



**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**  
**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
06 March 2017**

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<b>Application Number</b>	<b>FUL/MAL/16/01426</b>
<b>Location</b>	Oakfield Farm Hyde Chase Purleigh Essex
<b>Proposal</b>	Retrospective - Two brick piers, five bar gate and entrance fence panels
<b>Applicant</b>	Mr Michael King
<b>Agent</b>	-
<b>Target Decision Date</b>	21 March 2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

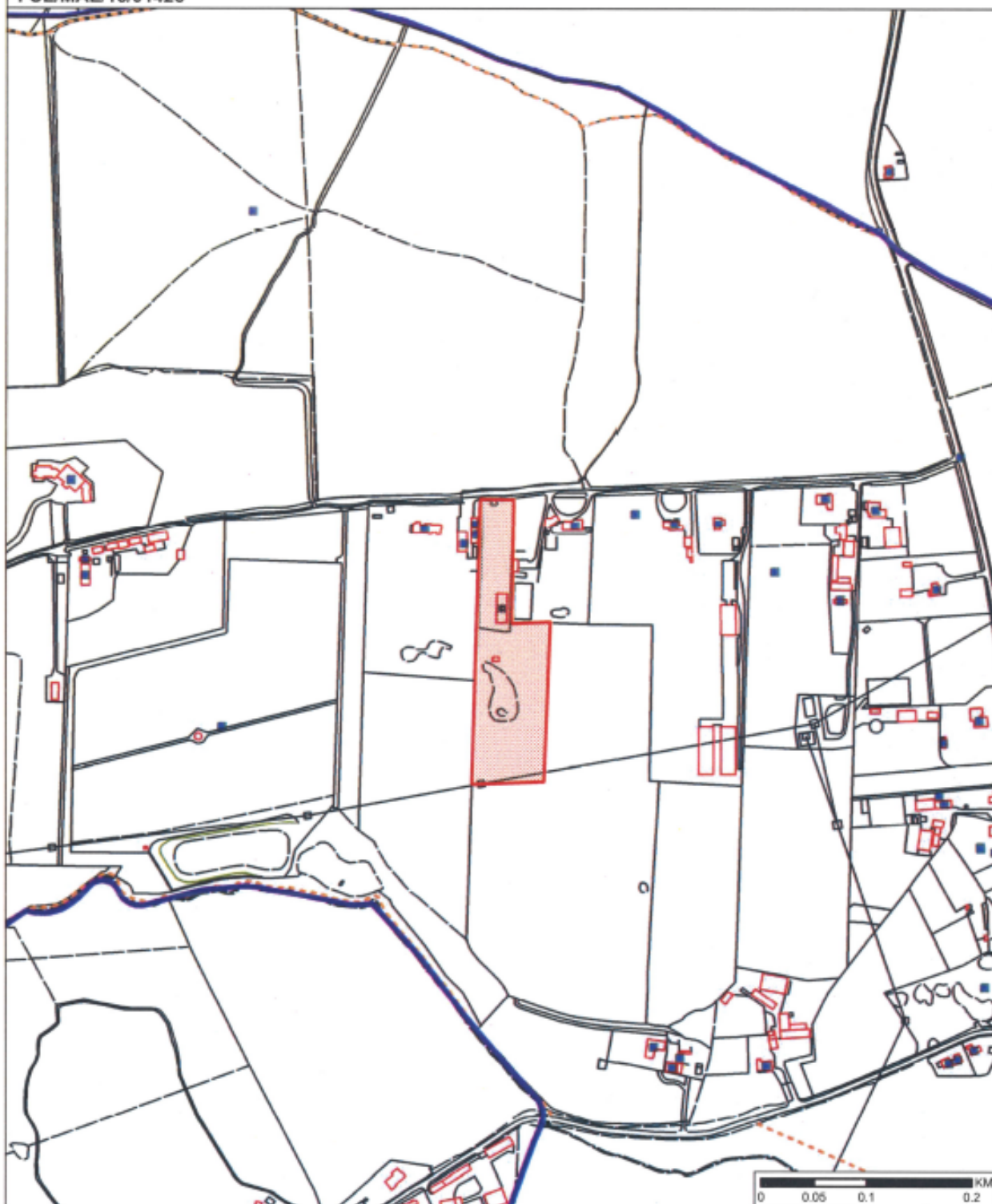
**1. RECOMMENDATION**

**APPROVE** with no conditions.

**2. SITE MAP**

Please see overleaf.

**Oakfield Farm, Hyde Chase, Purleigh**  
FUL/MAL/16/01426



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Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 16/01426
Date:	21/02/2017
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is on the south side of Hyde Chase in a rural location, outside of a development boundary. Hyde Chase is a private road and host to a handful of detached dwellings set within very large plots. A small business use site can be found to the west. Agricultural land can be seen to the North and many large trees and established hedges are found in this location. The application site lies within a Special Landscape Area and is located south of a designated Site of Importance for Nature Conservation/ Ancient Woodland.
- 3.1.2 The site to which this application relates is currently occupied by a large steel building set within the site with access from Hyde Chase. The site is bordered to the west by large trees and by a small wooden post and rail fence to the east boundary shared with The Firs.
- 3.1.3 Planning permission is sought for the erection of two brick piers, five bar gate and entrance fence panels. The boundary treatment has already been erected and as such the application is retrospective in nature. The fence measures between 1.2 and 1.5m high, the brick piers 1.7m high and the gate 1.2m high. The boundary treatment encloses the area around the site entrance, which extends by 13m in width by 8m in depth.

#### **3.2 Conclusion**

- 3.2.1 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position and the verdant and open nature of the rest of the site, on balance, it is not considered that there is enough harm caused by the development in order to warrant the refusal of the application. Therefore, the development is in accordance with the stipulations of saved policies CC6, CC7 and BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and the guidance contained in the National Planning 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

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development Outside Development Boundaries
- CC6 Landscape Protection
- CC7 Special Landscape Areas

- BE1 Design of New Development and Landscaping

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

- S1 Sustainable Development
- S8 Settlement boundaries and the Countryside
- D1 Design Quality and Built Environment

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The principle of providing facilities in association with an existing use of a site is considered acceptable. Other material planning considerations are discussed in the following sections of this report.

#### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 In order to comply with policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, design and choice of external materials. Similarly, the basis of policy D1 of the emerging 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.
- 5.2.2 The application site is located outside of the defined development boundary for Burnham-on-Crouch and within a rural locality where strategic policies S2 of the RLP and S8 of the submission LDP apply. Both policies are unequivocal in their purpose by stating that outside defined settlement boundaries the coast and countryside will be protected for their own sake and particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. New development should not take place outside the defined development boundaries – as specified in the Development Plan - unless the development in question is for other purposes specified elsewhere in the Development Plan
- 5.2.3 The property is located within the countryside. According to the Landscape Character Assessment is part of a designated special landscape. Saved policies CC6 and CC7 of the RLP seek to ensure that the District's landscape will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.4 The application site lies in a verdant locality where the majority of the properties have open frontages. The erected enclosure around the vehicle access of the site comprises of two brick piers, a five bar timber gate and closed boarded fence. The enclosure abuts areas within the site which have been planted with laurel.

- 5.2.5 Bearing in mind that the enclosure bends away from the road and given that the rest of the site appears verdant and open, whilst the style and design of the erected boundary treatment is considered to detract from the character and appearance of the area, on balance, it is not considered to cause detrimental harm to such a degree as to warrant the refusal of the application.
- 5.2.6 Furthermore it has to be considered that the due its height and distance from the adjacent highway, the majority of the erected enclosure would be considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 5.2.7 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position and the verdant and open nature of the rest of the site, on balance, it is not considered that there is enough harm caused by the development in order to warrant the refusal of the application.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Due to the nature of the development, there is no impact upon the amenity of neighbouring occupiers.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Saved policy BE1 of the RLP seeks to ensure that any development proposals are compatible with their surroundings in terms of traffic impact and access arrangements.
- 5.4.2 The parking arrangements have not been altered as a result of this proposal. Bearing in mind that the road is private, the visibility splay provided by the development is sufficient. On this basis, the development is acceptable in terms of access, parking and highway safety.

### **5.5 Other Matters – Procedure**

- 5.5.1 The application is considered to be a major but only due to the site area. In accordance with the Council's scheme of delegation, the Chairman of the Committee and the Ward Members were advised of the officer's recommendation and were asked to allow the application to be determined under delegated authority.

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

- Whilst there is extensive planning history on the site, none is relevant to this application.

## **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	Support	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 Highways	No objection as the road is private	Comment noted

### **7.3 Representations received from Interested Parties**

7.3.1 No letters were received.

## **8. PROPOSED CONDITIONS**

No conditions are proposed given that the development is already on site.