



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
20 MAY 2019**

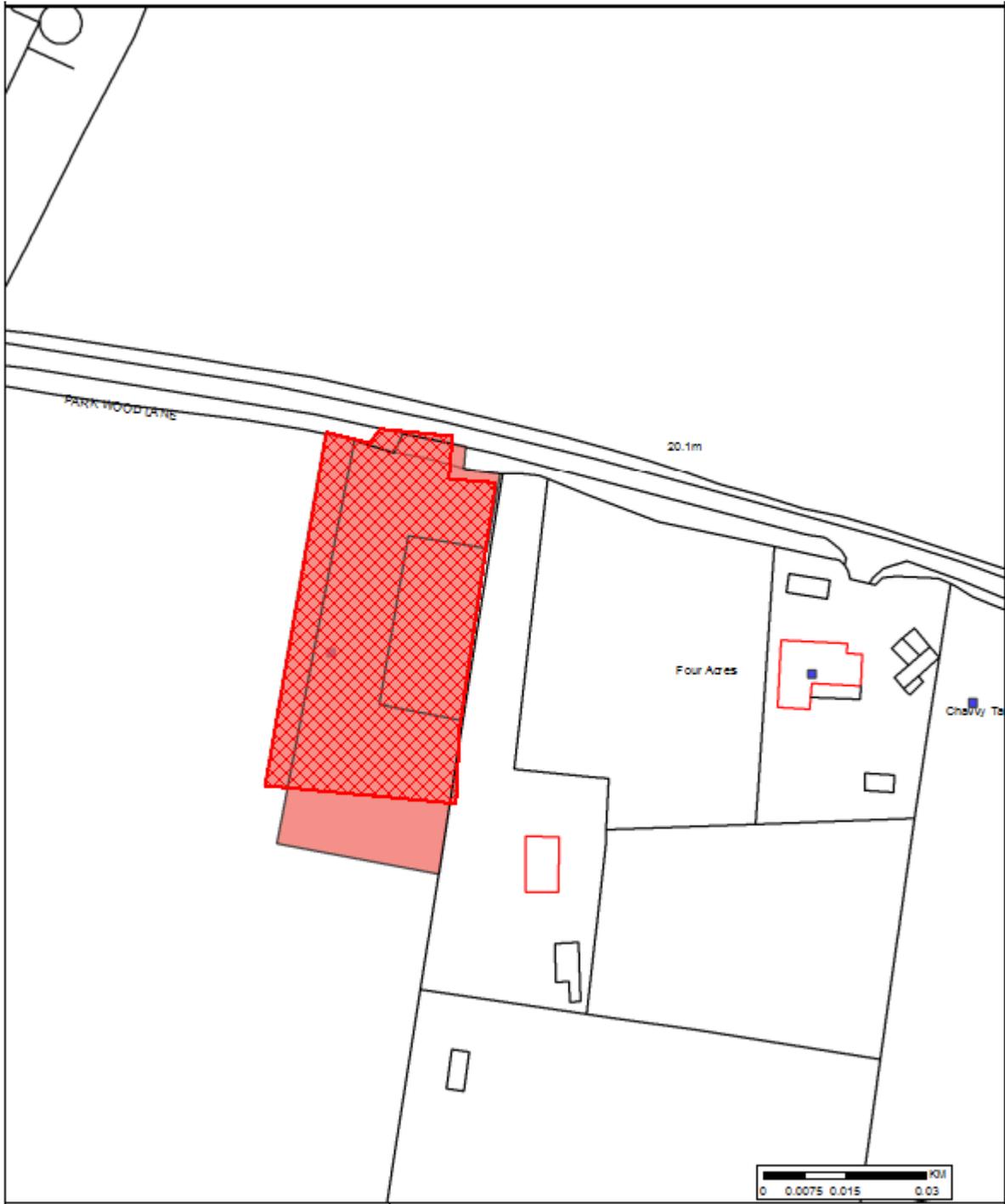
<b>Application Number</b>	<b>FUL/MAL/19/00218</b>
<b>Location</b>	Land on South Side of Park Wood Lane Little Totham
<b>Proposal</b>	Section 73 application for the retention of stables and use of land for keeping of horses with related hardstanding.
<b>Applicant</b>	Mr Purdy
<b>Agent</b>	Mr Peter Le Grys
<b>Target Decision Date</b>	07.05.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>LITTLE TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by: Councillor Sismey Reason: Public Interest

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 7 of this report).

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

3.1.1 The application site is located on the south side of Park Wood Lane and forms the corner of a field used for the grazing of horses. The site is located outside of the settlement boundary for Little Totham. Park Wood Lane is a narrow unmade road, which is rural in nature with sporadic residential development to the east of the application site.

3.1.2 Retrospective planning permission is sought for a stable building which measures 10.1m by 3.7m and is 3.4m in height and associated hard standing which extends to measure 15.8m by 46.4m. 1m high post and rail fencing has also been erected around the majority of the site boundary.

#### **3.2 Conclusion**

3.2.1 The retrospective development is considered to have an acceptable impact on the character and appearance of the rural area. The proposal would not have an adverse impact on residential amenity or highway safety in accordance with the policies of the Maldon District Local Development Plan (MDLDP) and guidance contained within 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 2019 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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

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

- 5.1.1 The application is to regularise a stable block and associated operational development that has already taken place. 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 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 policies S1, S8 and D1 of the LDP, and the guidance contained within the NPPF. However, all other material planning considerations must be taken into account. These matters are discussed below.

#### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- 5.2.3 *“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”.*
- 5.2.4 *“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”.*
- 5.2.5 The basis of policy D1 of the approved 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.
- 5.2.6 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).
- 5.2.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate 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 the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.8 The application site is located within the open countryside. Park Wood Lane is rural in nature and surrounded by mainly open countryside, it is characterised by soft landscaping with a few residential developments to the east of the site and the former poultry farm; Moors Farm, which was recently granted permission for the storage of reclaimed building materials.
- 5.2.9 The stable building is set back from Park Wood Lane by 35m and is situated along the eastern boundary of the site. The boundaries of the site are defined by a post and rail fence reflective of its rural location and mature hedging and trees are present along the front and western boundary of the site.
- 5.2.10 The stable block measures 10.1m by 3.7m with a maximum height of 3.4m, the structure is finished with a pitched roof which overhangs the front of the building, a clay pantile roof and black horizontal weatherboarding.
- 5.2.11 In terms of design, generally stables which are traditional in appearance and with appropriate detailing have a limited impact upon the character and appearance of the area. The stable block is considered to be typical for this type of development and reflective of those observed within the District. The finish materials and scale of the building is considered appropriate. The large expanse of hard standing is considered to have more of an impact on the rural character and appearance of the area due to the scale and proximity to the highway. However, on balance, given the existing screening present along the front boundary of the site and the residential developments to the east of the site, which are all served by an expanse of hard standing adjacent to the highway, the impact is considered acceptable.

5.2.12 Therefore, for the reasons set out above, it is considered that the development harms the character and appearance of the area in accordance with the abovementioned policies.

### **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. This is supported by section C07 of the MDDG (2017).

5.3.2 The closest property to the application site is 'Four Acres', which is 56m from the eastern boundary of the site. Given the distance and subject to appropriate conditions in relation to the disposal of waste and lighting, no concerns, in terms of the impact on the neighbouring occupiers, are raised. Therefore, the proposal is considered to comply with policy D1 of the MDLDP.

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

5.4.1 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.

5.4.2 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 are 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.

5.4.3 Essex County Council Highways have been consulted and raised no objection to the application on the grounds of highway safety. It is considered that the vehicular access, car parking and turning area are adequate for the use of the site. Therefore, no concerns are raised in this respect.

## 5.5 Other Considerations

- 5.5.1 The Council's Environmental Health Service has been consulted on the scheme. Conditions for the limitation to personal use to control the use, burning of stable waste and the requirement to agree details for the storage, drainage and disposal of manure, bedding and liquid animal wastes will be added to any grant of permission. In this case, the details set out at paragraph 6.5 of the Applicant's Planning Statement are noted, but not deemed to be sufficient to ensure the adequate handling of these matters at the application site.
- 5.5.2 A further condition is recommended to control the external lighting of the building to control the luminance level and spread to ensure any lighting would not result in a detrimental visual impact upon the character and appearance of the area.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/19/00206** – Use of land for provision of a mobile home for gypsy/traveller accommodation. – Pending Consideration

## 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	The Parish Council objects to this application for the following reasons: Outside defined area, Impact of site and surroundings BE1, S2 development outside boundary. Permanent structures in breach of conditions BE1.	Noted and issues addressed within the main body of the report. Please note policy BE1 formed part of the superseded local plan and has been replaced with policy D1 of the MDLDP.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	Having considered the information submitted with the planning application, the Highway Authority has no objection to the proposal.	Noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

## 8. PROPOSED CONDITIONS

1. The stables hereby permitted shall be used solely for the private stabling of horses shall not be used for business or commercial use including for the purposes of livery and no riding school activity shall take place at the site.  
REASON To ensure that the use of the buildings does not detract from the residential amenity of neighbouring properties or the visual amenity of the countryside in accordance with policies S8 and D1 of the Maldon District Local Development Plan.
2. The use of the equestrian buildings and stables hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below.
  - (i) within 3 months of the date of this decision details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
  - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by the Secretary of State;
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State, or;
  - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters. Subsequently, the equestrian buildings and stables hereby permitted shall only be used in accordance with the approved details.
3. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority.  
REASON In the interests of visual and residential amenity in accordance with policies D1 of the Maldon District Local Development Plan.
4. There shall be no burning of animal or stable waste anywhere on the site as shown edged in red on the Location Plan hereby approved.  
REASON To ensure that the use of the buildings does not detract from the residential amenity of neighbouring properties and to ensure appropriate waste management in accordance with policies D1 and D2 of the Maldon District Local Development Plan.