



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
11 JANUARY 2023**

<b>Application Number</b>	<b>22/00822/FUL</b>
<b>Location</b>	Lawns Farm, 29 Plains Road, Great Totham, Essex, CM9 8DT
<b>Proposal</b>	Proposed stables, tack room and feed and machinery store building.
<b>Applicant</b>	Mr Thomas Gregan
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	21.11.2022
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in by Councillor J V Keyes citing Policy E4 and E6

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

22/00822/F UL  
NWAC



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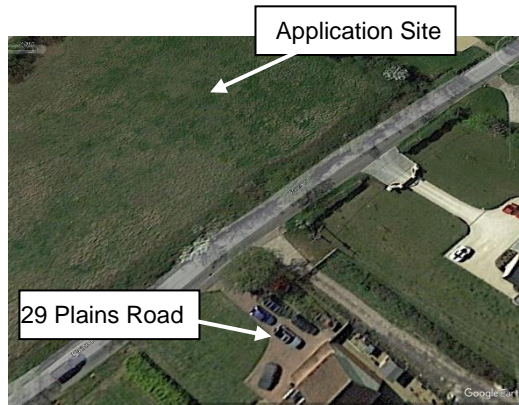
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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	19/12/2022
HSA Number:	100018588

### 3. **SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Plains Road and lies within the rural area outside of any defined settlement boundary. The application site is open maintained agricultural grassland. The site hosts a small wooden open outbuilding adjacent to 29 Plains Road. At the time of the site visit no horses were located on the site. It can be seen from the google earth images below, the small wooden outbuilding was constructed sometime between April 2020 and March 2022.



April 2020 Google Earth Image



March 2022 Google Earth Image

- 3.1.2 The surrounding area is predominantly rural in character, with open agricultural fields to the south and east, and sporadic residential development surrounded by open countryside to the north and west of the site.
- 3.1.3 Planning permission is sought for the construction of a stable block, a tack room and a feed and machinery store building.
- 3.1.4 The proposed outbuilding would have an L-Shaped design and would have a maximum height of 6.5 metres with a eave's height of 3.4 metres, an overall depth of 12.3 metres and a width of 27.9 metres. The floor plan of the building shows that there will be four stables with a separate tack room and a large feed and machinery store. The external materials of the building will consist of facing brick plinth with black stained timber weather boarding to the walls, Plain clay roof tiles and timber windows and doors.

#### 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 off-set by the benefits of supporting agricultural enterprise. Furthermore, the applicant has not demonstrated that the development would have a functional relationship to the dwelling known as Lawns Farm. Therefore, it is considered that the development is contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan (MDLDP).

### 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 SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The Council is required to determine planning applications in accordance with its approved Local Development Plan (LDP) 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 (TCPA 1990)).
- 5.1.2 The proposal relates to the erection of stables and tack/feed room. There has been no information submitted by way of a Planning Statement or Design and Access Statement to provide information with regard to the domestic/ancillary link to Lawns Farm, and the host dwelling is not included within the red line boundary of the site. Although the dwelling has been included in the Blue line, indicating land within the ownership of the application, as noted above, no information as to the relationship of the proposed building to the existing dwelling has been provided. Further, no information has been provided with regard to any commercial/equestrian use (opening hours, number of employees etc.) although the application form submitted to support the proposal states that there are no employees. The application form states no, to the relevant questions on the form, but confirmation of the end use/relationship of the proposal site has not been provided to ascertain either way.
- 5.1.3 The proposed stables would lie outside of the residential curtilage of Lawns Farm and is accessed separately to the host dwelling. Therefore, it must be considered whether the principle of the proposed development goes beyond what would represent an ancillary use, and whether the Council will support the development of new buildings or activities of this type, in this location.

- 5.1.4 Whilst the development is located outside of a defined development boundary, within the rural countryside, it is considered reasonable to support the provision of structures that are ancillary to outdoor recreational facilities such as the keeping of horses in rural locations within the District. However, given the size, scale and extent of the stables proposed, outside of the residential curtilage of Lawns Farm, it is not considered that the use of the building continues to be ancillary to the host dwelling and there has been no information provided to substantiate and justify this link.
- 5.1.5 Although Policy S8 supports agricultural related development or recreation and tourism development, this is in accordance with Policies E4 and E5 of the LDP. Policy E4 supports new buildings or activities associated with agriculture and other land-based rural businesses, or the change of use to other employment generating proposals. As aforementioned, there has been no information provided to justify the need for the stables and tack / feed room in this location. The application form submitted to support the proposal does not provide hours of opening, and states there are no employees. It is also not clear where parking to serve the building is located, and whether or not this is acceptable. Policy E5 relates to tourism, and there is nothing to suggest that the development provides a tourist facility or attraction.
- 5.1.6 From the limited information provided, in the opinion of the Local Planning Authority (LPA), it is not possible to establish an ancillary link with the host dwelling and the stables cannot be considered as ancillary. Further, insufficient information has been provided to justify a development of this scale and type in this location and there are no tourism or economic benefits resulting from the scheme. A robust justification for the development is therefore required. It is therefore not considered that the acceptability of the principle of development has been demonstrated.

## **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, livable, 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 MDDG (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 Lawns 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 host an overall height of 6.5m and a total length of 27m in an area of open grassland which currently hosts a small wooden outbuilding, with an approximate height of 2.5m and is free from any other built form. The building itself would be highly visible due to its height and extent, in particular the proposed feed store and machine storage section. Given that the building would be sited in an area which is predominately open countryside, it would have an urbanizing impact on the countryside. It is considered that due to the urban sprawl of development across the site and increase in built form into an open area of grassland, the proposal would result in demonstrable harm to the intrinsic character and appearance of the countryside.
- 5.2.8 It is noted that the proposed development would be located 15m from Plains Road, it is considered that the landscaping along Plains 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 unjustified built form proposed is considered to have a detrimental impact on the appearance and intrinsic character of the countryside. Due to the proposed siting, scale and size of the building, on an area of open countryside, it would have a detrimental impact on the character and appearance of the site and surrounding area, which has not been offset or justified by the benefits of supporting agricultural practices. Therefore, the proposal is contrary to Policy D1 of 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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by the residential farmhouse to the north and open meadow to the east and south. The closest neighbour would sit in excess of 100 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 in excess of 100 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 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 Whilst it is noted that the block plan submitted indicates there is an existing site access, within the officers site visit there was no established existing access to the site. Therefore, it is considered that the development includes a new proposed access onto Plains Road Lane from the application site. The proposed access is considered to have a deficiency in terms of visibility splays. The proposal has not provided the standard vehicular visibility splays of 2.4m x 215m required for accesses as measured from and along the nearside carriageway edge. The lack of suitable visibility from the access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

- 5.4.4 In addition, Essex County Council Highways have been consulted and raised an objection stating the following:  
*'1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto Plains Road resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety.*  
*2. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users.'*

- 5.4.5 Based on the assessment above it has not been justified that suitable visibility splays can be achieved and therefore, the proposed new access is not considered to comply with policy T2 of the LDP.

## **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 which 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 that surrounds the application site, 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 by a suitably qualified ecologist using standard methodologies should be submitted with the application.
- 5.5.5 A Preliminary Ecological Appraisal (PEA) has been submitted which has identified enhancements to the site. The Council's Ecological Advisor as part of the current application and has raised no objection. It is therefore considered that the methodology, conclusion and recommendations within the PEA would be acceptable in this instance. Subject to appropriate conditions it is therefore considered that appropriate mitigation measures 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 proposed 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.

## 6. ANY RELEVANT SITE HISTORY

6.1 The relevant site history is set out in the table below:

<b>Application Reference</b>	<b>Description of Works</b>	<b>Decision</b>
<b>02/01016/FUL</b>	Non-compliance with condition 2 of ref. FUL/MAL/382/91 concerning agricultural occupancy restriction	Refused
<b>03/01212/FUL</b>	Non-compliance with condition 2 of FUL/MAL/382/91 concerning agricultural occupancy	Refused
<b>06/00214/AGR</b>	Erection of Agricultural Building for the storage of agricultural machinery.	Prior Approval Required
<b>06/00813/AGRPN</b>	Proposed agricultural building for the storage of agricultural machinery.	Refused
<b>08/00774/FUL</b>	Change of use from agricultural to B1 (light industry) workshop. External wall treatment and new porch canopy.	Refused
<b>09/00076/FUL</b>	Change of use of agricultural barn to B1 (light industry) to provide workshop.	Approved
<b>09/00927/AGR</b>	Proposed barn	Prior Approval not required
<b>13/00072/FUL</b>	Demolition of existing barn and erection of a bungalow single dwelling unit. Change of land use from B1 to C3.	Approved
<b>22/00354/AGR</b>	Prior notification for an agricultural storage barn.	Prior Approval not required

## 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	No Comment	Noted

### 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways	Objection – 1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current	Noted and discussed within section 5.4 above

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	standards could be achieved at the proposed vehicular access. 2. The proposal, if permitted, would set a precedent for future similar developments.	
Ecology – Place Services	No objection subject to the relevant conditions	Noted

### 7.3 Internal Consultees

<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

7.4.1 No representations received for this application.

## 8. REASONS FOR REFUSAL

1. The proposed development, by virtue of its bulk scale, and its location within the open countryside, would cause substantial harm to the rural character of the site and the surrounding area that has not been adequately mitigated or justified. Furthermore, the development has not been justified in terms of its functional link to the Lawns Farm nor that the development comprises commercial development of a form supported in the rural area. 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.
2. The standard vehicular visibility splays of 2.4m x 215m required for accesses as measured from and along the nearside carriageway edge, have not been provided. The lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.