



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
4 MARCH 2019**

Application Number	FUL/MAL/18/01475
Location	Clarks Farm Wash Lane Little Totham
Proposal	Change of use from Sui Generis to a two bedroom residential dwelling (Class C3)
Applicant	Mr S Cobb
Agent	Raymond Stemp Associates
Target Decision Date	27.02.2019 EOT 05.03.2019
Case Officer	Hannah Bowles
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In by: Councillor D Sismey Reason: Public interest

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

Clarks Farm Wash Lane Little Totham
18/01475/FUL



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	<p>Organisation: Maldon District Council</p>	<p>Department: Planning Services</p>
	<p>Comments:</p>	<p>Date: 07/02/2019</p>
	<p>www.maldon.gov.uk</p>	<p>MSA Number: 100018588</p>

3. SUMMARY

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

- 3.1.1 The application site is located on the western side of Wash Lane, Little Totham and is in a rural area. There are a few adjacent residential properties within the vicinity of the site. The larger site within the applicant's ownership comprises a greyhound rescue centre with kennels, exercise areas, pet crematorium, and a veterinary medical facility building. The veterinary medical facility building, subject to this application, lies adjacent to Wash Lane. Off-street parking would be provided to the north side of the building, with access to the car parking spaces taken from the southern side of the building and around the rear.
- 3.1.2 The proposal seeks to change the use of the veterinary medical facility building (Use Class: Sui Generis) to a two-bedroom residential dwelling (Class C3 use). The building is weatherboarded with roof slates.
- 3.1.3 The internal changes to the building have been carried out and the accommodation provided is a dining room, kitchen, living area, two bedrooms and a family bathroom.
- 3.1.4 The proposed external changes to the building include the insertion of a double casement window into the eastern elevation, (notwithstanding the documents supporting the application; which state that the new window would be located within the western elevation) following the case officer's site visit it is noted that the window has already been inserted. It is also proposed to erect a 2.2m close board fence adjacent to Wash Lane, part of the proposed fence had also been erected at the time of the case officer's site visit.
- 3.1.5 Clarks Farm Greyhound Rescue 2018 is a registered charity (Registered Charity No: 1113924) and the website: <http://www.clarksfarmgreyhounds.org.uk/> is active at the time of writing this report.
- 3.1.6 It should be noted that this application is a resubmission of a previously refused application (reference FUL/MAL/18/00937). No amendments to the previously refused scheme are proposed. The application was refused for the following reasons:

1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Little Totham 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development, as a result of the conversion and domestic paraphernalia, would

be an unwelcome visual intrusion resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan and Government guidance contained in The National Planning Policy Framework.

- 2 *Policy E1 of the Maldon District Local Development Plan requires the Applicant to demonstrate that the existing buildings cannot be used for an alternative employment use. The Applicant has provided insufficient information to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the building other than converting it into residential use. Therefore, it is considered that the loss of the veterinary medical facility building, a Sui Generis Use, would not make a positive contribution to the rural economy, contrary to the aforementioned policies and the Government advice contained in the National Planning Policy Framework.*

3.2 Conclusion

- 3.2.1 The proposal lies outside the settlement boundary of Little Totham village and therefore the development would be contrary to Policy S8 of the Maldon District Local Development Plan (MDLDP). It is considered that the concerns relating to the proposal and harmful effects on the character and appearance of the rural area are substantial and that the benefits arising from the development would not outweigh the environmental harm caused as a result of its negative impact on the rural locality. Therefore the proposal would not amount to a sustainable form of development and would not benefit from the presumption in favour of development set out in the Framework nor would it accord with the aims of Policies S1, S2, S8, D1, H4 and N2 of the LDP and Government guidance contained within the National Planning Policy Framework (NPPF) and the National Policy Planning Guidelines (NPPG).
- 3.2.2 Policy E1 of the MDLDP requires the Applicant to demonstrate that the existing buildings cannot be used for an alternative employment use. The Applicant has provided insufficient information to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the building other than converting it into residential use. Unless this has been demonstrated, it is considered that the loss of the veterinary medical facility building, a Sui Generis Use akin to an employment use, would not make a positive contribution to the rural economy, contrary to the aforementioned policies and the Government advice contained in the NPPF.
- 3.2.3 An identical scheme, FUL/MAL/18/00937, was refused in October 2018 and it is considered that there are no new material considerations that would indicate that the current proposal would now be acceptable.

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:

- 7-14 Achieving sustainable development

- 20 -23 Strategic Policies
- 38 Decision-making
- 39-45 Pre-application engagement and frontloading
- 54-57 Planning Conditions and Obligations
- 62-72 Delivering a sufficient supply of homes
- 102-104 Promoting sustainable transport
- 108-111 Considering development proposals
- 117-118 Making effective use of land
- 124-131 Achieving well-designed places
- 170-182 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment

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 Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three overarching objectives: economic, social, and environmental, identified in the NPPF 2018.

5.1.3 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. 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 that the development falls within one of thirteen specific, defined categories (Policy S8: a-m). This list of acceptable development includes criterion (e) The re-use of a redundant or dis-used building that would lead to an enhancement to the immediate setting subject to the proposal being in accordance with Policy E4 ‘Agricultural and Rural Diversification’ and Policy D3 ‘Conservation and Heritage Assets’. However, as the re-use of the redundant or dis-used building does not accord with either Policy E4 and Policy D3, it is considered that the proposal would not accord with the overall aim of Policy S8 (e) of the LDP.

5.1.4 In addition to Policy S8 of the LDP, the NPPF 2018 states that:

‘Planning policies and decisions should avoid the development of isolated home in the countryside unless one or more of the following circumstances apply:-

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling;*
or
- e) the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’*

5.1.5 The application site is about 1.3 miles from Tolleshunt Knights and 1 mile from Little Totham where both have a limited range of local services and facilities. The Council accepts that the proposal would not result in an isolated dwelling in the countryside as there is ‘Oakbury’ to the south of the application site and immediately opposite the application site, there are four dwellings: ‘1 Ramblers Cottage’, ‘2 Ramblers Cottage’, ‘The Poplars’, and ‘Little London Farm’. However, the site is in a rural location, and the future occupiers of the dwelling would need to travel for day to day services and facilities to other nearby villages and towns. These settlements are a reasonable distance away and are not readily accessible by safe public footpaths. The proposal would therefore conflict with the aforementioned policies and the principles contained within the NPPF in terms of sustainable development.

5.2 Five Year Housing Land Supply

- 5.2.1 The Council published its latest statement regarding the Council's current status on the Five-Year Housing Land Supply 2017/2018 in October 2018 which demonstrates that a five year housing land supply is available, and it is noted that the housing policies of the LDP are up-to-date.
- 5.2.2 It is important to note that the Council will be assessing the development proposal, like all other planning applications, against the three dimensions of sustainable development (environmental, social and economic) as contained within the NPPF as a whole and will not be refusing the scheme solely on the grounds that the Council have an up-to-date housing supply. However, it is also the case that weight can be given to all policies of the LDP and development that would otherwise be found unacceptable need not be approved due to housing supply shortages.

5.3 Housing Mix

- 5.3.1 The proposal would provide a two bedroom dwelling (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in September 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraphs 60 and 61 of the NPPF where it requires local authorities '*to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals*' and to plan for houses needed including '*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)*'. In this instance, the two-bed dwelling proposed would assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. However, as the development is for one dwelling, the weight attributed to this in the overall decision making process should be limited and does not outweigh all other concerns that are raised.

5.4 Employment

- 5.4.1 The application site forms part of a larger site which together has a current lawful use as a greyhound rescue centre / vet / pet crematorium which would fall outside the designated use classes and be considered a sui generis use. Policy E1 of the LDP, states that proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:

- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*

- 5.4.2 The content of the policy makes it clear that these policy expectations also relate to sui generis uses of an employment nature.
- 5.4.3 With regard to Policy E1(1), the lawful use of the application site is a greyhound rescue centre with kennels, exercise areas, pet crematorium, and a veterinary medical facility building. The Council's planning history shows that planning permission was approved in 2002 (reference: FUL/MAL/02/01211) for the retention of use of existing building as 12 kennels for greyhounds and the construction of a building for 26 kennels and a building for food preparation. The medical centre building was subsequently approved in 2008 (reference: FUL/MAL/08/00569) where it was conditioned to be used solely for greyhounds residing on site (Condition 4). This condition was varied by planning application FUL/MAL/12/00990 and FUL/MAL/15/00110 so that the medical centre building can be used by the wider community. The planning application was approved at the time as the use of the site would not result in impact upon the local vicinity or area or neighbouring residents. The Highway Authority and Environmental Health Services were both consulted at the time and raised no objection to applications FUL/MAL/12/00990 or FUL/MAL/15/00110 for the medical centre building to be used for the wider community. The present use of the site and activities on site therefore do not significantly harm the character and amenity of the adjacent area. The proposal would not accord with Policy E1(1) in this respect.
- 5.4.4 With regards to Policy E1(2), the proposal seeks the change of use of the existing building to a two-bed residential property. As discussed above in the officer report (under Housing Mix), the proposal would provide a smaller unit to meet the identified needs and demands of the District and it is likely that the proposed use would result in less traffic movements than its current use as a medical centre building. However, the benefits are considered to be minor and the reduction in traffic is a common benefit when there is a change of use from a business use to a residential use. In this respect the proposal would not accord with the principle of Policy E1(2).
- 5.4.5 With regard to Policy E1(3) of the LDP and the Planning Statement submitted with the planning application, it is noted that Edgewood Veterinary Group was the most recent tenants of the property and terminated their lease after expressing to the Applicant *'the struggles in running the branch, as due to its rural location it has never been particularly popular.'* However, no evidence has been supplied in this respect. The Applicant has approached a further local veterinary practice; Tiptree Veterinary Centre, to see if they were interested in leasing the building (Paragraph 3.3 and 3.4). In Paragraph 3.5 of the Planning Statement, a photograph was attached to

show the building advertised for lease, however no dates have been provided to confirm how long the building has been advertised. Further, the site is in a rural location with low traffic flow, and it has been confirmed by the Applicant that there is *'no foot traffic'*.

- 5.4.6 During the course of the application, a letter of support was received on 7/02/2019 from the applicant which reiterated the points set out above and provided additional information as follows:

Neil Mansell at G.P.S Business Sales and Letting of Chelmsford Essex was contacted to see the options open with regards to getting a new business in the building at a rental/lease cost that was fair for the premises. Estate agents Hardy King and John Alexander were also approached. However, no confirmation or evidence that the building was advertised through these companies has been provided.

The following vets/practices were approached to see if they were interested in leasing the building, in addition to the one listed within the planning statement:

Crouch Vale Vets Great Hays Business Park, Stow Maries
Spring Lodge Veterinary Hospital Power Hall End Witham
Wylie Vets Hall Lane Upminster
P.J.E Home Vets
Julious Ibello
The Dogs Trust

It is confirmed within the letter that none of the above vets/practices or agents were interested in leasing the building. However, no correspondence between the parties or evidence was provided to substantiate this.

- 5.4.7 The applicant has provided personal and financial information relating to his health and the business finances, in order to demonstrate that the business is no longer viable. However, in the absence of evidence that the building has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Use or Sui Generis Use of an employment nature, it is not considered that it has been demonstrated that the building is unviable.
- 5.4.8 Therefore, given the information before the Council at this time, it is considered that inadequate information has been provided as required by Policy E1(3). No details have been submitted that the site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Use or Sui Generis Use of an employment nature. Further no details have been submitted to demonstrate that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use. Based on the limited information submitted, it is not considered that the proposal would fully accord with Policy E1 of the LDP.

5.5 Design and Impact on the Character of the Area

- 5.5.1 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.

- 5.5.2 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”*.
- 5.5.3 The basis of policy D1 of the LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - 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.
- 5.5.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG)(2017).
- 5.5.5 The proposal is to change the use of the veterinary medical facility building into residential use. As mentioned above, the building is an existing building and is structurally sound as it was last occupied in December 2017 (Paragraph 3.5 of the Planning Statement). The building is weather boarded with a slate roof. The change of use introduces a window on the eastern elevation of the building to serve the lounge area. The additional window to the building is highly visible from the public realm but causes no harm to the surrounding area. It is accepted that the design and appearance of the existing building is akin to outbuildings that are commonly found in rural areas and there are no significant changes proposed to the existing building.
- 5.5.6 However, Wash Lane is a rural country lane characterized by sporadic residential and agricultural development with vast expanses of undeveloped agricultural land. The application site accommodates a building that is agricultural in appearance, which contributes to the rural character of Wash Lane. The conversion of the existing building to a residential dwelling would inherently result in the intrusion of domestic paraphernalia which would create urbanised clutter in this rural locality resulting in the urbanisation of the site to the detriment of the countryside. This would create a form of development which would detract from the rural character, appearance and natural beauty of the locality.
- 5.5.7 The harm is exacerbated as the subject building and proposed amenity space are in a prominent position, adjacent to Wash Lane. The private amenity area, which lies to

the northern side of the building, is proposed to be enclosed by a 2.2m close boarded fence; this has been erected and is currently in place. The close boarded fence is an incongruous feature along this open country lane which mainly features open frontages with low fences and walls. The proposed conversion would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural area contrary to policy D1 and S8 of the MDLDP.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.6.2 The proposal is to change the use of the veterinary medical facility building to residential use. The proposal does not seek to extend or re-position the existing building and therefore the change of use would not adversely impact on the existing occupiers at 'Oakbury' who are located approximately 15 metres to the south of the site. The existing building is single-storey in height. Having considered the existing outbuildings which lie on the southern boundary of Clarks Farm and the distance between 'Oakbury' and the existing Veterinary Medical Facility Building, it is not considered that the development would result in any overlooking or a loss of light would occur. Therefore, it is not considered that the development would represent an unneighbourly form of development in accordance with Policy D1 of the LDP.

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.7.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.7.3 The access from Wash Lane is existing; it would be taken from the south side of the building and around the rear to access the two proposed parking spaces, which lie to

the north of the building. The car parking spaces are supplied in excess of the recommended standard contained within the Council's adopted Vehicle Parking Standards SPD.

- 5.7.4 The Highway Authority has been consulted and has raised no objection to the proposal in terms of highway safety.

5.8 Private Amenity Space and Landscaping

- 5.8.1 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

- 5.8.2 The private amenity area proposed for the dwelling as shown on the submitted plans is located to the north of the building and would exceed the recommended standard of 100m² in accordance with policy requirement contained within Policy D1 and the MDDG. Whilst it is noted that the amenity area is located to the side of the dwelling and adjacent to the highway, it is considered that an acceptable level of privacy can be achieved on the site, with appropriate boundary treatments which could be a combination of landscaping and hard boundary treatments, but not just fencing as has been erected without planning permission. The submitted Site Plan currently lacks information on the soft and hard landscaping details within the site. Therefore, a condition can be imposed for such details to be submitted and approved should the application be approved.

5.9 Other Material Considerations

- 5.9.1 Having considered the lawful use of the site, the Environmental Health Service was consulted and had raised concerns on the grounds of unresolvable noise impact from the adjacent kennels to the rear of the site.
- 5.9.2 In an email correspondence dated 8 February 2019, the Applicant has confirmed that if any permission is granted for the change of use to a residential dwelling, then the kennels will be closed and the Applicant will retire' due to poor health.
- 5.9.3 The Planning Practice Guidance states '*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*'
- 5.9.4 Given the intentions of the applicant it is considered unreasonable to object to the application on the grounds of noise impact. However, it is considered imperative to implement a condition to ensure the kennels are closed prior to the first occupation of the dwelling, should the application be approved.
- 5.9.5 It appears from the planning history that this would result in two buildings on the larger site (outline in blue on the site plan) becoming vacant and whilst this is not an ideal situation, it is considered the this is the most reasonable way forward with

regards to the concerns in relation to noise impact. This would not prevent the buildings being put to a more neighborly use (perhaps use class B1) subject to the necessary permissions being obtained.

5.9.6 It is noted from the supporting letter from the applicant received on 7/02/2019 that the Rainbows Rest Pet Crematorium has stopped trading. However, this is outside the application site and is not considered to impact this application.

5.9.7 It is noted that the applicant is in poor health and is intending to retire, the Council sympathise with the applicant. However, the application must be determined on the planning merits of the scheme.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/08/00569** – Demolition of existing barn and erection of medical centre for greyhounds kennelled on the site. Approved 11 July 2008
- **FUL/MAL/12/00990** – Removal of condition 4 relating to application FUL/MAL/08/00569 (The building hereby permitted shall only be used for those purposes ancillary and incidental to use of the site as dog kennelling and as a medical centre for use of the dogs held within the kennels and shall not be made available for the use of the wider community at any time). Approved 12 June 2013
- **FUL/MAL/13/01154** - Change of use of land to Pet Crematorium, siting of 2 no. sheds and an incinerator. Approved 30 October 2014
- **FUL/MAL/15/00110** - Removal of Condition 1 on approved application FUL/MAL/12/00990. Condition 1: The use hereby permitted shall be discontinued and the building restored to its use as permitted under the terms of condition 4 of application FUL/MAL/08/00569 on or before 30 June 2015 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority. Approved: 17 June 2015
- **FUL/MAL/18/00937** - Change of use from Sui Generis to a two-bedroom residential dwelling (Class C3). Refused 2 October 2018.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	Little Totham Parish Council supported the original application for the site (FUL/MAL/18/00937) and has no further comments to add.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	Having considered the information submitted with the planning application, and given the existing use of the site, the Highway Authority has no objection to the proposal.	Noted and discussed at 5.7.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Environmental Health objects to the application as it does not consider that this location is suitable for a dwelling due to impact on the amenity and in the interests of public health. This objection will remain for any similar application until the permanent cessation of the rescue centre or should there be a legal mechanism in planning which would enable the permission subject to the cessation.	Noted and discussed at 5.9.

7.4 Representations received from Interested Parties

7.4.1 **8** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The application is not a new building that would cause an unwelcome visual intrusion resulting in the urbanisation of the site to the detriment of the character and appearance of the rural area, the building is in a cluster of residential properties, and it already exist.	Please see section 5.5.
The property is not isolated as in a High Court Judgement on record Isolated means "Far away from other places" and	Please see paragraph 5.1.5

Supporting Comment	Officer Response
this building is not far away from other places.	
The property has been empty for over a year now and every effort has been made to re lease the building to other tenants but with no one prepared to take the building on. (The list of efforts made to re lease are in another letter sent to M.D.C.) The empty building is not making a positive contribution to the rural economy.	Please see paragraph 5.4.5
In a letter from Emma Foy to Mr Cobb it is stated that, the impact from the adjoining kennels did not form a reason for refusal on the Decision Notice. So I assume this will still be the case.	Please see section 5.9
To my knowledge to date there are no letters of objection from the local homeowners or indeed the Parish Council. In fact all local home owners support the application.	The application is assessed against all material considerations, including letters of representation or comments from third parties.
Will improve traffic.	Noted.
Very little additional homes in Little Totham.	This does not justify a new dwelling outside of the settlement boundary.
The Council have only to gain from the conversion – Council tax and another home for people to live in in an ever increasing population.	The income generated through Council tax is not a material planning consideration and the Council has an un to date 5-year housing land supply which enables the Council to give full weight to policies within the LDP including policy S8 which directs new development into the development boundaries.
I had my bungalow approved in Wash Lane about 2005/6. The bungalow next door was built after mine so there is no good reason not to allow one over the road.	Every application is determined on its own merits. The bungalows referred to were approved between 2003-2005 and replaced existing residential mobile homes which weighed heavily in the proposals favour.
Personal circumstances of the owner were raised in more than one of the letters of representation.	These are not material planning considerations that can be taken into account.

8. REASONS FOR REFUSAL

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty.

The application site is in a rural location outside of the defined settlement boundary for Little Totham 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development, as a result of the conversion and domestic paraphernalia, would be an unwelcome visual intrusion resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan and Government guidance contained in The National Planning Policy Framework.

- 2 Policy E1 of the Maldon District Local Development Plan requires the Applicant to demonstrate that the existing buildings cannot be used for an alternative employment use. The Applicant has provided insufficient information to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the building other than converting it into residential use. Therefore, it is considered that the loss of the veterinary medical facility building, a Sui Generis Use, would not make a positive contribution to the rural economy, contrary to the aforementioned policies and the Government advice contained in the National Planning Policy Framework.