



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 AUGUST 2016**

Application Number	FUL/MAL/16/00577
Location	Manor Farm, Old Heath Road
Proposal	Revised orientation of farm worker's dwelling and use of roof void incorporating rear dormer (Revision of FUL/MAL/10/00702, 13 October 2010)
Applicant	Mr Russell Forde - Smart Planning
Agent	N/A
Target Decision Date	19.08.2016
Case Officer	Kara Elliott
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

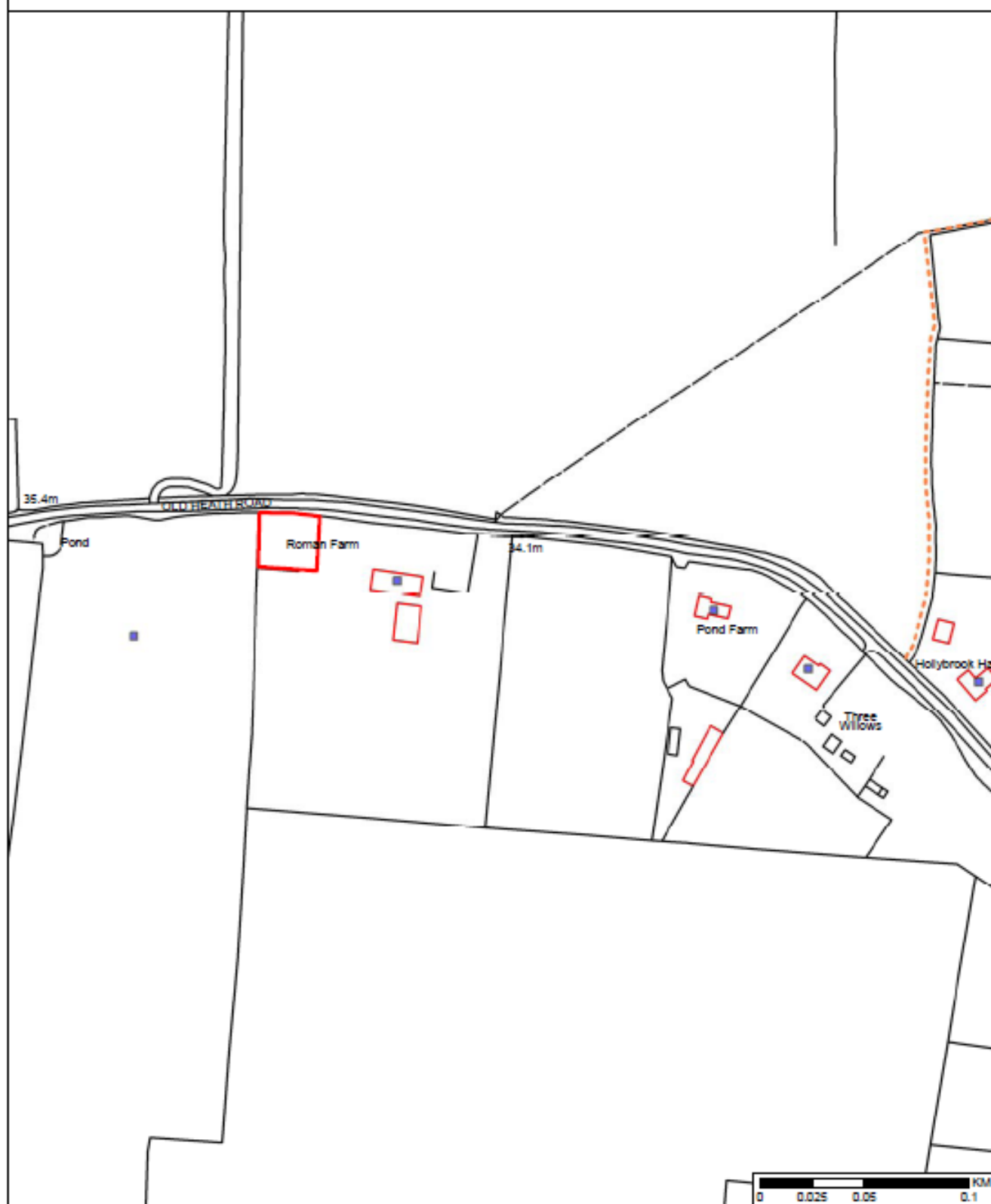
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Manor Farm, Old Heath Road, Southminster



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Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00577/FUL

Date: 03/08/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is beyond the defined settlement boundary for Southminster. Access is off Old Heath Road to the north. The surrounding area consists of open agricultural land. A structure is located next to the application site which does not form part of this application.
- 3.1.2 The nearest dwellings are at Appleby (170 metres from the western boundary of the site) and at Pond Farm (90 metres from the eastern boundary of the site).
- 3.1.3 A lawful development certificate was recently granted which confirms that on the balance of probability the works for development which was granted permission under application reference 10/00702/FUL (Proposed farm workers dwelling), on the land outlined in red on the submitted plan, commenced before the 13th of October 2013 in compliance with Condition 1 of the above permission.
- 3.1.4 The application seeks planning permission for the revised orientation of the farm works dwelling which has been confirmed has formally begun construction through the recent issuing of a lawful development certificate. In addition, a rear dormer is proposed to the rear elevation incorporating first floor accommodation as well as 2 no. large triangular windows to the first floor flank elevations.
- 3.1.5 Due to the extant permission that has been partially implemented it is considered that the development is partially retrospective in nature.

3.2 Conclusion

- 3.2.1 The farm workers dwelling granted planning permission under application no. 10/00702/FUL was confirmed to have commenced development earlier this year. This application to revise the orientation of the dwelling and to include a dormer window to the rear and two large first floor triangular windows to the flank elevations is not considered to result in a dwelling which would have a detrimental impact upon the character and appearance of the locality nor would it result in any new material considerations which would render it to incompatible with the criteria for agricultural workers dwellings as per policy CC14 of the adopted Local Plan.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 55, 56, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- **S2** Development outside Development Boundaries
- **H1** Location of New Housing
- **CC6** Landscape Protection

- **CC14** Agricultural Workers Dwellings
- **H1** Location of New Housing
- **T2** Transport Infrastructure in New Developments
- **T8** Parking Standards
- **CON5** Pollution Prevention

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

- **S1** Sustainable Development
- **S8** Settlement Boundaries and the Countryside
- **D1** Design Quality and Built Environment
- **H2** Housing Mix
- **H4** Effective Use of Land
- **H7** Agricultural and Essential Workers Dwellings
- **N2** Natural Environment and Biodiversity
- **T1** Sustainable Transport
- **T2** Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 A lawful development certificate was recently granted which confirms that on the balance of probability the works for development which was granted permission under application reference 10/00702/FUL (Proposed farm workers dwelling), on the land outlined in red on the submitted plan, commenced before the 13th of October 2013 in compliance with Condition 1 of the above permission.

5.1.2 Therefore, the principle of the dwelling has been confirmed. The acceptability of the proposed development relies on its compliance with policy CC14 (Agricultural Workers Dwellings) of the adopted Local Plan.

5.1.3 Policy CC14 states that dwellings which are to be occupied by agricultural workers, will only be permitted if all of the following criteria are met;

1. Evidence is submitted with the application demonstrating that there is a functional need for a dwelling or additional dwelling to be located on the holding; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
2. The need relates to a full-time worker, or one who is primarily employed in agriculture, and their dependents; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**

3. The size of the dwelling is appropriate to the functional need for it. **Due to the increase in habitable accommodation within the dwelling as a result of the proposed dormer and first floor accommodation this criterion is considered appropriate to assess. The submitted application does not contain any justification for the additional accommodation as a result of the development which would provide a four bedroom dwelling as opposed to the two bedroom dwelling approved. Whilst there is no proof demonstrating a functional need for this level of accommodation, the first floor accommodation through conversion of the roof void could be undertaken without the requirement of planning permission once the extant permission has been constructed and occupied. Therefore, on balance it is considered that no objection is raised and this policy criterion is met.**
4. Where a new building is proposed, there are no extant planning permissions for agricultural dwellings, nor are there buildings or dwellings on the holding capable of being converted or altered to provide suitable residential accommodation; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
5. Evidence is submitted showing that preceding the date of the application no dwelling or building capable of being converted to a dwelling has been sold away from the holding and that no relevant occupancy condition has been removed from a dwelling on the holding; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
6. Evidence is submitted showing that there is a functional need and that the viability of the enterprise can support the additional accommodation; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy BE1 of the adopted Local Plan states that development proposals will only be permitted if they are compatible with their surroundings in terms of layout, scale/bulk/height and visual impact.
- 5.2.2 The 2010 application considered that the site in general is well screened by landscaping throughout the year and therefore the dwelling would not necessarily be visually intrusive on the locality. In addition it was considered the design of dwelling is simple and modest, without imposing upon the local area. The orientation of the property and the insertion of a dormer to the rear elevation as well as the two triangular windows to the flank elevations are not considered to result in a dwelling which would have a detrimental impact upon the character and appearance of the locality.

5.3 Impact on Residential Amenity

- 5.3.1 The application site is located within a rural location in which there are no surrounding properties. Therefore, the proposed development would result in a detrimental impact upon the occupiers of neighbouring dwellings.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing access onto the highway would be utilised. No objection has been received from the highway authority on the grounds of highway. Sufficient parking space would be provided for vehicles within the application site.

6. ANY RELEVANT SITE HISTORY

- **10/00702/FUL** - Proposed farm workers dwelling - APPROVED (13.10.2010).
- **16/00052/LDE** - Continued construction of farm worker's dwelling originally granted planning permission under FUL/MAL/10/00702, commenced prior to expiry date. GRANTED 16.03.2016.
- **16/00301/FUL** - Revised orientation of farm worker's dwelling and use of roof void to provide bedroom accommodation incorporating rear dormer (revision of FUL/MAL/10/00702) – REFUSED 16.05.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Objects. <i>Comments; "From the information provided the Parish Council could not be certain that the minimal foundation work from the previous application was being utilized with the reorientation of this proposed dwelling. Therefore the Parish Council has considered this application as a new proposed dwelling; As such the application is outside the village boundary and represents an overdevelopment of a mainly rural area."</i>	Objection noted however a lawful development certificate was granted for the dwelling which confirmed that the foundations represent commencement of development granted under 10/00702/FUL

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection	Noted

7.4 Representations received from Interested Parties

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

- Mr Richard Anderson, Roseville, 2 Scalby Road, Southminster;
- Mrs D Howman, St Margarets, Old Heath Road, Southminster;
- Mrs Penny Gilchrist, 3 West View, Scarborough Road, Southminster;
- Mr Stuart Pankhurst, Appleby, Old Heath Road, Althorne;
- Mrs Michelle Bott, 2 West View, Scarborough Road, Southminster;
- Mr L & Mrs C Swallow, 3 Old Heath Road, Southminster

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Would not make a contribution to addressing the housing shortfall in the district sufficient to outweigh the harm arising from the construction of a new dwelling on this rural site; • By consenting to such an application it would set an undesirable precedent to encourage other similar proposals that would result in an unsustainable impact and further erosion of the rural character of the district; • - The NPPF states that new isolated homes in the countryside should be avoided and additionally, the application provides no evidence or support for its own proposal description with regard to paragraph 55 regarding farm working. • There is no proposal for a 	Material Considerations are discussed within the officer's report. Many objections raised deal with the principle of the dwelling. However, as stated within previous sections of the report a lawful development certificate was granted for the dwelling which confirmed that the foundations represent commencement of development granted under 10/00702/FUL

Objection Comment	Officer Response
<p>sustainable drainage solution;</p> <ul style="list-style-type: none"> • Building is not representative of farm workers dwelling; • There is no farming activity at this site and has not been for some time; • No eggs sold at the gate for some time now; • Some time ago a new entrance was made in the hedge for a second gateway; • Recent police investigations and digging in the location of the proposed dwelling indicate footings are likely not present or at least are of insufficient substance to meet the requirements of planning; • Very worrying as there are plenty of neighbouring plots that could follow suit; • The proposal would have a harmful effect on the character and appearance of the countryside and would be in conflict with current planning policy that seeks to protect the countryside for its own sake; 	

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in complete accordance with the approved plans which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 2 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the development corresponds with the appearance of the existing property in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined within the Town & Country Planning Act 1990 (as amended) or in forestry, or a widower of such a person, and to any resident dependants.
REASON: The local planning authority would not be prepared to permit the erection of a dwelling on this site unconnected with the use of the land or

- neighbouring land for agricultural purposes in accordance with policies CC14 and CC16 of the adopted Maldon District Replacement Local Plan.
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: To protect the amenities of the occupants of neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policies BE1 and CC14 of the adopted Maldon District Replacement Local Plan.
- 5 The dwelling hereby permitted shall only be used in connection with the agricultural land edged red on the approved plan and shall not be separated from that holding.
REASON: The local planning authority would not be prepared to permit the erection of a dwelling on this site unconnected with the use of the land or neighbouring land for agricultural purposes in accordance with policies CC14 and CC16 of the adopted Maldon District Replacement Local Plan.
- 6 The residential curtilage associated with the dwelling hereby permitted shall only relate to the land hatched blue as shown on the attached site plan and shall be used only for purposes incidental to the residential enjoyment of the dwelling to which this permission relates. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no buildings, swimming pools, or other structures shall be constructed nor any hardstanding be laid on the garden area without express planning permission having been granted by the local planning authority.
REASON: In the interest of local amenity in accordance with policies S2, BE1, CC6 and CC14 of the adopted Maldon District Replacement Local Plan.

POSITIVE AND PROACTIVE STATEMENT

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.