



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 JANUARY 2019**

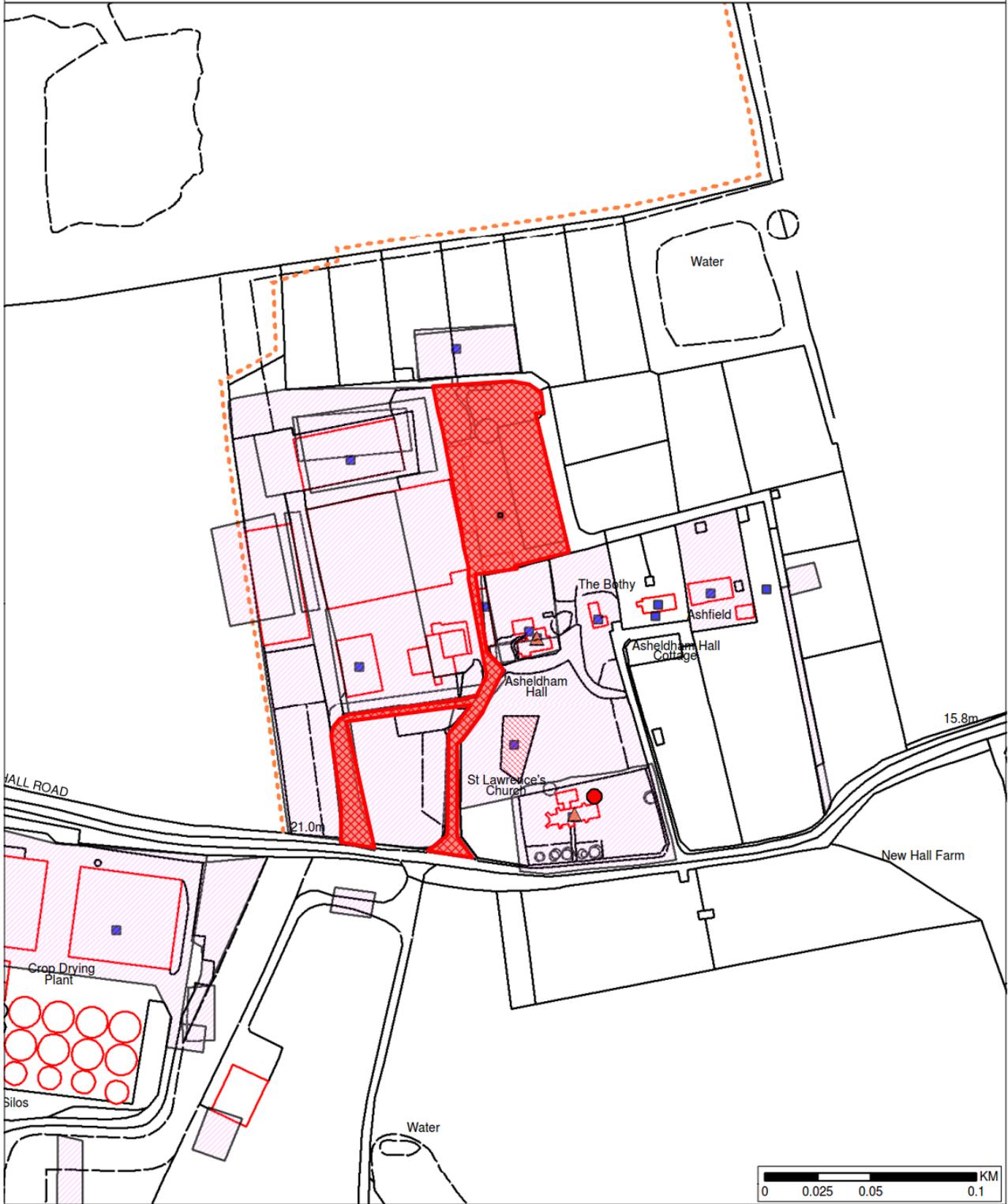
Application Number	FUL/MAL/18/01111
Location	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
Proposal	Stationing of mobile home for rural workers for temporary period of 3 years. Rationalisation of existing livery business to form part livery and full livery. Erection of 5 stables with associated tack room and feed store
Applicant	Mr & Mrs D Henson
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	07.12.2018 (EOT agreed: 18.01.2018)
Case Officer	Anna Tastsoglou
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In – This item has been called in by Councillor R P F Dewick on the grounds of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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 Maldon District Council 100018588 2014



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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	24/12/2018
MSA Number:	100018588

3. SUMMARY

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

3.1.1 Site description

3.1.1.1 The site is located to the north of Hall Road, north of Asheldham Hall Farm. The application site covers an area of approximately 0.58 hectares, which consists of a menage, part of a paddock and 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.

3.1.1.2 The application site is part of a larger area of land that is shown to be within the applicant's control which hosts stable and grazing land associated with the equestrian use of the site. The applicant states that the site currently stables 19 horses.

3.1.1.3 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).

3.1.2 Description of proposal

3.1.2.1 Planning permission is sought for the erection of stables, the rationalization of the use of the existing stables and the temporary provision of a dwelling all to enable a full livery business to be undertaken with associated residential accommodation.

3.1.2.2 The proposed stables would be located almost centrally at the main part of the application site and would measure 4.2 metres deep and 24.1 metres wide, with a 1.2 metre overhanging roof that would measure 2.6 metres tall to the eaves and 4.2 metres to the ridge.

3.1.2.3 The existing stables at the site were approved under the terms of application FUL/MAL/02/01193 with the following description "*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*". An application FUL/MAL/04/00506 was thereafter submitted to vary condition 2 of the application FUL/MAL/02/01193. Condition 2 of that permission states that "*The livery yard, stables, tack and feed room and ménage shall not be open to persons other than between the hours of 08.00 - 20.00 weekdays, 08.00 - 20.30 Saturdays and Sundays (April to October) and 08.00 - 19.00 Saturdays and Sundays (November to March)*". It is therefore considered that the use of the stables is restricted, particularly having regard to the content of the abovementioned condition. The applicant is therefore seeking to rationalize the use of the existing stables to enable part/full livery. For the avoidance of doubt, it is noted that the applicant's submissions include the following definitions with respect to the differing forms of livery:

- DIY (Do It Yourself) Livery is where the horse owner takes full responsibility for all of the care and exercise of the horse.

- Services DIY Livery is where the horse owner takes responsibility for the exercise of the horse and the livery provider undertakes some of the care of the horse such as occasional stable duties and turning in and out.
- Part Livery is where the horse owner takes responsibility for the exercise of the horse and the livery provider undertakes all other care.
- Full Livery is where the livery provider undertakes all exercise and all day to day care for the horse and the owner rides the horse as and when they wish.

3.1.2.4 The proposed temporary mobile home would be located at the north part of the application site and would measure 6.1 metres by 13.7 metres with an eaves height of 2.2 metres and a ridge height of 3.6 metres.

3.1.2.5 The mobile home would accommodate an open plan kitchen and lounge with three bedrooms, a bathroom and one en-suite.

3.1.2.6 In summary, the applicant states that the reason for the proposed dwelling in this location is to serve the equine business, provide 24-hour care and animal welfare, security on the site and reduce the applicants' daily commuting need.

3.1.2.7 No off-street parking has been shown to the plans submitted but the site does benefit from access from the public highway and there is informal, unmarked space within the site on which vehicles could be parked.

3.1.2.8 This application follows the withdrawal of application FUL/MAL/18/00313 after the deferral of consideration of the application at a meeting of the South Eastern Area Planning Committee. That application followed the refusal of application FUL/MAL/17/00840 which was refused for the following reasons:

- 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. 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. 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 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).*
2. *The proposed development, by reason of the lack of vehicle means of access to the application site would fail to meet the off-street parking requirements and would result in a detrimental impact on the parking availability, highway safety and local highway network contrary to policy T2 of the Maldon District*

Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).”

3.1.2.9 The proposal is now materially different to the previous application as additional stables are proposed, the proposal seeks to rationalize the use of the existing stables and the proposal relates to a temporary mobile structure rather than a permanent dwelling.

3.2 Conclusion

3.2.1 Having taken all material planning consideration into account and additional information submitted in relation to the use of the livery business following withdrawal of application FUL/MAL/18/00313, the previously raised objection in relation to the principle of the proposed development have been overcome. Sufficient information has been submitted to demonstrate an essential need for the 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 issues are raised. In light of the above, the previously raised concerns in relation to principle of the development and the visual harm of the development have been addressed and 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 2018 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
- 59-66 Delivering a sufficient supply of homes
- 83-84 Supporting a prosperous rural economy
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Approved 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 E4 – Agricultural and Rural Diversification
- 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 comprises of three parts, the erection of stables, the rationalisation of the use of the existing stables and the use of the site to provide a full livery enterprise and the provision of a temporary dwelling. The principle of these two elements shall be addressed in turn below:

5.1.2 Existing Stables and Livery Use

5.1.2.1 As set out above, planning permission was granted under the terms of application FUL/MAL/02/01193 for the “*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*”. Condition 2 of that permission restricted the use by stating that “*No person shall visit the site in connection with the DIY Livery use other than between the hours of 0800-1800 on any day*”. That permission was amended by condition 2 of planning permission FUL/MAL/04/00506 to read as follows “*The livery yard, stables, tack and feed room and ménage shall not be open to persons other than between the hours of 08.00 - 20.00 weekdays, 08.00 - 20.30 Saturdays and Sundays (April to October) and 08.00 - 19.00 Saturdays and Sundays (November to March)*”.

5.1.2.2 The abovementioned permission (FUL/MAL/02/01193) was granted for the erection of a private DIY livery business. Although the change of the DIY business to a different type of livery wouldn’t necessarily require a new planning permission, it is noted that for the purposes of the erection of a dwelling on site, the operation of the livery is a material consideration. This is due to the fact that a DIY livery would not be able to demonstrate a functional need of a dwelling on site, given the DIY nature of the use. To the contrary, a full livery can justify the functional need for a worker dwelling on site, given that is the livery provider that undertakes all exercise and day to day care for the horse.

5.1.2.3 In light of the above, it is considered that use of the site as approved would have restricted the use in such a manner that would have prevented the need arising that would have led to a proposal for the erection of a dwelling in a location where one would conventionally not be located, as will be discussed further below.

5.1.2.4 Policy S8 states 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 it is for inter alia agricultural and essential workers’ accommodation (in accordance with Policy H7) and Agriculture and forestry and related development (in accordance with Policy E4)”*.

5.1.2.5 Furthermore, policy E4 states that *“The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:*

- 1) There is a justifiable and functional need for the building/activity;*
- 2) The function of the proposed building/activity is directly linked, and ancillary to the existing use; and*
- 3) The building / activity could not reasonably be located in existing towns, village or allocated employment areas”*

5.1.2.6 The above policy content is also consistent with the NPPF which, at paragraph 83, states that policies and decisions should enable growth and expansion of all types of business in rural areas. The applicant has provided a business case which demonstrates that the proposal would generate revenue within the rural economy and as such, it is considered that the use of the existing stables for full livery purposes can be supported in principle. It is noted that this might derive a need for a residential dwelling that would otherwise not exist, but in the context of the abovementioned support for the rural economy it is considered that the benefits of the proposal can be found to outweigh this concern. As will be discussed below, the NPPF and policy H7 both allow dwellings to be erected where there is a need for such a dwelling to support a rural enterprise and therefore, it must be read into that policy context, that developments can be supported that might derive a need for a dwelling.

5.1.3 Proposed Stables and Livery Use

5.1.3.1 In line with the above, it is considered that the additional provision of stables at the site can be supported in principle, subject to all other material considerations. It is considered that the proposed new stables can draw support from policy E4, given that a functional need for the buildings has been justified for the proposed livery business, the fact that the buildings would be directly related to the use of the site, which although not the same is similar to the existing use of the site and taking into account that it would have been unreasonable to request for these buildings to be located within a village, given that there is an existing similar equestrian business on site. Therefore, the overarching support for rural development is considered to carry substantial weight in this case.

5.1.4 Temporary Dwelling

5.1.4.1 The site lies well outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 3km away from the application site.

5.1.4.2 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”*

5.1.4.3 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”*.

5.1.4.4 Policies S1 and S2, 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.

5.1.4.5 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 local authorities should avoid the development of 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.

5.1.4.6 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.”*

5.1.4.7 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”*.

5.1.4.8 The first and third criteria relate to a business need and the existence, or future existence of a viable enterprise. This was deemed to be absent from the previous application as the use of the existing stables is considered to be restricted to only enable DIY livery to take place and therefore full livery, which was the basis for the applicant’s proposed business could not lawfully occur. Through the proposed erection of stables to enable a full livery service to occur and the rationalisation of the use of the existing stables, it is considered that the proposal is materially different to previous proposals and therefore there is a basis to wholly re-assess the need for the proposed residential accommodation.

5.1.4.9 A planning statement accompanies the application where it is stated that the reason for the proposed dwelling is to allow 24-hour care and security of the site as well as avoid the applicants’ daily commuting. It is stated that the applicants have a requirement to visit the site twice a day and they currently reside in Mayland. This results in a total of 18 miles per day.

5.1.4.10 Another reason given by the applicant is that a 24-hour surveillance and care of the horses would be able to support a full livery service which would assist the applicants’ business plan and provide suitable care for the horses at the site. The applicant’s statement includes substantial details of the risks that can occur if horses are not extensively monitored. The applicant has submitted a report from an Equine Consultant which includes a business plan that is materially different to the previous submissions of the applicant, understandably so given the changes to the proposed development. In summary, the submissions of the applicant include the following details:

- Gross Profits (before tax and reinvestment) of £13,414, £24,407 and £36,237 for the first three years.

- This includes an allowance for wages and a salary for the site manager and appears to include allowances for all reasonable costs that would be incurred.
- The business plan is based on the existing 19 stables for the first two years, increasing to the proposed 24 stables for the last year.
- The business plan assumes a 95% occupancy rate which is considered reasonable as there is currently a 100% occupancy rate.
- A proposal to charge DIY livery, Serviced DIY livery, part livery and full livery at rates of £25, £69, £92 and £138 per week respectively.
- The employing of 1.5 part-time members of staff and 1 full-time member of staff by the third year.

5.1.4.11 For these reasons, it is considered that the first and third of the abovementioned criterion have been adequately addressed. It does appear that a business would be operated at the site that would derive a functional need for a dwelling and the business plan behind this proposal appears to be sound. The content of the applicant's submissions are noted with respect to the findings of a Judicial Review and various appeal decisions, but in the most part these are given limited weight as each case has to be treated on its own merits. With respect to the Judicial Review, the content is noted which makes clear that the financial test is intended to be applied less strictly than it was previously.

5.1.4.12 Although no evidence has been submitted by the applicant demonstrating that there are no available dwellings to serve the need of the applicant, it is considered that this is likely to be true. 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.

5.1.4.13 In relation to criterion 4, the applicant states that the proposed dwelling would house two adults and two children. It was previously a concern that the provision of a four bedroom dwelling would have exceeded the minimum requirements of the family that intended to operate the business at the site. The applicant has addressed this concern by amending the proposal to show a three bedroom temporary mobile home and explained the required occupancy of the proposed temporary mobile home. This is considered to have addressed the abovementioned concern.

5.1.4.14 In relation to the fifth criteria, 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.

5.1.4.15 Policy H7 clearly states that the provision of a workers 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 would maybe considered acceptable, should it comply with all the above mentioned criteria. Although it is noted that the DIY livery has been operating for a substantial period of time, the proposed business would be materially different and for the purposes of this assessment, it must be considered a new business. If this was not the case, the previous use of the site without full time, on-site accommodation would have to be construed as evidence that there is no functional need for the dwelling. By proposing a temporary dwelling instead of a permanent dwelling, it is considered that the previous ground of objection has been

overcome and the proposed temporary dwelling would comply with the requirement of policy H7.

5.1.4.16 Unlike the previous proposals, it is considered that the proposal accords with the exception policy H7 and therefore previously raised concerns about the accessibility of the location of the proposed development are considered to fall away.

5.1.5 Summary

5.1.5.1 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 can be found 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 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 NPPF states that:

“The creation of high quality 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”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.2.3 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.*

- 5.2.4 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, with policy S8 stating that development will only be approved “*where the intrinsic character and beauty of the countryside is not adversely impacted upon*”. Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.5 It was previously a concern that the dwelling would have represented unwarranted development within the countryside, thereby causing domestication and urbanisation that would have been contrary to the abovementioned policies. The proposed development is now wholly different and therefore it will require fresh consideration.
- 5.2.6 The proposal to erect stables is considered to be acceptable in a countryside location. The site already hosts stables and it is proposed to erect a further line of stables that would be positioned to be parallel to the existing stables and be of similar, conventional appearance. It is considered that this development is therefore in-keeping with the rural character of the application site and would not cause material harm to the character and appearance of the site and the surrounding area to an extent that would justify the refusal of the application.
- 5.2.7 The proposed temporary mobile home would still represent the urbanisation and domestication of the site, but due to the above assessment with respect to the principle of the development, it is no longer considered that this represents unwarranted development in the countryside. It is noted that the structure is temporary and 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 proposed development, by reason of its siting in an open rural area, would 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.
- 5.3.2 The proposal is to erect additional stables and a temporary mobile structure to the north of Asheldham Hall Farm within the existing open countryside. The nearest residential dwelling to the application site sits approximately 100m away and this separation distance is considered to be sufficient to mitigate any adverse impact

caused to the nearby neighbours in terms of dominance, overshadowing or overlooking.

- 5.3.3 Although the development would result in a level of activity from the future occupants of the dwelling and the use of the site, given the separation distance to the nearest residential units, it would not result in a materially harmful impact on the nearby occupants' residential amenity, in terms of noise and disturbance. The management of waste products generated at the site will however need to be the subject of conditions.
- 5.3.4 The proposed development would not have any greater impact on the other nearby residential properties.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1, H4 and T2 of the approved MDLDP 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 three bedrooms require a minimum of two off-street parking spaces.
- 5.4.3 The application site is located to the rear of Asheldham Hall Farm. Following an objection to the first application, the site area has been increased to include two points of direct access to the public highway. Previous concerns in relation to the inability to access the site from the public highway have therefore been addressed.
- 5.4.4 Although parking provision has not been defined within the application site, it is considered that there would be ample space at the site to provide car parking and therefore it is considered that the proposed development would be able to comply with the abovementioned requirements.
- 5.4.5 For these reasons it is considered that one of the previous reasons for the refusal of the first application has been satisfactorily overcome and therefore this application should not be refused for that reason.

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 Supplementary Planning Document (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 No outdoor amenity space has been identified, but there is adequate space around the temporary structure to provide amenity space for the temporary dwelling. It is considered that in circumstances, the provision of a formal garden would not be expected and therefore the living conditions would not be unacceptable as a result of a

failure to accord with the abovementioned standards. Furthermore, as a temporary permission, it is not considered that landscaping should be required to mitigate the visual impact of the temporary dwelling. In this location, it is considered that there is also no requirement to mitigate the visual impact of the proposed stable building through the imposition of a landscaping condition.

5.6 Other Material Considerations

- 5.6.1 If approved, matters relating to surface and foul water drainage could be addressed through the imposition of conditions.
- 5.6.2 The applicant has submitted letters of support from neighbouring residents who set out positive aspects of the proposal such as 24 hour occupation reducing the risk of theft and damage, horse care and welfare, the benefit of supporting the existing business and the benefit to housing provision within the District.

6. ANY RELEVANT SITE HISTORY

- **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.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham Parish Council	Support.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to the imposition of a condition.	Noted, but the suggested condition is not considered to be necessary in this instance.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Sustainable Drainage Systems (SuDS)	No bespoke comments received for the proposal. The development should comply with the standard requirements.	Noted.
Anglia Water Services	No comments received at the time of writing.	
Essex and Suffolk Water	No objection.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to the submission of details of the surface water and foul drainage schemes.	Please refer to relevant paragraphs 5.6.1 of the report.
Economic Development	Support due to the economic benefits and the improved security and welfare for horses.	Noted.

7.4 Representations received from Interested Parties

7.4.1 No representations have been received by the Local Planning Authority.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 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 18th January 2022 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 grant 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.
- 3 The development hereby permitted shall be carried out in complete accordance with approved drawings 17.41040 M001, 17.4104 P202 REV B, 17.4104 P204, 17.4104 P205, 17.4104 P206, 17.4104 P201 REV H, 17.4104 e101 REV D and 17.4104 M002 REV E.

- REASON** To ensure the development is carried out in accordance with the details as approved.
- 4 The development hereby approved shall only be constructed of the materials specified on the application form submitted with the application and retained as such thereafter for the lifetime of the development.
- REASON** To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved MDLDP and the guidance contained in the Maldon District Design Guide (MDDG) SPD.
- 5 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 manege unless previously agreed in writing by the Local Planning Authority.
- 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.
- 6 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 a scheme of waste management shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the site as hereby approved under this permission. The development shall be thereafter 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.
- 7 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).
- 8 The livery business hereby approved, including the associated stables, tack and feed room and ménage shall not be open to persons other than the occupants outside the hours of 08.00 - 20.00 weekdays, 08.00 - 20.30 Saturdays and Sundays (April to October) and 08.00 - 19.00 Saturdays and Sundays (November to March).
- 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.
- 9 The areas of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- REASON** To ensure that that appropriate loading / unloading facilities are available and to ensure that the highway is not obstructed during the construction period in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.
- 10 The mobile home hereby approved shall make provision for car parking within the site in accordance with the Council's adopted car parking standards and be retained thereafter 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.

11 Prior to the occupation of the temporary mobile home and use of stables hereby approved details of surface water drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the Local Planning Authority.

REASON To avoid the risk of water flooding in accordance with policy D2 of the MDLDP.

- 12 Details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of pollution in accordance with policy D2 of the MDLDP.