



**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00574</b>
<b>Location</b>	Creeksea Place Farm House Ferry Road Burnham-On-Crouch Essex
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/16/01465 (To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation)
<b>Applicant</b>	Mr Harry Wilsdon
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	31 August 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

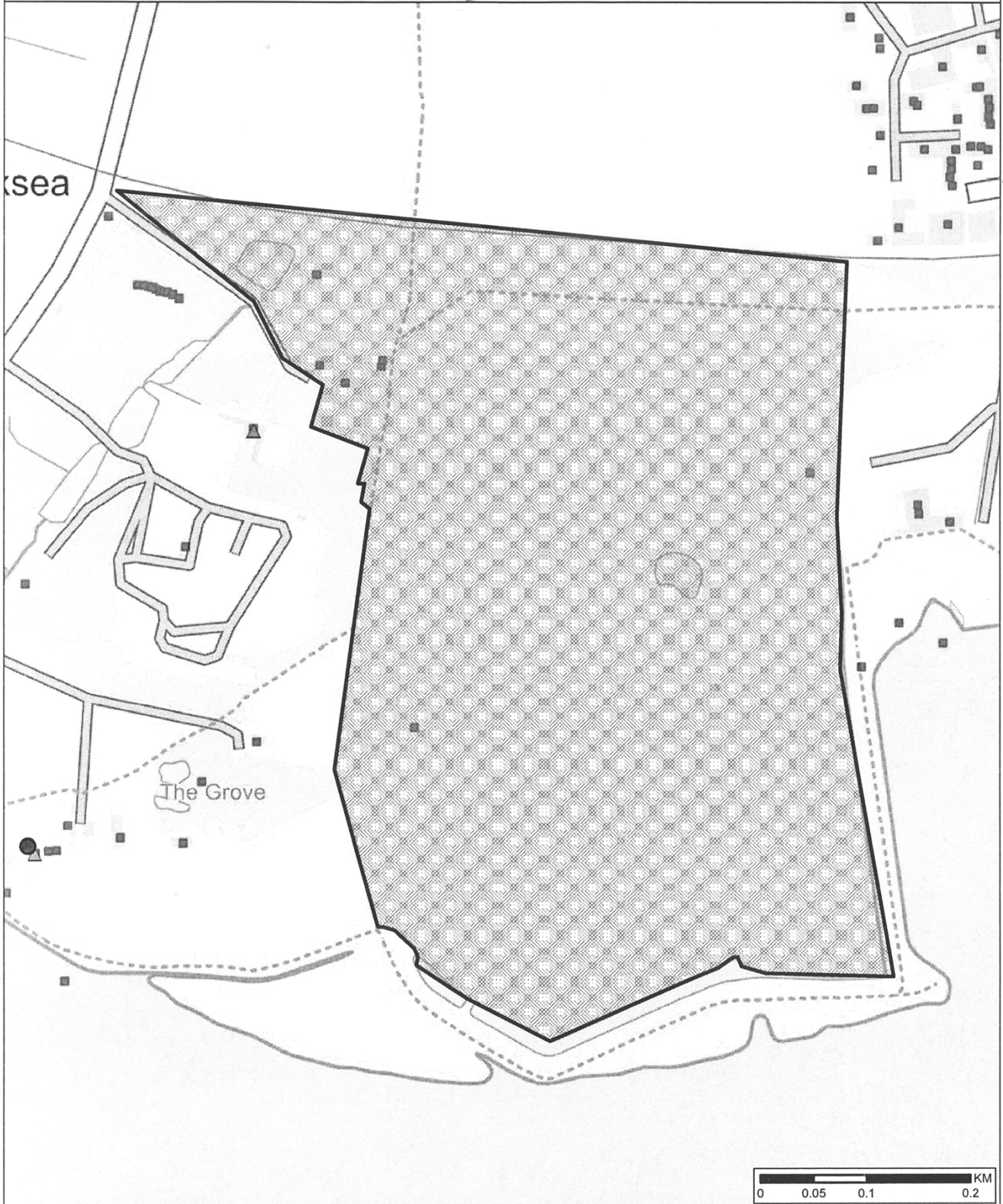
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Creeksea Place Farm House, Ferry Road, Burnham-On-Crouch**  
**FUL/MAL/17/00574**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	30/08/2017
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

3.1.1 The application site is part of a collection of former agricultural buildings set some 250 metres to the east of Ferry Lane and lies to the south of the railway. The barn, the subject of the application, is 13 metres by 8 metres and is close to the northern boundary of the site. The buildings to the east have been converted to holiday let accommodation and the building immediately to the south is used as a cafe. A recent planning consent to convert a barn to a gym / spa has been implemented.

3.1.2 Planning permission was granted in February 2017 to replace the barn, the subject of this application, with a new barn for ancillary use in conjunction with existing commercial operation (planning reference: FUL/MAL/16/01465) and as such the planning application is extant. The current application seeks to amend the design of the barn by replacing barn doors with glazed windows and doors. Additional windows would also be inserted on the gable ends of the barn. The footprint and the height of the barn would be as approved in planning application FUL/MAL/16/01465.

#### **3.2 Conclusion**

3.2.1 The barn is a replacement for an existing structure albeit it will be more substantially constructed. The overall site is used for agricultural purposes mixed with leisure and holiday let accommodation. Provided that the building is used in association with these uses there is no objection to the proposal as the development would accord with policies S1, D1, E4 and E5 of the Maldon District Local Development Plan and Government advice 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:**

- 7, 8, 14, 17, 28

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 - Sustainable development
- D1 - Design quality and built environment
- D3 - Conservation and Heritage Asset
- E4 - Agricultural and rural diversification
- E5 - Tourism

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The barn, the subject of this application, was originally submitted as an agricultural notification (reference: AGR/MAL/16/01232) but was refused on the grounds that the building and site is not used solely for agricultural purposes. Since 2009, the Council has approved the conversion of former agricultural buildings to holiday lets and also the use of other buildings within the site as a café and spa / gym. Therefore the use of the site for holiday / leisure purposes is already well established. In addition, the National Planning Policy Framework (NPPF) supports a prosperous rural economy through sustainable growth and expansion of businesses and enterprise in rural areas through the conversion of existing buildings.
- 5.1.2 As stated in Paragraph 3.1.2, planning permission was granted in February 2017 for the replacement of an existing barn. This planning application will expire on 9 February 2020 and therefore is extant. This is material consideration when determining this planning application.
- 5.1.3 In this case, the proposal is to replace an existing barn which is used for the storage of materials and equipment required for the running of the various enterprises. The existing is also used on occasions for community use such as the Mid-summer festival, Christmas fair, Easter egg hunt. The footprint, scale, bulk and height would be the same as previously approved under application FUL/MAL/16/01465. The only noticeable changes would be the design and appearance of the barn.

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

- 5.2.1 The existing barn as it stands has a blockwork base with corrugated asbestos sheeting above and forming the roof and is in a poor condition. The proposed barn would be of similar dimensions and have a brick plinth, be clad in black painted weatherboarding and a slate roof. The external materials would match those of the adjacent café and other buildings nearby.
- 5.2.2 The site is within the rural area and policy states that any new development in such areas should not adversely affect their character and appearance. In this instance, it is considered that the principle to replace an existing, somewhat dilapidated building, within an established group of rural buildings would not harm the character and appearance of the rural area. In this respect, the proposal would accord with policy D1 of the LDP.
- 5.2.3 In the previous planning application (FUL/MAL/16/01465), two pairs of full height timber doors were proposed to the front and rear elevation of the barn for farm vehicles. In this current application, these full height timber doors would be replaced by full length glazing, doors and sliding doors for pedestrian use only. Further, it is proposed that new triangular windows would be inserted on the gable ends of the barn to provide light in to the building. These alterations are considered to be acceptable.
- 5.2.4 It is noted that there is a Grade II\* listed building Creeksa Place located some 250 metres to the south west of the barn. As there is no direct line of sight between the two buildings, it is considered that the proposal would not affect the setting of this

listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Officer has assessed the proposal and has raised no objection to the proposal. The development is considered to accord with policy D3 of the Local Development Plan.

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

5.3.1 The replacement barn would be located approximately 250 metres away from Creeksea Place. It is not considered that the amended design and appearance of the barn would have an impact on the existing occupiers of that property to warrant refusal. The development is considered to accord with policy D1 of the Local Development Plan.

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

5.4.1 The replacement barn would require no changes to the access point and parking to and from the site. The Highway Authority has assessed the application and has raised no objection to the proposal. The development would therefore accord with policy T2 of the Local Development Plan.

### **5.5 Other Material Considerations**

5.5.1 It is noted that the planning conditions imposed on planning application FUL/MAL/16/01465 have not been discharged. It is therefore considered reasonable for the Council to re-impose those conditions onto this current application.

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

- **FUL/MAL/09/00341** - Change of use of barn to form 3 self-contained holiday units: Approved 17 September 2009.
- **FUL/MAL/10/00558** - Change of use of barn to form 4 self-contained holiday units: Approved 20 April 2011.
- **FUL/MAL/13/00363** - Change of use of barn to form café/reception area: Approved 21 June 2013.
- **FUL/MAL/15/00920** - Change of Use of existing barn to spa/gym in conjunction with the adjoining existing leisure self-catering holiday lets and small local membership. Approved 26 October 2015.
- **AGR/MAL/16/01232** - Prior notification of a replacement dilapidated agricultural barn with a new agricultural barn. Refused – 22 November 2016.
- **FUL/MAL/16/01465** - To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation. Approved: 9 February 2017.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	Compliant proposal.	Noted.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) SUDs Team	The development is considered minor and therefore will not be providing bespoke comments for this site.	Noted in Report.
ECC Highway Authority	No objection to the proposal submitted	Noted in Report.
Environment Agency	No comment received at the time of writing this report	Any comments received will be reported on the Members' Update.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection to this application for variation of Condition 2.	Noted in the Report.
Conservation Officer	No objection.	Noted in the Report.

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

- 7.4.1 No letters of representation received at the time of writing this report. Any comments received will be reported on the Members Update.

## 8. PROPOSED CONDITIONS

### Conditions:

- 1 The development hereby permitted shall be begun before 9 February 2020.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development shall be carried out in complete accordance with the following approved plan: Drawing No 0840/15 Revision B dated October 2016.

- REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- REASON To ensure that the development is carried out in accordance with the details as approved in accordance with policy D1 of the Maldon District Local Development Plan
- 4 The building hereby approved shall only be used ancillary to the permitted holiday let / leisure uses of the site or the agricultural holding and shall not be used for habitable accommodation.
- REASON To ensure the development is used in accordance with the development applied for in accordance with policy D1 of the Maldon District Local Development Plan

### **INFORMATIVES**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.