



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
2 NOVEMBER 2022**

<b>Application Number</b>	<b>22/00881/FUL</b>
<b>Location</b>	Spar Hill Farm, Chelmsford Road, Purleigh, CM3 6QP
<b>Proposal</b>	Construction of outbuilding for farm office and farm welfare facilities.
<b>Applicant</b>	Mr G Strathern
<b>Agent</b>	Mrs Melanie Bingham-Wallis
<b>Target Decision Date</b>	09.11.2022
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in by Councillor S White citing Policy E4

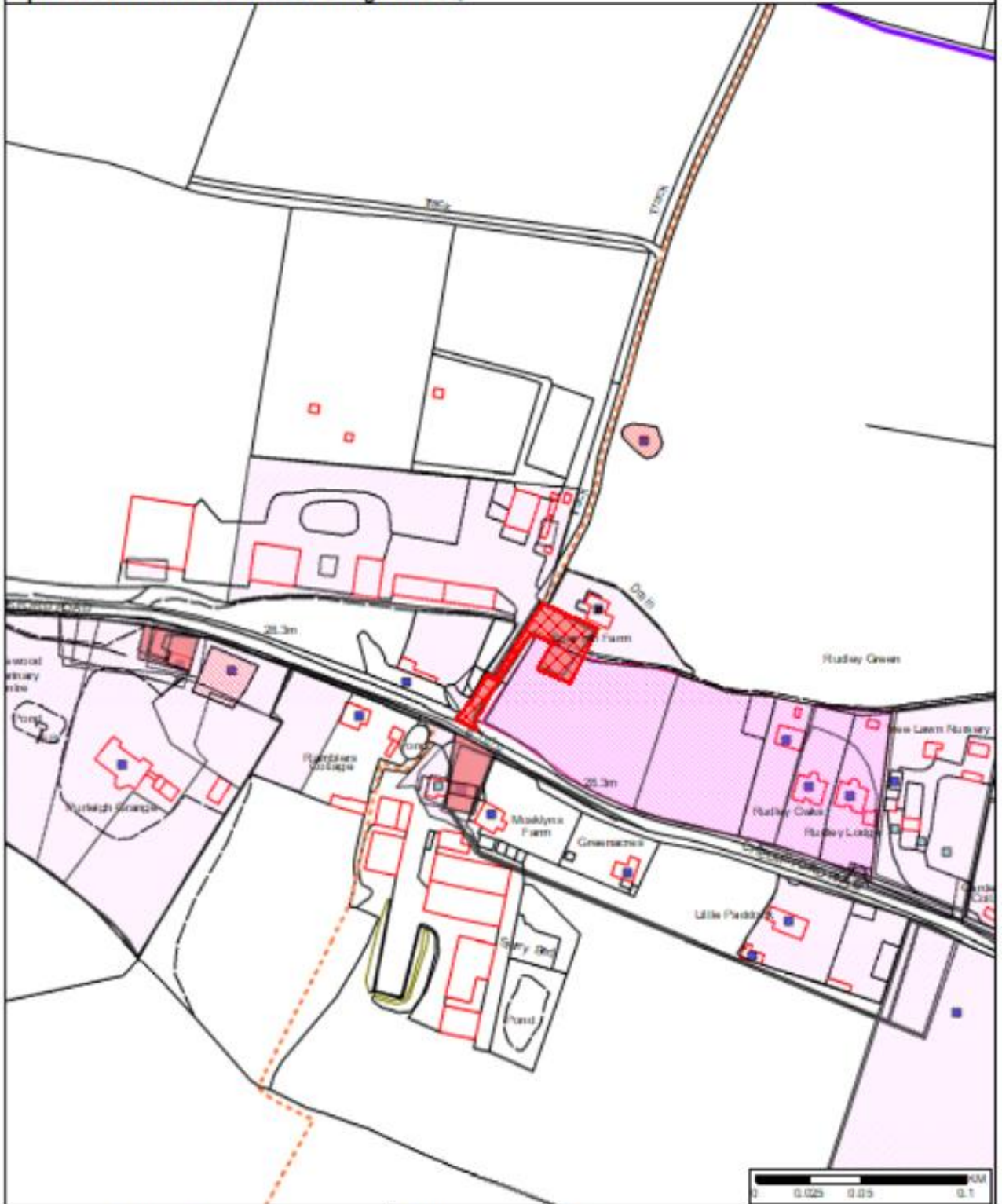
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

22/00881/F UL  
 Spar Hill Farm Chelmsford Road Purleigh CM3 6QP



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	<b>Organisation:</b> Maldon District Council	<b>Department:</b> Department
	<b>Comments:</b> Not Set	<b>Date:</b> 14/10/2022
	<b>MSA Number:</b> 100018588	

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the northern side of Chelmsford Road, and lies within the rural area outside of any defined settlement boundary. The application site is mowed open paddock land with no buildings or structures. To the north west of the application site is the agricultural holding of Spar Hill Farm, and to its north is the residential dwellinghouse associated with the farm. There are two separate accesses that run parallel to each other serving the existing residential property, and the adjacent farm.
- 3.1.2 The surrounding area is predominantly rural in character, with open agricultural fields further to the north and sporadic residential development surrounded by open countryside to the south and east of the site.
- 3.1.3 Planning permission is sought for the construction of a detached outbuilding which would be sited on the open paddock land to the south of the existing dwellinghouse at Spar Hill Farm.
- 3.1.4 The proposed outbuilding would have a half-hipped roof design and would have maximum height of 6.2m metres with an eaves height of 2.4 metres, and a depth and width of 8.1 metres. The proposal would include two rooflights within the southern roof slope serving the first floor and two garage style doors to the front western elevation. The building would be constructed of a red brick plinth, stained featheredge weatherboarding and clay peg tiles.
- 3.1.5 The floor plan of the building shows that a meeting room, communal area, water closet and boot storage area would be included at ground floor level and an office and an area for the storage of farm records would be included at first floor level.
- 3.1.6 The application follows two previous applications for a similar development which were withdrawn before the determination date and subsequently not determined. As part of the current application, no changes have been made to the layout or design of the proposed building. However, additional information has been submitted for consideration with respect to the location of the proposed building. The content of this information will be discussed within the body of the report below.

#### **3.2 Conclusion**

- 3.2.1 Having taken all material planning consideration into account, it is considered that the development would not be acceptable in principle, given that the proposal would have a substantial and harmful visual impact on the open countryside that has not been adequately justified and would not be offset by the benefits of the building and supporting agricultural enterprise. Therefore, it is considered that the development is contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan (LDP).

### **4. MAIN RELEVANT POLICIES**

#### **4.1 National Planning Policy Framework (NPPF) 2021, 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
- 54-58 Planning Conditions and Obligations
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

#### **4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- E4 Agricultural Rural Diversification
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies beyond the designated settlement boundaries, in the rural area.

5.1.2 Policies S1 and S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of the thirteen acceptable forms of developments listed with policy S8. The list of acceptable developments includes (inter alia):

*'d) Agriculture and forestry and related development (in accordance with Policy E4)'*

Given the description of the application, it is considered that the proposed development would fall within this category.

5.1.3 Policy E4 (agricultural and rural diversification) of the LDP states that:

*'The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:*

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

- 5.1.4 A planning statement has been submitted with the application stating that the proposed building would be used as a '*detached farm office and welfare facilities to be located to the south of the host farmhouse dwelling*'. The statement states that the farm office and welfare facilities are to be used in connection with the farming enterprise at Spar Hill Farm.
- 5.1.5 The statement goes on to state that the farm office is currently run from inside the dwelling house which is no longer practical, and the new designated space would no longer encroach into '*the private spaces of the house*'. As part of this statement, it states that the farm office would be required to store agricultural and accounting files to comply with farming practice where records have to be kept for 10 years and that a meeting room is required for staff to undertake record keeping on a daily basis and for more infrequent staff and management meetings away from the farm.
- 5.1.6 The applicant has also stated that the proposed building would also be used for welfare facilities, including toilet and washing facilities because '*the use of the farm manager's personal house as washing down of the external contract labour is not appropriate from the employer's perspective and the applicants are therefore seeking purpose built and separate wash down and welfare facilities for both the contract labour and full-time staff to prevent the spread of disease*'.
- 5.1.7 The Planning Statement goes on to state that the building has been located '*as far away from the yard as practically possible in the interest of biodiversity and quarantine management of the cattle herds*'. It also stated that the outbuilding would be sited close to the entrance so that visitors can report to the office immediately upon arriving at the site and wash down and disinfect before access the cattle herds within the farm building.
- 5.1.8 Although the applicant has advised that the farm building would be located at the entrance of the site for staff and visitors to wash down before accessing the cattle herds, it is not considered that this is the case. Upon undertaking a site visit to the property, it is clear that the area where the proposed building would be is completely separated from the main farm by a series of fences and hedgerows. To access the building, a separate access track associated with the dwellinghouse would have to be taken, which is separated from the main farmyard by a fence. The building would be located in close proximity to the main dwellinghouse, and it is not clear that the land with which it would be sited is even readily used as part of the wider farmyard. Although some sheep were seen standing on this piece of land there was no other evidence of farming equipment located at this part of the site.
- 5.1.9 Although the proposed building could be utilised by farm employees, if it were to be approved, given the location of the building, away from the main farm and in close proximity to the dwellinghouse, it is considered that the proposed building would not be directly linked to the existing farm. If employees of the farm were to utilise the shower and wash facilities within the building, they would have to leave the dedicated farm area and cross the private drive and setting of the residential farmhouse to access the building. Given that the intended purpose of the building is to be a farm office and facilities for the farm, its location, adjacent to the private residential dwellinghouse, is not considered to be practical or convenient for the intended users

of the building, such that it is not considered to be ancillary or directly linked to the farm as per the requirements of Policy E4.

5.1.10 The applicant has submitted an '*Alternative Location Analysis*' in an attempt to justify the location of the proposed building which is completely detached from the main farmyard. This supplementary information states that '*the ideal location for the office is therefore before the entrance to the farmyard itself*'. The document then goes on to assess four alternative locations to the one proposed. Two of these locations are outside of the ownership of the applicant and the remaining two are within the main farmyard of the site. The reason these two locations have been discounted is that it would mean visitors would have to travel through the farm before entering the office. However, it is questioned as to why two locations closer to the entrance to the farmyard, and near to the access track to the site have not been considered for the proposed office building. Upon visiting the site, it appears that there is a mobile home located close to the entrance of the farmyard, which is to the east of the other agricultural buildings. It is not clear if this mobile home is currently used for toilet and welfare facilities, as well as a warm space for workers to rest, whilst at the site. If it is currently used for these purposes, no information has been provided as to why it would no longer be adequate for these purposes. Given the location of this existing facility, and the fact it is located in close proximity to the entrance to the farmyard, it is felt that if a new farm office building would be justified at the site, it could be reasonably be located closer to the existing farmyard.

5.1.11 Despite the information that has been provided, as assessed above, it has not been adequately demonstrated that the land where the building would be sited is agricultural in use, and due to the degree of separation between the proposed building and the existing farm, it is not considered that the proposal has been adequately justified by the information provided and is therefore considered to be contrary to the abovementioned policies.

## **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 local design standards, style guides in plans or supplementary planning documents."*

5.2.3 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;
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 The application site is located within a rural context; the site is part of a larger complex known as Spar Hill Farm, which currently comprises a detached dwelling to the north and farm buildings northwest of the application site. The wider area is rural in context, surrounded by open fields and sporadic residential development along Chelmsford Road.
- 5.2.7 The proposed building would be located forward of the existing dwellinghouse, in an area of open grassland which is currently free from built form. The building itself would be domestic in appearance and would largely be read in the context of the residential dwellinghouse to the north of the application site, as opposed to an agricultural building associated with the farm. Given that the building is designed with a domestic appearance and would be sited in an area which is currently open and free from built form, it would have an urbanising impact on the countryside due to the urban sprawl of development across the site and increase in built form, into an open area of grassland. As the building has not been adequately justified, it is therefore considered to materially harm the character and appearance of the area by failing to protect the intrinsic character and beauty of the countryside.
- 5.2.8 Whilst it would be set back from the main road, the building would still be visible in views across the open grassland, which would exacerbate the harm identified above. The landscaping along Chelmsford Road would not be sufficient to screen the development from the road, in part as it cannot be relied upon as a permanent means of screening, and in any case would not provide a sufficient justification to mitigate harmful development. The visibility of the proposed building from the main road would worsen its intrusive visual impact on the surrounding rural area.
- 5.2.9 The substantial increase in unjustified built form is considered to have a detrimental impact on the appearance and intrinsic character of the countryside. Due to the proposed siting and domestic design of the building, on an area of open meadow, it would have a detrimental impact on the character and appearance of the site and surrounding area, which has not been off-set or justified by the benefits of supporting agricultural practices. Therefore, the proposal is contrary to Policy D1 of Local Development Plan.

### **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 Maldon District Design Guide (2017).
- 5.3.2 The application site is bordered by the residential farm house to the north and open meadow to the east and south. The closest neighbouring would sit approximately 116 metres from the proposed development and due to this significant degree of separation, it is not considered to represent an unneighbourly form of development.
- 5.3.3 The proposed building would also be located 22.2 metres from the main dwellinghouse, and would not therefore give rise to overlooking or overshadowing to the main farmhouse, in accordance with the stipulations of D1 of the LDP.

### **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 site would be accessed from an established vehicular access. It is noted that an area of hardstanding would be located to the west of the building which would be accessed by a new access point. As there is a culvert / stream located north of the proposed building, it is likely that engineering operations would be required for the proposed drive to cross this ditch. However, no such information as to how this would be constructed, and whether the existing culvert would remain open, has been received. These details could be required through the imposition of a suitable condition in the event that the application was approved, to ensure these details were provided prior to installation.

### **5.5 Ecology**

- 5.5.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.5.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.5.3 Policy N2 of the LDP states that '*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance*'.
- 5.5.4 The application concerns the construction of an outbuilding located next to an open meadow south of the application site, and a stream and a dense area of hedgerow which could be a suitable habitat for protected species such as bats, which would be removed as part of the proposed development, to make way for the proposed access



point. Therefore, to identify whether any protected species would be present and affected by the proposal it is expected that an Ecological Survey undertaken suitably qualified ecologist using standard methodologies should be submitted with the application.

- 5.5.5 A Preliminary Ecological Appraisal has been submitted which has identified enhancements to the site. The Council's Ecological Advisor has raised no objection to the proposal subject to securing biodiversity mitigation and enhancement measures. Subject to appropriate conditions it is therefore considered that appropriate mitigation measures that could be put in place to mitigate the likely harm the proposal would cause. The proposal is therefore considered to comply with Policy N2.

## **5.6 Other Matters**

- 5.6.1 As part of the site visit during the application process, it was evident that dense vegetation, which is located in close proximity to the application site, would have to be removed as part of the proposal to facilitate a proposed access point to the building. However, no information has been received about the trees to be removed and whether their removal would have a harmful impact on the amenity value of the area. Although the Council's Tree advisor has been consulted on the plans, no response has been received at the time of writing this report. Notwithstanding this, he has previously advised that he has no objection to the proposals subject to the inclusion of more details in relation to tree planting at the site. Should the application have been approved it is considered that this information could be secured by condition.

## **6. ANY RELEVANT SITE HISTORY**

- **22/00471/FUL** – Construction of outbuilding for farm office and farm welfare facilities. Withdrawn.
- **21/01299/FUL** – Construction of outbuilding for mixed use as farm office, farm welfare facilities and domestic garage and workshop. Withdrawn.
- **11/01059/FUL** – Erection of agricultural building. Approved 24 February 2012.
- **10/01021/FUL** – Erection of lean-to on existing building and erection of new building for general purpose agricultural storage. Approved 9 March 2011.
- **10/00221/FUL** – New agricultural building. Approved 11 May 2010.
- **10/00096/AGR** – Erection of purpose built hay and straw store. Refused 9 March 2010.
- **08/00094/AGR** – Steel frame agricultural building. Prior approval not required 12 February 2008.
- **04/00848/FUL** – Building for storage of straw, food and general supplies for the turkey unit. Withdrawn.
- **04/00593/AGR** – New general purpose barn for storage purposes. Declined to Determine.
- **03/00113/RES** – Details following outline approval ref: OUT/MAL/01/01112 for turkey finishing building and an agricultural workers dwelling (details relate to design and external appearance of the buildings, landscaping and drainage outfalls). Approved 14 April 2003.

- **01/01112/OUT** – Relocation of turkey finishing accommodation and construction of an agricultural dwelling. Approved 28 June 2002.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	The proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the Local Development Plan and guidance contained within the National Planning Policy Framework.	Noted

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex Highways	Acceptable subject to condition relating to the public rights and ease of passage over public footpath no No.17 (Purleigh) shall be maintained free and unobstructed at all times.	Noted
Ecology – Place Services	No objection subject to securing biodiversity mitigation and enhancement measures	Noted

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions relating to foul and surface water drainage and external illumination and informatives relating to contamination and construction works.	Noted
Tree Consultant	No response received at time of writing.	

### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations received for this application.

## **8. REASON FOR REFUSAL**

- 1 The proposed development, by virtue of its domestic appearance, its location within the open countryside and lack of justification for the remote siting of the development, would cause substantial harm to the rural character of the site and the surrounding area that has not been adequately mitigated or justified. The proposal is therefore contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.