and expenditure accounts has been submitted that clearly shows a reduction of £8,705 to the income and an reduction of £4,125 to the profit in the last year (between 2016 and 2017) which does not reflect the applicant's argument regarding the profitability of the new direction of the business. Therefore, concerns are raised regarding the viability of the business and its ability to support a new dwelling.

5.1.12 Although officers are satisfied that the site is in an equine business-related function it is not considered that the evidence submitted is sufficient to demonstrate the essential need for a workers dwelling on site. Assessing the proposal against each of the abovementioned criteria of policy H7, the following comments are made:

- 1) The application site and in particular the stables, have planning permission to be used as an equestrian centre between 08:00 to 20:00 Monday to Friday and 08:00 to 19:00, Saturday, Sunday or on Bank Holidays. This is to protect the amenities of the area in terms of noise and general disturbance.

A condition was also restricting the number of horses stabled on site to a maximum of 24 (condition 07) to ensure that control over any future expansion of the equestrian centre and in order to protect the amenities of nearby residential properties and the rural character and appearance of the area was imposed. The applicant states that 35 horses are currently kept on site and that the business comprises 28 stables. In this regard it is considered relevant to note that planning permission would be required to vary the condition of the permission that allows the operation of the equine business. Such permission would be required to allow the stabling of 35 horses and also regularize any additional stables that may have been erected, given that the original permission was for 24 stables only.

Permission was granted in 2005 it is understood that the business has operated as such for a period of approximately seven years (since 2007) until an application for a temporary dwelling was submitted in 2014. Permission was thereafter granted in 2014 for the erection of a dwelling for a temporary period of three years. The applicant has submitted information in support of the application to demonstrate the functional need of the equestrian business. This is as stated above and relates to the security and care of the sensitive animals (mares in foal, young horses and old horses). Although it is acknowledged that on the basis of the information submitted, there may be a need for a workers accommodation on-site, concerns are raised regarding the lawfulness of the use of the site in accordance to its original permission and it would have been unreasonable to apply weight to a business plan that cannot be lawfully implemented.

- 2) The applicant within his planning statement suggests that there are five dwellings in the nearby area which are all owner occupied and therefore there are no available dwellings to serve the need of the applicant. Officers have no evidence to suggest otherwise and therefore, no objection is raised in that respect.
- 3) As noted above, a summary of income and expenditure accounts has been submitted with the application. However, the figures given do not reflect the applicant's argument that a recent shift of the business focus has made it more



profitable. To the contrary a considerable reduction of the income and profit is shown between 2016 and 2017. There are also other inadequacies in the submitted accounts that make the applicant's submission frail. These include the lack of information regarding annual wages and also a considerable amount spent of rent of premises, which make it questionable whether the business can support a worker's dwelling. It is not made clear what is rented and what premises may be made available in the future.

Given the changes to the business model and the fact that no forecast on business plan appears to have been submitted, it is considered that a new business plan should be provided to demonstrate the usability of the business this has not occurred.

Although the submitted accounts confirm that the business is profitable; they cannot demonstrate that the business is able to support the erection of a permanent dwelling. Furthermore, no business plan providing financial forecasts of the business has been submitted and therefore, it has not been demonstrated that the business would continue to be viable and secure future prospects. It is considered that the proposal fails to meet criterion 3.

- 4) In relation to criterion 4, the applicant states that the proposed dwelling would house one adult and a dependent child and therefore, no objection is raised to the size of the temporary dwelling to accommodate the family. However, an objection is raised to the permanent retention of an otherwise temporary structure.
- 5) It is important to note that following the expiry of the three years of a temporary structure on site and given that it can be demonstrated that there is a functional need for an established and viable use, a permanent dwelling should replace the temporary structure. The proposal is to retain the existing timber log cabin, which is not a permanent structure. The reasons such a structure was originally approved on site, was based on the fact it would be removed after a period of three years in order to be able to reassess the impact of the development on the character and appearance of the area.

As fully assessed in the 'design' section below, the proposed dwelling, by reason of its location would result in an isolated residential development which would be materially harmful to the rural character of the area.

5.1.13 Policy H7 states that after a period of the first three years, the provision of a permanent structure would be assessed on the basis of the abovementioned criteria (para 5.1.7). A period of three years has lapsed and it is therefore considered reasonable that should a need of residential accommodation be demonstrated, a permanent structure should replace the temporary one previously approved.

5.1.14 Paragraph 14 of the Planning Practice Guidance regarding permissions for a use for temporary period states that "*It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently*"

- 5.1.15 On the basis of the above paragraph and assessment against policy H7 of the LDP, it is considered that the development as proposed would not accord with the purposes of the exception policy H7 and it is not appropriate to grant a second temporary permission.
- 5.1.16 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, approximately 800m distance away from Southminster, which is the nearest village to the application site. Whilst there is a bus stop near the application site and there is access to pedestrian/cycle route, given that the site is located far from all public services and other local amenities, it is considered unlikely that the occupiers would use public transportation for their day to day needs.
- 5.1.17 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 MDLDP. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.
- 5.1.18 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.
- 5.1.19 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 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

- 5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
- 5.2.4 This principle of good quality design is reflected to the approved MDLDP. The basis of policy D1 of the approved MDLDP 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;*
  - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
  - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
  - g) *Energy and resource efficiency.*
- 5.2.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The proposed dwelling, albeit a temporary structure, essentially constitutes a residential dwelling, which is located outside the defined settlement boundaries and by reason of its siting appears entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout, the structure appears remote from the existing dwellings to the north and east, to the detriment of the distinctive character of the area and its surrounding. The installed domestic paraphernalia (shed, gas tank and fence around the cabin) exacerbates the adverse impact of the development on the open countryside and it results in clear domestication of this part of the site.
- 5.2.7 The structure is disproportionately small when compared to the rest of the dwellings in the vicinity and its finishing materials do not satisfactorily relate with the finishing materials used in the existing dwellings on Burnham Road. It is therefore considered that the permanent retention of this structure on site would set a precedent of unacceptable development in a rural area and also it would cause a perpetual unacceptable harm to the wider area.
- 5.2.8 On the basis of the above, it is considered that the proposed development, by reason of its siting in an open rural area, installed domestic paraphernalia and overall design and character, results in an isolated development being out of keeping with 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 and its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The introduction of a residential dwelling in this location is not considered to result in loss of significant residential amenity to the existing residential occupiers of dwellings within the vicinity, which are located a reasonable distance away from the nearest residential properties to the north and east (around 16m and 24.5m respectively).

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policies D1, H4 and T2 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 Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising two bedrooms require a maximum of two off-street parking spaces.
- 5.4.3 The submission has not included any details of vehicle access or parking. Whilst there is an existing vehicle access into the site, no further details regarding vehicle parking in relation to the residential use have been submitted. However, at the time of the site visit, a car was parked adjacent to the dwelling, within the area bounded by the fence. Although off-street parking has not been shown on the submitted plans to be designated to the dwelling, there is ample space within the application site, adjacent to the dwellings, that can be used for such purposes and therefore, no objection is raised in terms of development adversely impacting upon on-street availability. The site benefits from an existing access, which is wide enough to allow vehicles to enter and leave the site safely. The Highways Authority has been consulted and raised no objection to the proposal. Therefore, no objection is raised in terms of the impact of the development on the highway network or highway safety.

### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Whilst the curtilage of the dwelling has not been clearly marked on the plans submitted, it appears that the area around the dwelling is of such size that can meet the needs of the occupiers in terms of outdoor amenity area. The details of the curtilage of the dwelling, as previously approved, were submitted as part of

application DET/MAL/15/05001, comprising a usable amenity area larger than 400sqm, which is in excess of the minimum requirements for the size of the dwelling.

- 5.5.3 The size of the proposed dwelling is large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.
- 5.5.4 No landscaping has been shown to the submitted plans and there are no formal landscaped areas immediately adjacent to the site. Although the lack of formal soft landscaping was assessed as part of discharging condition 4 of the previously approved application (FUL/MAL/14/00510) and in that particular instance was considered to be acceptable it is considered that in this instance, given the permanency of the development, details of landscaping to mitigate the impact of the development should be submitted.

## **5.6 Other Material Considerations**

- 5.6.1 It is noted that a new application site showing solely the curtilage of the dwelling and not the equestrian site as a whole has been submitted. It is noted that should permission be granted, a condition to limit the occupation of the dwelling to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or widow or widower or surviving civil partner of such a person, and to any resident dependants would have been imposed.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/05/00212**- Establishment of an equestrian centre including stables, office, first aid room, toilet, barn, ménage, car park and access. . Planning permission granted in 10.05.2005.
- **FUL/MAL/14/00510** - Proposed dwelling for Owner/Manager on a temporary basis limited to three years. Planning permission granted in 17.10.2014.
- **DET/MAL/15/05001** - Compliance with Conditions Notification: Condition 3 - Details of the extent of the residential curtilage. Condition 4 - Hard and soft landscape. Condition 5 - Scheme for the parking of motor vehicles. Condition 6 - Detailed drawings showing the finished ground and finished floor levels (**FUL/MAL/14/00510** - Proposed dwelling for Owner/Manager on a temporary basis limited to three years.). Details agreed.
- **FUL/MAL/17/01179** - Retention of manager / owners dwelling for a further three years. Application withdrawn.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Support the application, subject to it being tied to the business.	Comment noted

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	No objection to the proposal.	Comment noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection to the proposal, subject to clarification of the foul drainage arrangement	Comment noted

## 7.4 Representations received from Interested Parties

- 7.4.1 The neighbouring occupiers have been consulted and site notices posted on site and no letters of objection has been received.

<b>Objection Comment</b>	<b>Officer Response</b>

## 8. REASON FOR REFUSAL

- 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, due to its location, design and associated domestic paraphernalia, would substantially alter the open character of the area and it would be out keeping with the development in the surrounding area. Furthermore, by reason of the location of the site, it is disconnected and isolated from the existing settlement, providing poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

## **INFORMATIVE**

- 1      The Council is aware that the temporary permission for the dwelling has lapsed and the structure should have been removed on the 1<sup>st</sup> November 2017 in accordance with condition 1 of permission FUL/MAL/14/00510. You are reminded of the Borough Council's power to consider enforcement action against the unauthorised development.