



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	FUL/MAL/16/01061
Location	Purleigh Grange Chelmsford Road Purleigh Essex
Proposal	Retrospective - Erection of stable building
Applicant	Mr Gary Pulham
Agent	Mr Jonathan King
Target Decision Date	11 January 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

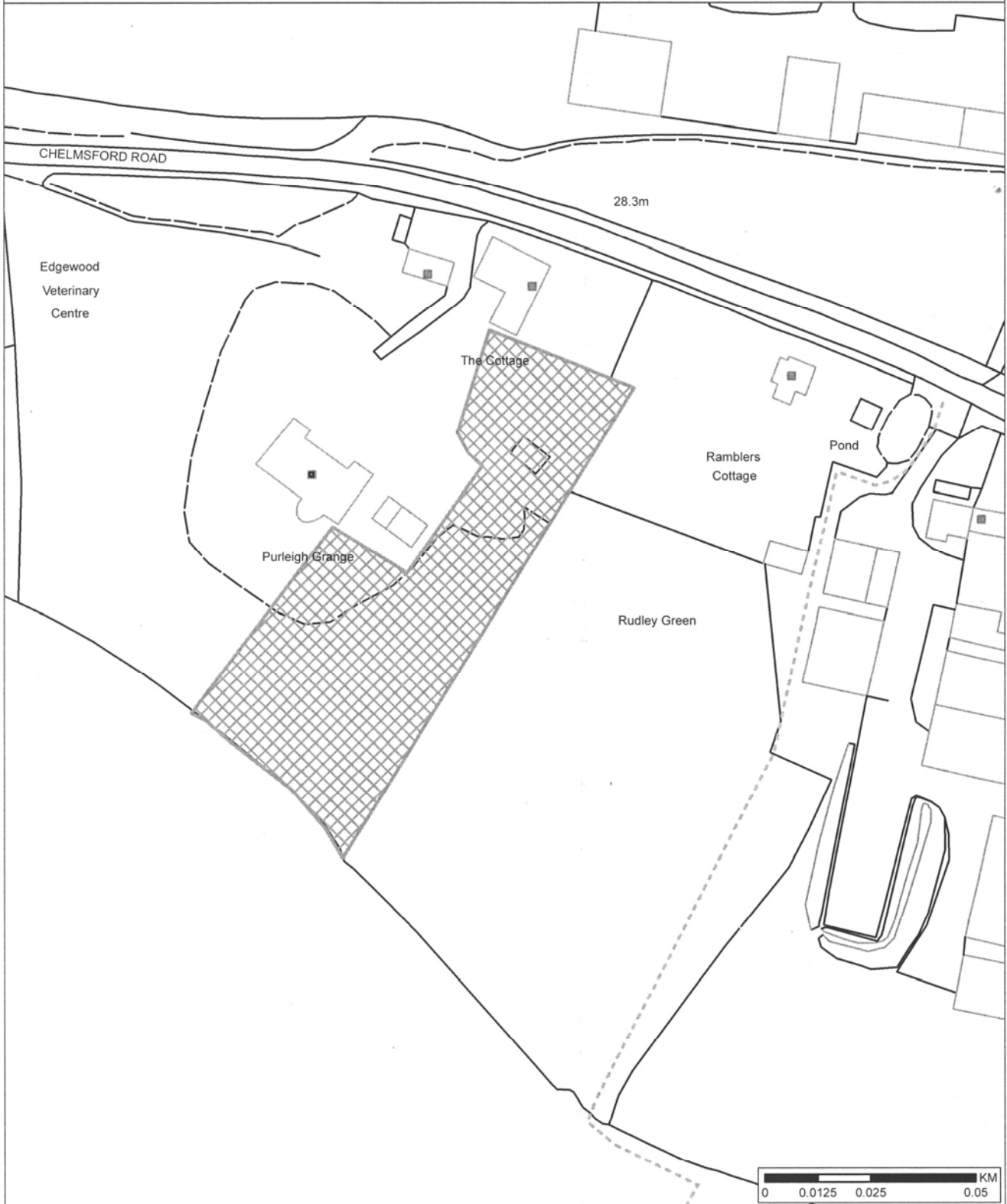
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Purleigh Grange - Chelmsford Road - Purleigh
FUL/MAL/16/01061



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	NW Committee
	Date:	22/12/2016
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the north-west of the settlement of Purleigh, outside of any defined settlement boundary, on the south side of Chelmsford Road, in a rural setting of undulating countryside with a scatter of detached dwellings in the vicinity and is currently occupied by a detached, chalet-style, two-storey dwellinghouse, an associated two-storey converted garage and two agricultural outbuildings. The site is of irregular shape, measures 1.6 hectares in area and rises away from Chelmsford Road. Ample parking is available on the site.
- 3.1.2 Planning permission is sought for the erection of a single-storey building to use as stables with a mono-pitched roof of maximum height of 3.2 metres high. The building measures 8.5 metres deep by 4.5m wide and is located to the north-east of the existing dwellinghouse, in front of the building line, near the eastern boundary of the application site.
- 3.1.3 The construction of the development has commenced and thus the application is partially retrospective in nature. However, following the refusal of planning application HOUSE/MAL/15/00812, a reduced development is proposed for this application. The proposed materials would be timber cladded walls to match those used for the dwelling and garage and tiles / felt on the roof.

3.2 Conclusion

- 3.2.1 It is considered that, on balance, the proposed development has addressed the previous reasons for refusal. It is not considered that the proposed development would have a detrimental impact upon the amenity of neighbouring occupiers or highway safety and it would not cause substantial harm upon the character and appearance of the rural area. The proposal is therefore considered to be in accordance with local policies S2, CON5, CC6, CC7, BE, T1 and T8 of the adopted Maldon District Replacement Local Plan, emerging policies S8, T1, T2 and D1 of the submitted Local Development Plan and national advice as contained within the National Planning Policy Framework.

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:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries

- CON5 - Pollution Prevention
- BE1 -Design of Development and Landscaping
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards

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

- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Whilst, the development is located outside of any defined development boundary, within the rural countryside, it is considered reasonable to have a provision of outdoor recreational facilities such as this in rural locations within the district. Therefore the principle of the development is acceptable.

5.1.2 Other material considerations, such as the impact of the proposal to the residential amenity and to the character and appearance of the area, are discussed below.

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 sought 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. In order to comply with saved policy BE1 of the Replacement Local Plan (RLP), the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external

materials. Similarly, the basis of policy D1 of the submitted Local Development Plan (LDP) ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

- 5.2.3 The application site is located within the countryside and according to the Landscape Character Assessment is part of the designated Wooded Farmland Landscape F16 Woodham Wooded Farmland. Policies S2, CC6 and CC7 of the Local Plan and emerging policy S8 seek to ensure that the natural beauty, tranquility, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted if no harm is caused to the landscape character of the locality, the location, siting, design and materials are appropriate and if the development is landscaped to protect and enhance the local distinctiveness.
- 5.2.4 The application site rises away from Chelmsford Road and despite the vegetation on its boundaries, the development, due to its scale, bulk and sitting is clearly visible from vantage points within the public realm and the highway. However, the proposed development, on balance, is not considered to appear as an intrusion of development into the countryside. The erection of a low level stable building would not look incongruous in this rural location. Part of the application site and a big part of the adjoining site under the same ownership have already been developed and are currently used as residential curtilage. The addition of a single-storey building in relatively close proximity to the existing development would, on balance, appear to be in context of the character and appearance of the locality.
- 5.2.5 The south and eastern boundaries of the site are covered with mature hedges, reflective of its rural location. On the northern boundary of the site was located the original dwellinghouse which has been demolished recently. In order to soften the views from the highway to the site and the building, a hedge shall be planted by the end of the next planting season. This can be required with a condition.
- 5.2.6 According to the applicant the construction started under the permitted development rights of the Cottage, the original dwelling house on the site. The stable building was located to the rear of the dwellinghouse, but the Cottage has now been demolished as per the requirements of planning permission FUL/MAL/09/00172 and associated Section 106 (S106) agreement. The stable building is now located to the front of Purleigh Grange, the existing dwellinghouse and given that it would not be used for purposes incidental to the enjoyment of the dwellinghouse as such, it is not considered to be permitted development.
- 5.2.7 Generally, stables, by the nature of their design, are traditional in appearance and with appropriate detailing they can have a limited impact upon the character and appearance of the area. In terms of its design, the proposed stable building is considered to be typical for this type of development and reflective of those observed within the District. The sitting, size and scale of the buildings are, on balance, considered appropriate. Moreover, the proposed materials are, on balance, considered suitable for the rural location.
- 5.2.8 The applicant states that the stables would be used to accommodate two horses. The British Horse Society recommends that the minimum requirement for grazing is 0.4

hectares per horse. The site measures less than 0.4 hectares and it would not be used solely for the grazing of horses. However, it has been noted that the applicant owns the adjoining land which accumulates to a total of 1.6 hectares, with areas that could potentially be available for grazing. As such, whilst the grazing arrangements may result in an awkward relationship between the stables and the grazing areas, on balance, it is considered that there is sufficient space to accommodate the grazing of two horses without an adverse impact upon the character and appearance of the land due to overgrazing.

- 5.2.9 Conditions could be used to ensure that no external lighting is provided to the stables, without permission first obtained from the Local Planning Authority, in order to prevent unacceptable light spillage in the isolated rural locality.
- 5.2.10 Overall, the stable building would not be considered to cause demonstrable harm to the character and appearance of the rural locality, in compliance with local policies and national guidance.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The stable building is a minimum of 0.5m away from the boundary of the site and at least 60m away from the closest neighbouring property to the north-east. Due to the nature of the proposal and the distance from the neighbouring properties issues regarding overshadowing, overlooking, overpowering and noise impact are not considered to be a concern.
- 5.3.3 Conditions could be imposed over the burning of waste to protect residential amenity. Also, a condition for the submission of a waste management scheme should be imposed to protect against pollution and smell in accordance with saved policy CON5 of the RLP.
- 5.3.4 It is considered that the above means of control would ensure the protection of neighbouring amenity in accordance with local policies and national guidance.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a permitted use. Likewise, policy T2 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements for the site are to be retained as part of the application. No provision of parking spaces is shown on the site edged red. However, given that the users of the site would be the residents of the adjoining

dwelling, the lack of parking provision on site is not considered to be detrimental for the highway safety and the free flow of traffic. Moreover, Purleigh Grange benefits from ample parking space.

- 5.4.3 A condition shall be imposed to prevent the use of the site for commercial purposes in order to discourage the generation of additional traffic in the interests of highway safety. On this basis, the proposal is not considered to result in any demonstrable harm by way of highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 The application site is used in association with Purleigh Grange. The garden of the dwelling is in excess of the standard contained within the Essex Design Guide and will be even if the application site was to be fenced and separated from the rest of the property. Therefore, there is no objection to the development in relation to amenity space.

5.6 Other Considerations

- 5.6.1 Concerns have been raised regarding the available area for grazing in terms of the welfare of the animals that would be kept on site. It is considered that the applicant has under his control an area of land that could be used to provide an acceptable level of grazing. Any further issues in relation to animal husbandry are dealt with under separate legislation.
- 5.6.2 The Environmental Health department has been consulted on the application. In their response they state that the department was not consulted for the previous planning permission FUL/MAL/09/00172. They went on to propose conditions in relation to risk assessment from contaminated land. Given the partially retrospective nature of the application, it is not considered that the proposed conditions would accord with guidance contained within the Planning Policy Guidance (PPG) in relation to planning conditions.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00172** – Demolition of existing dwelling and development of four bedroom detached chalet style dwelling with detached double garage and car port. APPROVED (22.05.2009).
- **HOUSE/MAL/15/00812** - Retrospective application for stables, construction started under the permitted development rights of the curtilage of "The Cottage". REFUSED (02.03.2016).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object – 1. The proposed stables do not fall within the permitted development rights of Purleigh Grange. 2. The stables have no paddock area attached and may therefore be detrimental to animal welfare. 3. The stables are sited too close to a neighbouring residential property whose occupiers may consequently be adversely affected by them. 4. The development will appear visually intrusive within the rural countryside in this location, which is recognised for its landscape value in the adopted Local Plan.	Please see section 5 of the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No formal recommendation.	Comment noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding contamination of land and foul water drainage details.	See section 5.6.2.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To protect the character and amenity of surrounding areas in line with policies BE1 of the Replacement Local Plan and D1 of the submission Local Development Plan and guidance contained within the National Planning Policy Framework.
- 2 The development hereby permitted shall be used solely for the private stabling of horses owned and tended by the occupiers of the dwellinghouse known as 'Purleigh Grange' shown edged in blue on the approved location plan, drawing no. 106-01A and for no other purpose including for the purposes of business or commercial use, livery or riding school.
REASON: To prevent the generation of additional traffic in the interests of highway safety and in accordance with Policy T1 of the Local Plan and to ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 3 No floodlighting or other external form of illumination of the site or stables hereby approved shall be undertaken without the prior written approval of the Local Planning Authority.
REASON: To prevent unacceptable light spillage in the rural locality in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.
- 4 No jump equipment or other form of riding obstacle shall be placed upon the land nor shall any caravan or similar chattel be stationed on the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 5 No manège, riding arena, hardstanding or similar finished surface, other than those forming part of this permission, shall be constructed within the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7, CC11 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 6 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the local planning authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.

REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

- 7 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.

REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.