



**REPORT of  
CHIEF EXECUTIVE**

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

<b>Application Number</b>	<b>FUL/MAL/17/00761</b>
<b>Location</b>	Land Adjacent Theedhams Farm Steeple Road Southminster Essex
<b>Proposal</b>	Erection of agricultural building to store agricultural equipment.
<b>Applicant</b>	Mr Bradley Faulkner
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	12 September 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land Adjacent Theedhams Farm, Steeple Road, Southminster**  
**FUL/MAL/17/00761**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	South East Committee
Date:	29/08/2017
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is a corner plot located on the western side of Steeple Road and the northern side of Queen Street. The south part of the application site contains a collection of buildings that measure a maximum of approximately 5 metres tall. These are arranged within a yard area that is accessed from Steeple Road and appears to be used for the storage of vehicles and equipment associated with agriculture and the working of land. The north part of the application site currently appears to be paddock land and appears to be used for the keeping of horses.
- 3.1.2 The application site falls outside of the settlement boundary for Southminster and is located within Flood Zone 3. The site backs onto open agricultural fields that have outline planning permission for the erection of 94 dwellings. The adjacent agricultural land is not shown to be within the applicants control and this is confirmed by the applicant's supporting submissions. There are residential dwellings located directly opposite site.
- 3.1.3 The application seeks planning permission for a building that would measure 18m by 24m; it would be 5 metres tall to the eaves and 7.5 metres to the ridge. It would be used for the storage of agricultural equipment which the applicant states is required to enable the expansion and diversification of the business that currently uses the land at the south part of the application site. The submitted Flood Risk Assessment states that the equipment stored at the site would predominantly be used at his family run arable farm at Badnocks Farm Southminster, which is approximately 1.5 miles from the application site, but also at farms in Feering, Steeple and Dengie.
- 3.1.4 In terms of justification for the proposed development a supporting letter has been submitted within the application which states the applicant's intention to expand the existing business and wish to utilize the entire plot. It also states that the storage building would increase security as a number of thefts have occurred over the last few years.

#### **3.2 Conclusion**

- 3.2.1 Overall it is considered that the scale and size of the storage building would be unacceptable as it would be sited around 4.6 metres from the Steeple Road and within a visually prominent location. The large scale of the building within this open area would materially harm the landscape and character of the locality. Furthermore, it is considered that justification for the storage building does not outweigh the harm caused. The proposal is therefore considered to be contrary to policies S1, S8 and D1 of the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

#### **4. MAIN RELEVANT POLICIES**

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

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

- S1 - Sustainable Development.
- S7 - Prosperous Rural Communities.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D5 - Flood Risk and Coastal Management.
- E4 - Agricultural and Rural Diversification.
- T2 - Accessibility.

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

- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 The application proposes to erect a storage building for the storage and security of agricultural machinery and equipment. The site lies outside of the development boundary for Southminster.

5.1.2 Policy S8 states that outside of the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of various types of development which include agricultural related development and rural diversification. Moreover, policy S7 states that the council will actively seek to support and facilitate sustainable development within villages through the support and enhancement of rural diversification.

5.1.3 Policy E4 states the following:

‘The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:

- 1) There is a justifiable and functional need for the building/activity;
- 2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and
- 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.’

In relation to these three criteria, the following assessment has been undertaken:

- 1) Minimal justification has been provided for the proposal by the applicant. Other than stating that the building is required for the secure storage of equipment which would be used for the farming of land a reasonable distance from the application site, no case has been made to explain what would be stored at the site and why this storage use could not occur in a more discreet location. There is limited agricultural activity taking place on the site and it is not considered to justify the need for a building of the scale proposed, contrary to this stipulation.
- 2) The proposed storage building would be directly adjacent to the existing storage yard in line with this stipulation.
- 3) The applicant has stated that a review of suitable agricultural land for sale within the Maldon area was undertaken on 4 July 2017. No agricultural land was identified for sale within the Maldon area on that date, in line with this stipulation.

5.1.4 Given the above, the proposed development is contrary to policy E4 of the LDP.

5.1.5 The part of the site to be used for the erection of the building appears to be grazing land at present which would fall within the definition of agriculture. Although related to agricultural activities, the proposed storage use would not fall within the definition of agriculture and therefore would represent rural diversification.

5.1.6 The Flood Risk Assessment states that the application site is currently used for purposes of the 'storage of equipment for the applicant's business B.F. Ground Maintenance Ltd which specialises in agricultural contracting, landscaping and ground maintenance.'

5.1.7 The applicant makes it clear that the proposed use of the building would be for the storage of equipment related to the existing activities and therefore it is considered that the principle of development can be found acceptable provided that the impact on the character and beauty of the countryside is not harmfully affected. Moreover, any new development within the rural countryside has to accord with local development plan policies in terms of impacts upon the occupants of neighbouring dwellings to ensure that no materially harmful impacts would arise from the proposed development.

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

5.2.1 The proposed storage building is of a significant size measuring 24m deep and 18m wide. It would have a pitched roof with ridge height of 7.5m and an eaves height of 5m. The building would be clad in olive green box profile plastisol coated steel composite, with a galvanized roller shutter door.

5.2.2 The overall scale and size of the barn is considered to be unacceptable within this site. It would be located in a prominent position; on what is currently undeveloped and open land. It would be visible from within the public realm, particularly as it would be located approximately 4.6 metres from Steeple Road. There are currently open agricultural fields to the rear of the site, and to the south, east and west there are residential dwellings.

5.2.3 The proposed storage building is a considerable size. Not only would it create a considerable floor space of 432sqm but is a considerable height at 7.5 metres. This scale and bulk would result in a prominent structure of limited architectural merit close to Steeple Road and Queen Street which are residential in nature. The proposed development is considered to be an excessive size and, without any form of mitigation proposed, is considered to be out of keeping with the surrounding area contrary to policy D1 and S8 of the LDP. The laying of hardstanding as part of the proposed development would also cause injure to the open and undeveloped nature of this part of the countryside.

5.2.4 It is noted that residential development has been granted outline planning permission beyond the site, but at this time that has not been implemented and therefore the proposal has to be considered in the context of its current setting. The proposed building would have a comparable visual impact within a more residential setting and therefore would be out-of-keeping with the likely future character of the area.

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

5.3.1 The proposed building would be located around 12m from the closest neighbouring dwelling. Therefore, it is not considered that the proposed development would result in a loss of privacy or light to the neighboring occupiers.

5.3.2 Although the building is considered to be a significant size given its distance from the residential properties it is not considered to have an overbearing impact that would justify the refusal of the application.

5.3.3 It is noted that the proposal would have a significant impact on the view from the neighbouring properties, but there is no protection within planning policies or legislation in relation to the view from residential dwellings and therefore this cannot reasonably be a reason for the refusal of the application.

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

5.4.1 The existing access to the site would not be altered and no objection is raised to the development with regards to access, parking or highway safety grounds as the proposal relates to an erection of a building off an existing access.

### **5.5 Flood Risk**

5.5.1 The site is located within flood zone 3 which has the highest risk of flooding. The application has been supported by a Flood Risk Assessment (FRA) and a Sequential Test.

5.5.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. Local Planning Authorities (LPAs) are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).

- 5.5.3 The submitted Sequential Test states ‘No other more suitable alternative sites are owned by the applicant’ and ‘No other alternative sites have been identified’. It has been stated that the equipment stored at the site would predominantly be used at Bednocks Farm situated around 1.5 miles from the application site, although it is not clear who owns Bednocks Farm, the applicant runs a business from the site and no information has been provided as to why the building could not be erected on this site.
- 5.5.4 It is considered that the proposed use of the north part of the site has to be viewed in the context of the existing use of the south part of the site. Although it could be argued that the operations could be split, it is considered that operational requirements of the applicant are likely to be best served by having the storage uses in one location.
- 5.5.5 From this basis, and given that the proposed use is considered to be a ‘less vulnerable’ use, it is considered that this is a sequentially acceptable location for the proposed development in terms of flood risk. However, this is not considered to amount to justification for the building of the size that is proposed and does not outweigh the visual impact of the development.
- 5.5.6 The Environment Agency has been consulted and any response received will be reported on the members update.

## **5.6 Other Material Considerations**

- 5.6.1 The application site is located outside of the settlement boundary of Southminster policy S8 states: ‘The countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon’. It is considered that given the setting of the proposed building and its scale, that it would adversely affect the open nature of the existing site and surrounding area. It is therefore considered contrary to policy S8.
- 5.6.2 In addition to the above, paragraphs 7 and 8 of the NPPF and policy S1 of the LDP are clear that all three dimensions of sustainability must be met for the development to be acceptable; the proposal is not considered to comply with this requirement. The large scale of the building within this open area would materially harm the landscape and character of the locality. In environmental terms the development would have an unacceptable impact on the natural environment, causing harm to the character and appearance of the rural area. It is not considered that justification for the storage building outweighs the harm caused and therefore, the proposed development is contrary to policy policies S1, S8, D1 and E4 of the LDP and the guidance contained within the NPPF.

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

- **OUT/MAL/14/00613** - Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The

allocation of 0.275 hectares of land reserved for the provision of a medical centre. APPEAL ALLOWED – 08.05.2015.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

<b>Name of Parish Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Support.	Noted.

**7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
County Highways	No comment.	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.	Noted.

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

7.4.1 No letters of representation have been received.

**8. REASON FOR REFUSAL**

- 1 The proposed development as a result of its scale, bulk and siting within this open and prominent location and in close proximity to residential development, would materially harm the the landscape and character of the locality. The proposal is therefore contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan and the guidance contained within the NPPF.