



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
10 JANUARY 2024**

Application Number	23/00920/FUL
Location	The Granary, Chigborough Farm, Chigborough Road, Little Totham, Essex
Proposal	Section 73a application for change of use of agricultural building to a cafe (Class E use) and provision of associated car parking.
Applicant	Mr P Tallowin
Agent	Miss Kate Jennings – Whirledge & Nott
Target Decision Date	15.01.2024
Case Officer	Kathryn Mathews
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	<p>Member Call In</p> <ul style="list-style-type: none">• Councillor M FL Durham CC – Reason: Policy E4 and E5 relate to this application.• Councillor K M H Lagan - Reasons: Based on the high level of support that indicates that there is no material harm caused by granting this application and I believe that the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the development. The cafe is a huge benefit to local tourism and local residents and supports generation of tourism in general to the area. It is therefore not contrary to policies D1 and T2 of the MDC local plan and the NPPF (due to the long-standing buildings and access to the site) and supports the policies and objectives of our LDP Policies S7, E5,E1 and D3.

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

The Granary, Chigborough Farm, Chigborough Road, Little Totham
23/00920/FUL



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Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: North Western Area

Date: 11/12/2023

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the rural area and around 340m north of Goldhanger Road. The site forms part of a group of buildings forming part of Chigborough Farm and associated courtyard on the western side of Chigborough Road as well as land, also forming part of Chigborough Farm, adjacent to other buildings on the opposite side of the road. The building the subject of this application is a timber framed, weatherboarded structure which is a curtilage listed building being associated with Grade II listed Chigborough Farmhouse located to the south-west. The majority of the site is located in Flood Zone 1 but the part of the site on the eastern side of Chigborough Road is within Flood Zone 3a (high risk).
- 3.1.2 In addition to the application site, Chigborough Farm comprises a number of fishing lakes as well as buildings including a dwellinghouse, pottery studio, fish retail area and a smokehouse (the subject of planning permission reference 18/01215/FUL). The buildings associated with the Farm are surrounded by open countryside, woodland and lakes.
- 3.1.3 Planning permission is sought for the change of use of a former agricultural building to a cafe (Class E use) and the provision of associated car parking. The proposed use has commenced (it is stated that the use commenced on 1 February 2021), and the car parking has been provided so the application is retrospective in nature. The change of use relates to around 120sq.m. of floorspace, all at ground floor level, and it is suggested that a maximum of 40 covers would be provided. The change of use also includes an area of external seating on the southern side of the building within the courtyard (around 106sq.m. in area).
- 3.1.4 The building accommodates a kitchen, WCs and dining area. The change of use has resulted in minimal changes to the external appearance of the building.
- 3.1.5 33no. car parking spaces (5.5m x 2.9m) are provided on the eastern side of Chigborough Road adjacent to a 'smokehouse' and behind an existing native, roadside hedgerow. 3no. disability spaces and 6no. cycle spaces are also proposed within the courtyard.
- 3.1.6 Included within the application site is a 1.5m wide footpath which is around 50m in length and runs along the highway verge between the proposed car parking area and the café courtyard. It is described as having an all-weather surface.
- 3.1.7 The position of existing external lighting is indicated; two lights are within the application site. 7no. low level LED lights are also proposed along the abovementioned footpath.
- 3.1.8 It is stated that up to 10no. part time workers are employed within the year in addition to 4no. existing, full time workers. The hours of opening proposed are 09:00-16:00 Monday to Friday, 09:00-22:00 on Saturdays and 09:00-15:00 on Sundays/Bank Holidays.
- 3.1.9 The application is accompanied by a Design and Access Statement incorporating a Planning Statement and an Ecological Survey and Assessment (April 2023).
- 3.1.10 As part of the Design and Access Statement submitted it is explained that the restaurant/café proposed 'relocated' from the Lodge (which is located on the opposite

side of the courtyard but outside the current application site) where a restaurant with 25 covers was established in the 1980s (reference MAL/589/82)) but which closed in 2022. Reference is made to coarse and trout fishing at the Farm and that there is also glamping, a caravan and camping club site, pottery studio, a fish retail area and smokehouse. It is stated that there has been a food outlet in the Granary for the last 10 years and a café since 2018 (except during 2020- March 2021 due to the Pandemic). Currently the café is operated by Black Pig Catering as The Farm Café and the kitchen is also used for outside events such as weddings, festivals etc. The proposal is referred to as farm diversification and it is claimed that the use supports the local economy and is a social benefit as a food and drink venue.

3.1.11 It is also stated that the proposal supports local tourism (Policy E5) being located close to several caravan and holiday parks and leisure activities including walking and cycling routes (which also means that not all customers arrive by car). In support of the proposal, reference is made to the East of England Tourism: Maldon District Tourism Strategy Research 2009 which identifies a lack of high-quality restaurants in the District.

3.1.12 The current application has been submitted following planning permission having been refused for the following description of development 'Section 73A Change of use of an existing rural building to a restaurant and associated parking' (reference 21/01224/FUL) for the following reasons:

1. *The development is for a restaurant, which is classed as a 'town centre use' outside of an existing town, village, or located employment area. By virtue of the scale of the restaurant provided (40 no. covers), it is not considered to be ancillary to the wider farm operating at the site. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to Policies E2 and E4 of the Maldon District Development Plan (2017), the guidance contained within the National Planning Policy Framework (2021) and the core planning principles and guidance in the National Planning Practice Guidance.*
2. *The proposed development would fail to provide adequate on-site parking provision. The proposal would therefore be likely to cause additional on-street parking, to the detriment of the free flow of traffic and highway safety. The proposal is therefore contrary to Policies S1, D1 and T2 of the Maldon District Local Development Plan (2017), the Council's Vehicle Parking Standards Supplementary Planning Document (2018) and the guidance contained within the National Planning Policy Framework (2021).*
3. *By virtue of the location of the associated car park, safe access to the building the subject of this report cannot be safely achieved by visitors and staff at the site. Visitors and staff would be required to access the building via a narrow and unlit section of highway that is not served by an established footway and this is to the detriment of highway safety. The proposal is therefore contrary to Policy S1, D1 and T2 of the Maldon District Local Development Plan (2017), the Council's Vehicle Parking Standards Supplementary Planning Document (2018) and the guidance contained within the National Planning Policy Framework (2021).*
4. *Insufficient information has been provided to show how biodiversity may be impacted by the development proposal and if required, the mitigation measures that could take place to prevent any associated harm. The proposal is therefore contrary to Policy E4 and N2 of the Maldon District Local Development Plan (2017) and the guidance contained within the National Planning Policy Framework (2021).*

- 3.1.13 The development the subject of the current application relates to the same building but is described as a change of use to a café instead of a restaurant and additional supporting information has been provided in the Design and Access Statement submitted. The footpath link between the main car parking area and the café has also now been included within the application site and the opening hours proposed have been reduced.

3.2 Conclusion

- 3.2.1 It is not considered that the café use proposed is ancillary to the wider site. Therefore, the development represents the introduction of a cafe outside the main towns, villages and employment areas, contrary to Policies S8, E2 and E4 of the LDP. Further, it has not been demonstrated that there is a need for such a use within this location. Therefore, objection to the principle of the development is raised.
- 3.2.2 However, no objections are raised in relation to the impact of the development on the character or appearance of the area, heritage assets, highway safety/access/parking, flood risk or nature conservation.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2023 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
- 55 – 59 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 119 – 125 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change
- 174-182 Conserving and enhancing the natural environment
- 189 – 217 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Town Centre Provision
- E4 Agricultural and Rural Diversification

- E5 Tourism
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The District's economy comprises employment in high quality manufacturing, construction, business, and light and general industry, as well as non-traditional employment in sectors such as education, health, retail and tourism. All of these sectors make a positive contribution to the local, regional and national economy. The vitality, diversity and responsiveness of the economy is fundamental to the future prosperity of the District and its position within the wider economy.
- 5.1.3 The application site is located outside the defined development boundary of Little Totham and within the countryside. The Council's spatial strategy is to focus new development within settlement boundaries (Policies S1 and S8) but Policy S8 (b) does allow for employment generating proposals in accordance with Policy E1, and Policy S8(f) does allow for rural diversification, recreation and tourism development subject to Policies E4 and E5, provided that the development does not harm the intrinsic beauty of the countryside. Policy S7 supports tourism within the District but subject to other Policies within the LDP, including Policy E5 and N2.
- 5.1.4 Policy E1 of the LDP states that the Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). Further, the policy goes on to say that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current needs of local businesses in the District.
- 5.1.5 Policy E4 of the LDP is relevant to this proposal as it refers to agricultural and rural diversification and the proposal is a change of use of an existing rural building (albeit retrospectively), and a car park associated with the change of use. As part of the application, it is stated that the cafe can provide for up to 40no. covers and is currently operated by 'Black Pig Catering.' The café also employs 4 no. full time staff

and 10 no. temporary staff. With reference to the requirements of Policy E4, the following information has been provided as part of the application:

- There is a need for the proposal as there is a functional relationship with this proposal and the surrounding leisure uses at Chigborough Farm (glamping, camping, fishing and Smokery)
- It contributes to the viability of the agricultural business as a whole as rent is paid by the café to and helps support the agricultural business.
- The development respects the building's historic or architectural significance as no alterations to the building have been made to accommodate the change of use.
- The development does not negatively impact on wildlife and the natural environment and there would be a net gain in biodiversity.
- With respect to outside storage, the outside seating area is not visible from outside of the courtyard and it is not considered that this use is detrimental to the visual amenity of the area.
- The use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages. There has been a restaurant on the site since 1980s and two businesses serving food for the last two years without any noticeable impact on the vitality and viability of similar businesses in Maldon.

5.1.6 The operating hours proposed have been reduced since the previous application was refused from up to 10pm every day of the week to 09:00-16:00 Monday to Friday, 09:00-22:00 on Saturdays and 09:00-15:00 on Sundays/Bank Holidays. These revised hours would mean that it was more likely that the café's customers would also visit the wider uses of the site, for example, the fisheries or studio. However, given the size of the café and as it is operated independently of the other uses at Chigborough Farm, the cafe appears to function as a separate planning unit, rather than as an ancillary use to the wider site and surrounding caravan / holiday parks. Policy E4 states that the Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses subject to certain criteria which require that there is a justifiable and functional need for the building/activity and the function of the proposed building / activity is directly linked, and ancillary to, the existing use.

5.1.7 Whilst the considerable support for the continuation of the use of the café is noted and rent from the café would benefit the Farm financially, this, along with the supporting information, is not sufficient for it to be concluded that the proposal complies with the requirements of Policy E4 referred to above. Specifically, that there is not a functional need for the proposal and there is insufficient evidence that the use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages. Whilst the café use could be described as being one which complemented the existing leisure and commercial uses within Chigborough Farm and the local area, this is not the same as there being a functional need for the use proposed, as required by Policy E4.

5.1.8 The other requirements of Policy E4 (the impact of the development on heritage assets and nature conservation) are discussed below.

5.1.9 With respect to Policy S7 of the LDP, the site is not located within a village (being outside of a defined Settlement Boundary and in the open countryside) and therefore this Policy does not apply.

- 5.1.10 Based on Annex 2: Glossary of the NPPF, a café is a main town centre use but, with reference to the sequential test in Policy E2, the site is not within a town or local centre and the only information which has been provided relevant to this issue is that there has been a restaurant on the site since 1980s and two businesses serving food for the last two years without any noticeable impact on the vitality and viability of similar businesses in Maldon. This unsubstantiated claim is insufficient to demonstrate that the development has not had and will not have an adverse impact on the vitality or viability of the District's town/local centres. Therefore, an in-principle objection is raised to the cafe proposed in this location.
- 5.1.11 It is noted that the building appears to have been used for various non-agricultural uses but none of these have been lawful. Furthermore, it is suggested that the café replaces the restaurant which operated lawfully from the nearby, currently vacant, Lodge but there does not appear to be anything to prevent the restaurant use of the Lodge recommencing on the basis that this was the last, lawful use of that building.
- 5.1.12 Based on the above, it is considered that the applicant has failed to provide sufficient information to justify the need for the development or explain why it could not be located in an existing town, village or employment area. Whilst it is acknowledged that the restaurant employs 4 no. full time staff and 10 no. part time staff, this is considered a limited benefit which does not outweigh the harm identified. Owing to the location of the site, it is likely that all of the employees and a significant proportion of the customers would rely on the use of the private car to access the site and there are more sustainable locations for this type of development within the District. The principle of the development is therefore not acceptable.
- 5.1.13 As part of the application, reference is made to the planning permission which was granted by the North Western Area Committee for the 'Construction of a building to be used as a cafe, office and staff room, greenhouse, new walkway, extended car park, improved internal vehicle access, new substation, relocated polytunnel, and associated landscaping' at Claremont Nursery (application reference 22/00643/FUL). However, this was partly for a restaurant to replace a previously approved café at the Nursery and also for other uses and so is not directly comparable to the development the subject of the current application.

5.2 Design and Impact on the Character of the Area and Heritage Assets

- 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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 of the LDP and is found within the MDDG (2017).
- 5.2.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a

designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.2.4 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.5 The change of use has not resulted in external alterations to the rural building. The building and the associated outside seating area, disabled car parking spaces and cycle store are limited in extent and are all located within a courtyard and so there are no notable public views of the converted barn or the associated outdoor seating and parking areas. The main car park is already in situ and is largely screened from public view by the existing roadside hedgerow. The changes to the grass verge between the main car park and the café are limited in their extent. The proposal has not had an adverse impact on the character or appearance of the site or the character and intrinsic beauty of the open countryside, in compliance with Policies S8, E4 and D1 of the LDP.
- 5.2.6 With respect to the impact of the proposal on heritage assets, the Principal Heritage and Conservation Officer has raised no objections to the proposal. On the basis of this specialist advice, it has been concluded that the development has not had an adverse impact on the building as a curtilage listed structure or the setting of the Grade II listed Chigborough Farmhouse, in compliance with Policy D3 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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 Owing to the siting of the rural building (which is in excess of 40 metres from the nearest residential neighbour at Chigborough Farmhouse), and the fact that there are no external alterations proposed to the building, the proposal will not result in a loss of privacy or daylight and sunlight to this / any neighbour, nor will it appear as overbearing.
- 5.3.3 With regard to noise, it is noted that there are no residential properties within the vicinity of the site except for Chigborough Farmhouse which is owned by the applicant and Environmental Health has raised no objections.
- 5.3.4 Therefore, the development has not been found to be an unneighbourly form of development, gives rise to overlooking or overshadowing, or has resulted in an unacceptable increase in the level of noise in the vicinity of the site, in accordance with the stipulations of Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 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. Policy T2 of the same plan 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.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD (2018) 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 recognized that the District of Maldon is predominantly rural in nature and there is a higher than average level of car ownership. Therefore, the minimum Parking Standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and countryside, taking 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 For an out of town / district centre cafe, a minimum of 1 space must be provided per 5 square metres of the gross floor area. On the basis of 120sq.m. of floorspace within the building, a minimum of 24 spaces must therefore be provided on site for car parking.
- 5.4.4 A total of 33no. parking spaces are proposed within the main parking area identified on the eastern side of Chigborough Road, which are in addition to the 5no. parking spaces approved to serve the existing smokehouse (reference 18/01215/FUL) which would be sufficient to comply with the adopted parking standards and, therefore, the second reason for refusal of the previous application (reference 21/01224/FUL) has been overcome.
- 5.4.5 Visitors to the café who use the main car park area would need to walk at least 50m along the edge of Chigborough Road where there is no streetlighting or roadside footpath. Visitors who parked in the main car park would rely on the use of the grass verge and having to cross Chigborough Road to gain access to the café proposed. Unlike the previously refused scheme, as part of the current application, the section of grass verge which would be used by visitors has been included within the application site with a hoggins type surface spread across part of the grass verge and solar powered, stake lights have been provided along one side of this path. Whilst the use of this footpath is not ideal from a safety perspective, the amended scheme has reduced the adverse safety risk for customers sufficiently to overcome the third reason the previous proposal (reference 21/01224/FUL) was refused planning permission.
- 5.4.6 Furthermore the development has not resulted in an increase in vehicle movements that has caused materially adverse issues on the local highway network. It is noted that there has been no objection raised by Essex County Council Highways (ECC) in relation to the proposal, subject to a condition that no unbound material is used in the surface treatment of the vehicular access within 6 metres of the highway.
- 5.4.7 Based on the above, the proposal the subject of the current application is not contrary to Policies D1, T1 and T2 of the LDP.

5.5 Flood Risk

- 5.5.1 Part of the application site (the main car park proposed) lies within Flood Zone 3a, as defined by the Planning Practice Guidance: Flood Risk and Coastal Changes although the site is in an area benefiting from flood defences. In accordance with Annex 3: Flood risk vulnerability classification of the NPPF, a cafe and car parking is considered to be a 'less vulnerable' use.

- 5.5.2 For developments within Flood Zones 2 and 3, the Sequential Test does not need to be applied for applications for changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.
- 5.5.3 A Flood Risk Assessment (FRA) has not been submitted as part of the application but the building the subject of the proposed change of use lies within an area of low flood risk (Flood Zone 1) the associated car park area is a 'less vulnerable' use which is acceptable within Flood Zone 3a and the proposal is not required to pass the Exceptions Test. It is also noted that the adjacent car parking area was found to be acceptable in terms of flood risk as part of the assessment for application reference 18/01215/FUL (as part of which an FRA was submitted). Therefore, no objections are raised in relation to flood risk and the proposal is not considered to be contrary to Policy D5 of the LDP.

5.6 Nature Conservation

- 5.6.1 The Ecological Survey and Assessment submitted concludes that the barn has negligible potential as a roosting place for bats, the site is unsuitable for occupation by barn owls, reptiles and great crested newts and there is no evidence of badgers. Reference is made to planting in the courtyard and biodiversity enhancements (the provision of gaps in boundary fencing for hedgehogs, 2no. bird nesting boxes, 2no. solitary beehives and a hedgehog nesting box).
- 5.6.2 ECC Ecology have raised no objections to the proposal on the basis of the conclusions of the Ecological Survey and Assessment submitted, subject to enhancement measures which could be secured through the imposition of conditions if planning permission were to be granted.
- 5.6.3 The proposal is therefore not contrary to Policy E4 and N2 of the LDP and the fourth reason the previous proposal was refused planning permission (referenced 21/01224/FUL) has been overcome.

5.7 Other Material Considerations

- 5.7.1 Limited information has been provided with regard to the drainage provision at the site. However, should planning permission be forthcoming, this could be secured via the imposition of a suitably worded planning condition.

6. ANY RELEVANT SITE HISTORY

- **21/01224/FUL** – Section 73A Change of Use of an Existing Rural Building to a Restaurant and associated parking – Refused
- **18/01215/FUL** - Demolition of former greenhouses and construction of a smoke house for the preparation, curing and smoking of fish -Approved
- **14/00357/FUL** - Siting of a floating cabin used as a holiday let - Approved
- **98/00701/FUL** - Proposed Fishery Hut – Approved
- **MAL/589/82** -Change of use from Garage/GP building to Fisherman's Lodge with cooking facilities and toilet to be used in conjunction with the fisheries at Chigborough Farm – Approved

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 supports this application because the business is currently restricted to 21 covers and therefore needs to be able to increase the number of customers that can be catered for, in order to be a more sustainable enterprise.	Noted but the existing use of the site is not lawful.
Heybridge Parish Council	No response.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection, subject to a condition that no unbound material is used in the surface treatment of the vehicular access within 6 metres of the highway.	Noted – the condition recommended could be imposed if planning permission were to be granted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No observations to make.	Noted.
ECC Ecology	No objection subject to securing enhancement measures.	Noted – the conditions recommended could be imposed if planning permission were to be granted.
Specialist – Heritage and Conservation	The barn is situated to the north of Chigborough Farmhouse which is a grade II listed building. The house consists of an early-19th-century brick front (south) range with 15th and 17th-century timber framed and rendered ranges to the rear. The 15th-century part is particularly interesting having unusual arch-braced A-framed trusses and hollow-chamfered window mullions. The significance of the listed	Noted – refer to section 5.2 of report.

Name of Internal Consultee	Comment	Officer Response
	<p>building derives principally from its architectural interest as a multi-phased farmhouse with medieval origins. The barn is a mid-19th-century timber-framed and weatherboarded structure with a central waggon porch on its south elevation. The building has slack-pitched and hipped roofs which appear to be later than the walls. The barn is a positive feature within the setting of the listed farmhouse, illustrating the site's agricultural history. The change of use to the barn has already occurred and has resulted in no harm to the setting or significance of Chigborough Farmhouse. The barn has been sympathetically repaired in such a way that has preserved its character. Historic buildings generally have to have a use which justifies their maintenance and survival. Countless old barns have fallen out of use and finding new uses for them is a perennial challenge. The café use respects the character of the barn, preserving its spacious internal volume and external character. The parking area on the opposite site of Chigborough Road has existed for many years and causes no harm to the setting of the listed farmhouse, nor does the recent footpath leading from the car park. No objection raised and no conditions to recommend in this instance.</p>	

7.4 Representations received from Interested Parties

- 7.4.1 **73** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
No parking issues	Refer to section 5.4 of report.
Pedestrian access no risk to safety – can walk on verge	Refer to section 5.4 of report.
There is a need for the café – no comparable restaurant/café in this part of	Refer to section 5.1 of report.

Supporting Comment	Officer Response
the District	
Used by local residents and tourists	As above.
Farm diversification	As above.
Customers not diverted from Maldon	As above.
Respects building of historic and architectural significance	Refer to section 5.2 of report.
Employs local people	Noted.
Valuable meeting place for local people	Noted.
No light pollution	Noted.
Reuse of a redundant building	Noted.
Very limited visual impact	Refer to section 5.2 of report.
No harm to neighbours	Refer to section 5.3 of report.
No adverse impacts	Noted.

8. **PROPOSED REASON FOR REFUSAL**

- 1 The development is for a cafe, which is classed as a 'town centre use', outside of an existing town, village, or located employment area. By virtue of the scale of the use proposed (up to 40no. covers), it is not considered to be ancillary to the wider farm operating at the site. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to Policies S8, E2 and E4 of the approved Maldon District Development Plan and the National Planning Policy Framework.