



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

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

Application Number	FUL/MAL/19/00221
Location	Land Opposite Godfreys Cottages, Sheepcoates Lane, Little Totham, Essex
Proposal	Section 73A application for the retention of stables and use of land for keeping of horses with related hardstanding
Applicant	Mr Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	24.05.2019
Case Officer	Nicola Ward
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In by: Councillor Sismey Reason: Public Interest

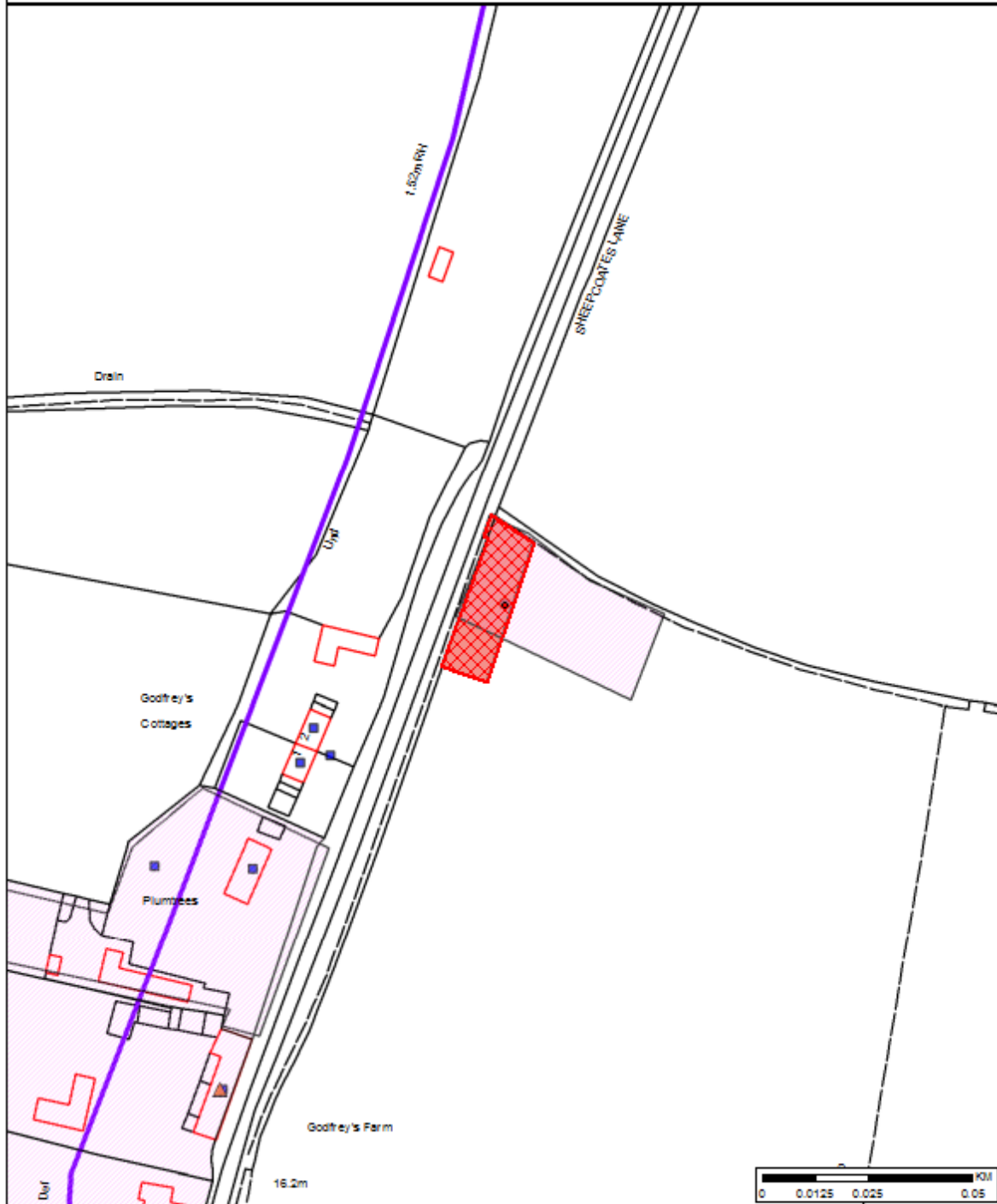
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land Opposite Godfreys Cottages
19/00221/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	5/3/2019
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Retrospective planning permission is sought for the erection of two stable buildings, associated hardstanding and the change of use for the grazing of horses. The development is located at the west part of the application site, adjacent to Sheepcoates Lane. The development has already been carried out and therefore the application is retrospective in nature. Both stable buildings, which are the subject of this application, measure 10.1m in length, 4.1m in width with an overall height of 3.4m and the external materials consist of black timber weatherboard and clay pantiles.
- 3.1.2 The associated hardstanding extends 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 It is considered that the development, by reason of its scale, location and design, has not harmed the appearance or character of the locality and, due to the location in relation to the adjoining properties, the development is not considered to result in any undue harm. In addition the proposed development does not detrimentally impact on access or highway safety. It is therefore considered that the proposed development is in accordance with policies D1, S1 and S8 of the approved Local Development Plan (LDP).

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 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

- 5.1.1 The use of the land for the keeping of horses and the construction of stable buildings are generally considered appropriate within the rural countryside, therefore there are no objections in principle to the use of land in connection with the equestrian activities, subject to an assessment to ensure that the use and construction of the stables would not result in a significant adverse impact on the character and appearance of the area, residential amenity or highway safety.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The 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 has been reflected to the approved LDP. 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 method. 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 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.

5.2.5 The development is located adjacent to the access into the field located along the boundary of Sheepcoates Lane, whilst it is noted from the site visit that there is a buffer of a large hedgerow between the stable building and the public highway, due to the height of the stable buildings they are visible from the public highway and therefore have some impact on the character of the area.

5.2.6 The stable blocks are traditional in design and finished with a timber cladding and therefore are considered to suit the rural nature of the site and the surrounding area. The two stables blocks, provide six stables overall, three stables within each building and both occupy floor areas of 37m² and therefore it is not considered that the two stable blocks are overly excessive in size. As the maximum height of both stable blocks is of 3.4m, it is not considered that the development is an incongruous or over dominant addition to the landscape.

5.2.7 The two stable blocks are located at the west side of the site in close proximity to the site entrance. 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 west of the site, which are all served by an expanse of hard standing adjacent to the highway, the impact is considered acceptable.

5.2.8 The change of use of the land is not considered to have a detrimental effect on the site and a non-commercial equestrian use is considered to be suitable for this rural location and would not impact upon the character of the area.

5.2.9 Therefore, it is considered that the overall development, by reason of its design and appearance has not resulted in demonstrable harm to the character and appearance of the locality in accordance with policies D1, S1 and S8 of the LDP.

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 It is noted that the comments received are in relation to the value of neighbouring properties being affected and the view from the neighbouring property, these are not material planning considerations. With regards to the comments received in relation to the smells and flies generated by the waste produced this has been discussed with the report below.
- 5.3.3 The stable buildings are located 29m from the closest neighbouring property 2 Godfreys Cottages, located to the south west of the application 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. The development due to its nature and siting does not have an unacceptable impact upon the amenity of any neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 pursues to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 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.
- 5.4.3 The existing vehicular access point to the site has not been altered and as such no objection is raised to the development on access or highway safety grounds. In addition, the Highways Authority has raised no objection to the proposal.

5.5 Other Matters

- 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

- 6.1 No relevant planning applications for this site however, the Council has received the following applications that should be noted:

Reference Number & Address	Description	Decision
FUL/MAL/19/00223 – Land Adjacent Sheepcoates Hall, Sheepcoates Lane, Great Totham	Section 73A application for the retention of stables and use of land for keeping of horses with related hardstanding	Pending Consideration
FUL/MAL/19/00219 – Land Opposite Sheepcoates Hall, Sheepcoates Lane, Great Totham	Section 73A application for the retention of stables and use of land for keeping of horses with related hardstanding	Pending Consideration
FUL/MAL/19/00218 - Land On South Side, Park Wood Lane, Little Totham	Section 73 application for the retention of stables and use of land for keeping of horses with related hardstanding	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	<p>Objection –</p> <ul style="list-style-type: none"> • Outside defined area. Permanent structures in breach of conditions BE1. • CON5 contamination of water courses from horse waste. • Impact of site surroundings BE1 	Noted and issues addressed within the main body of the report. Please note policy BE1 and CON5 formed part of the superseded local plan and has been replaced with policy D1 of the MDLDP.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection subject to relevant conditions	Noted and addressed within the report

7.3 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No Objection	Noted

7.4 Representations received from Interested Parties

7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objections	Officer Response
<ul style="list-style-type: none"> • Adversely affects the quite enjoyment of the property • Increased traffic within Sheepcoates Lane • Potential harmful effects of horse waste on water supply, smells and will attract more flies to the area • Value of the neighbouring property will be adversely affected • The stables obstruct views across the fields • Objectionable smell of the horses and their excrement due to proximity to property • Hardstanding is extremely large and will be used to accommodate large horse boxes and living quarters. 	<p>The impact on property value and rights to a view are not a material planning considerations.</p> <p>The application is neither for the stationing of large horse boxes nor living accommodation. Planning consideration cannot be on presumption.</p> <p>The remaining comments are addressed within the main body of the report.</p>

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 installed 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.