



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
4 APRIL 2016**

Application Number	FUL/MAL/15/01287
Location	The Old Rectory, Church Street, Goldhanger
Proposal	Erection of Stables and grazing of land by horses.
Applicant	Mr & Mrs Charles Willis
Agent	Mr David Fenton
Target Decision Date	12.04.2016
Case Officer	Hilary Baldwin
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Major Application Parish Trigger

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 15/01287
	Date:	22/03/2016
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for a new access to the site from Church Street, the change of the use of the land and erection of a stable block, with associated storage rooms, for equestrian use. The application site measures 1.8ha and is located to the east of the Old Rectory. The application is beyond the settlement of Goldhanger. Currently the application site is open pasture land. There are post and rail fences delineating fields, but the character is that of flat open countryside, particularly in views to the north and east.
- 3.1.2 The proposed building has an ‘L’ shaped footprint which measures a maximum of 21 metres by 15 metres. The building has a ridge height of 4.7 metres, except at the trailer store which has a ridge height of 5.9 metres. Proposed finish materials are timber weatherboarding and a slate tile roof. The building will be orientated to face southwest and will provide three stables, a tack room, feed store, wash area, tractor store and trailer store.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary, in a rural location, for the purposes of the application of planning policy. Policies BE1 and CC6 of the Maldon District Replacement Local Plan and Policy D1 of the submitted Maldon District Local Development Plan (LDP) require that new developments in rural locations do not adversely affect the character of the rural landscape. In this case the proposed development, by reason of its scale, bulk and height, is considered to result in a visually inharmonious and conspicuous feature within the open countryside which adversely affects the character of the rural landscape, contrary to policies BE1 and CC6 of the Maldon District Replacement Local Plan, policies D1 of the submitted Maldon District Local Development Plan and guidance contained within National Planning Practice Framework.
- 3.2.2 On this basis, the proposal is not considered acceptable and conflicts with the RLP, emerging LDP and National Planning Policy Framework and is recommended for refusal.

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, 17, 56-68, 96, 125

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside development boundaries
- CC6 Landscape protection
- BE1 Design of new development and landscaping

- BE13 Development in Conservation Areas
- REC12Riding Establishments

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

The LDP was submitted to the Secretary of State for Examination in Public on 25 April 2014. The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given.

The Secretary of State has formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004 and the Department for Communities and Local Government (DCLG) has appointed a project lead to project manage the process. On 6 March 2016, the Secretary of State informed the Council that they have had regard to the Planning Inspector's analysis and conclusions and disagrees with his interim findings set out in his letter of 8 May 2015 that the plan was unsound (a copy of this letter has been appended to as MDC01).

In the light of this letter from the Secretary of State, the Council considers that this is a fundamental material consideration and it should be given significant weight when determining appealed schemes, particularly with regards to the Council's current position on the Five Year Housing Land Supply and the weight to be afforded to status of the LDP by Planning Inspectors.

- D1 Design
- D3 Conservation and Heritage Assets
- T2 Accessibility

4.4 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 for the change of use of agricultural land to private equestrian use and the erection of a stable block in the south west corner of the site. Whilst it is noted that the proposed development would be located outside of any defined development boundary, it is considered that the principle of a stable block, an outdoor recreational facility, would be commensurate with the rural character of the locality. As such, the principle of using the land for equestrian use and the stabling of horses is considered

acceptable in the context of the area, in accordance with policy BE1 of the adopted RLP, policies D1 and H4 of the LDP, and the core planning principles contained within the National Planning Policy Framework.

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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.2.4 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”.*
- “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.”*
- 5.2.5 The application site is outside, but on the edge of, the development boundary for Goldhanger and falls to be considered in the context of RLP policy S2 and LDP policies S1 and S2 which seek to direct new development to sites within existing settlements in order to promote sustainable development and protect the countryside from inappropriate development. In addition, policy CC6 of the RLP seeks to protect, conserve and restore the attractive and varied landscape present within the District and the Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District.
- 5.2.6 The application site is located within the Tolleshunt Coastal Farmland Landscape Character Area, as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council’s evidence base. This character area is the hinterland to the North Blackwater Estuary. It is a landscape characterised by its gently sloping landscape of mainly arable crops, with some horse pasture near settlements. This is an area characterised by its quiet lanes and isolated farmsteads with a strong sense of place and a strong sense of

tranquillity. The open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh. This character area has moderate to – high sensitivity to change.

- 5.2.7 The application site is located to the east of Goldhanger, it is open pasture land, there is post and rail fences' delineating fields but the character is that of open countryside, particularly in views to the north and east.
- 5.2.8 It is proposed to erect a substantial stable block within the site which will be located northeast of The Old Rectory. The proposed building has an 'L' shaped footprint which measures a maximum of 21 metres by 15 metres. The building has a ridge height of 4.7 metres, except at the trailer store which has a ridge height of 5.9 metres. Proposed finish materials are timber weatherboarding and a slate tile roof. The building will be orientated to face southwest and will provide three stables, a tack room, feed store, wash area, tractor store and trailer store.
- 5.2.9 The proposed stable block is generally considered to be of a typical design for the intended use. The horse boxes conform to the British Horse Society recommendations of 3.6m by 3.6m for an individual horse with grazing land at two horses per hectare. However, the proposal is considered to be of substantial scale and would include three stables, a storage area for a trailer, a tractor a feed store, washroom and tack room which is considered to not be minimal in nature. This is exacerbated by the height of the roof at 5.9m and expansive width at 21m. Given the open, flat nature of the site the proposal by reason of its substantial scale is considered to be visually intrusive and dominant and would detract from the character and appearance of the area contrary to policy BE1 and CC6 of the RLP and D1 of the LDP, as well as guidance contained within the NPPF.

5.3 Impact on the Conservation Area and setting of listed building

- 5.3.1 The application site is located adjacent to the Goldhanger Conservation Area, and views are afforded from within the application site to the Conservation Area and from the Conservation Area to the application site. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used. The Council seeks to preserve and enhance the character and appearance of the conservation area.
- 5.3.2 The application site is also adjacent to listed building The Old Rectory and the stable block is proposed to be located 40 metres from the listed building.
- 5.3.3 The proposal by reason of its traditional form and materials are not considered to impact the setting of the nearby listed building or the special character of the Conservation Area, in compliance with BE13 of the RLP and D3 of the LDP. In addition, the Conservation Officer has not objected to the proposal.

5.4 Impact on Residential Amenity

- 5.4.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity. Policy D1 of the emerging LDP seeks to protect the amenity of surrounding areas and local context.
- 5.4.2 It is proposed to erect a stable block in the open field approximately 40 metres from The Old Rectory. Given the distance of the proposed stable block from the neighbouring residential dwelling, concerns regarding domination and overshadowing are not considered to be significant. In addition, it is noted that the application site and The Old Rectory are under the ownership of the applicant.
- 5.4.3 It would be appropriate to impose conditions in relation to external lighting, the burning of waste and waste management, in the interests of residential amenity and pollution prevention, should planning permission be granted.
- 5.4.4 It is considered that the above means of control would ensure the protection of neighbouring amenity in accordance with RLP policy BE1 and submission policy D1.

5.5 Access, Parking and Highway Safety

- 5.5.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.5.2 A new access is proposed to the site from Church Road. Given that the proposed use is private, and not commercial, it is unlikely to generate a significant number of vehicle movements. In addition, the Highways Authority has been consulted and have not raised objection to the proposal. Therefore, there is no objection in relation to highways safety.
- 5.5.3 The site provides plenty of space for the safe parking and turning of vehicles within the site and there is no objection to the proposal in relation to parking provision.

6. ANY RELEVANT SITE HISTORY

- No relevant planning history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	Support the application	Acknowledged

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No comment to make	Please see section 5.5 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Suggests conditions in relation to waste management, burning of waste, lighting, surface water drainage.	Please see section 5.4 of this report.
Conservation Officer	No harm to the setting of the listed building or the conservation area. Suggests conditions	Please see section 5.3 of this report.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation received at the time of writing this report.

8. **REASONS FOR REFUSAL**

- 1 The proposed development, by reason of its scale, bulk and height, is considered to result in a visually inharmonious and conspicuous feature within the open countryside which adversely affects the character of the rural landscape, contrary to policies BE1 and CC6 of the Maldon District Replacement Local Plan, policies D1 of the submitted Maldon District Local Development Plan and the guidance and provision as contained within National Planning Practice Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.