



**REPORT of
CHIEF EXECUTIVE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 OCTOBER 2017**

Application Number	FUL/MAL/17/00840
Location	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
Proposal	Erection of chalet bungalow
Applicant	Mr & Mrs D Henson
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	5 th October 2017 (Date extension of time agreed:13 th October 2017)
Case Officer	Anna Tastsoglou
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land North Of Asheldham Hall Farm, Hall Road, Asheldham
FUL/MAL/17/00840



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00840/FUL
	Date:	26/09/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Site description

3.1.1.1 The site is located to the north of Hall Road, north of Asheldham Hall Farm. The application site covers an area of approximately 0.13 hectares and it is paddock, which is part of a larger area comprising stables, an outbuilding and grazing land associated with the equestrian use of the site. The applicant states that the site currently stables 21 horses.

3.1.1.2 A number of large sized storage units are sited to the southeast of the application site. To the south of the application site there are four detached dwellinghouses, one of which is a Grade II listed building (Asheldham Hall).

3.1.2 Description of proposal

3.1.2.1 Planning permission is sought to erect a detached chalet style dwelling. The dwelling would have a main gabled roof with pitched roof dormers to front and rear and an entrance porch and canted bay windows to the front.

3.1.2.2 The dwelling would measure a maximum of 9.1m wide, 11.5m deep, 2.8m high to the eaves with a maximum height of 8.3m. The proposed chalet style dwelling would have an internal floor area of 133sqm and an amenity area of approximately 600sqm.

3.1.2.3 The dwelling would accommodate an open plan kitchen/dining/family room, a study, a lounge and a WC at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.

3.1.2.4 The applicant states that the reason for the proposed dwelling in this location is to provide 24-hour care and security on the site and reduce the applicant's daily commuting need.

3.1.2.5 No off-street parking has been shown to the plans submitted and the site does not benefit from direct access from the public highway.

3.1.2.6 Materials to be used to the external elevations of the dwelling would include UPVC windows and doors, plain roof tiles and the external walls would be finished in brickwork.

3.2 Conclusion

3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, unsustainable and isolated form of development which would result in a development materially harmful on the rural character of the area and the submission of insufficient information demonstrating the essential need of the workers' accommodation in this location. Concerns are also raised regarding the lack of off-street parking provision by reason of the lack of means of vehicle access to the site. In light of the above, it is considered that the development would

substantially harm the visual amenity and character of the area and include inadequate provision for off-street parking to an extent that it cannot outweigh the positive aspects of the proposal that have been set out by the applicant.

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 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 28 - Supporting prosperous rural economy
- 29-41- Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

4.2 Approved Maldon District Local Development Plan (July 2017) Policies:

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy H4 – Effective Use of Land
- Policy H7 – Agricultural and Essential Workers' Accommodation
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- 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 proposal is to erect a new dwellinghouse at the land to the north of Asheldham Hall Farm, which is currently a paddock. The site is part of a larger area which existing use relates to a commercial equine business.
- 5.1.2 The site lies well outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 3km away from the application site.
- 5.1.3 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
 - 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
 - 4) Support growth within the environmental limits of the District;*
 - 5) Emphasise the importance of high quality design in all developments;*
 - 6) Create sustainable communities by retaining and delivering local services and facilities;*
 - 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*
 - 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*
- 5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*
- 5.1.5 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (LDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special

circumstances indicate otherwise, such as in case there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is supported by policies H7 and S8 which support agricultural and essential workers' accommodation in certain circumstances.

- 5.1.7 Policy H7 of the Maldon District Local Development Plan states that *“Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:*
- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
 - 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
 - 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
 - 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and*
 - 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.”*
- 5.1.8 It further continues stating that *“In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.”*
- 5.1.9 The application site is currently a paddock, comprising of no buildings and it is considered that the proposed residential dwelling would compromise the identity and rural character of the area. Although there are four existing dwellings in the immediate area to the south of the site and other storage buildings closer to the west of the application site (within and outside the applicants control), it is considered that the development, by reason of its location outside the settlement boundaries, existing open character and current rural nature would be harmful to the character of the countryside and contrary to the development plan policies.
- 5.1.10 A planning statement accompanies the application where it is stated that the reason for the proposed dwelling is to allow a 24-hour care and security of the site as well as avoid the applicants' daily commuting. It is stated that the applicants have a requirement to visit the site twice a day and they currently reside in Mayland. This results in a total of 18 miles per day. It is also suggested that the security of the site is crucial and the applicant considered that their presence on site would reduce possibility of theft incidence. Another reason given by the applicant is that a 24-hour surveillance and care of the horses would be able to support a full livery service which would assist the applicants' business plan. However, no business plan has been submitted to the Local Planning Authority. In support of his application for the new dwelling the applicant has also submitted an Accountants' Report showing that the last two years the business was profitable.

5.1.11 Although officers are satisfied that the site is in an equine business-related function it is not considered that the evidence submitted is sufficient to demonstrate the essential need for a worker's dwelling. Assessing the proposal against each of the abovementioned criteria of policy H7, the following comments are made:

- 1) The application site and in particular the stables, have planning permission to be used as a private DIY livery business and not a full livery with permitted access between 8.00 and 20.00 hours weekdays, 8.00 and 20.30 on Saturdays and Sundays (April to October) and 8.00 and 19.00 hours (November to March). This is to protect the amenities of the area in terms of noise and general disturbance. It is understood that the business has operated as a DIY livery business for a period of approximately 15 years and it has not been demonstrated that the business requires worker accommodation. Therefore, the application fails to meet criterion 1 from policy H7.
- 2) Although no evidence has been submitted by the applicant demonstrating that there are no available dwellings to serve the need of the applicant, it is considered that this is likely to be true. Furthermore, officers have no evidence to suggest otherwise.
- 3) No business plan has been submitted to the Local Planning Authority and the accounts submitted, although they show that the business is viable, the business turnover does not suggest that is sufficient to demonstrate the need for a worker's dwelling. Given that no business plan has been submitted to provide evidence of the future prospects of the business, it is considered that the proposal fails to meet criterion 3.
- 4) In relation to criterion 4, the applicant states that the proposed dwelling would house two adults and two children and, therefore, a three bedroom rather than a four bedroom dwelling would be sufficient in size to accommodate the family.
- 5) As fully assessed in the 'design' section below, the proposed dwelling, by reason of its location would result in an isolated residential development which would be materially harmful to the rural character of the area.

5.1.12 Policy H7 clearly states that the provision of a worker's accommodation in an area would only be granted permission as a temporary structure, which would be able to be removed within a permission of three years. It is only after this period when a permanent structure may be considered acceptable, should it comply with all the above mentioned criteria. Therefore, the proposed permanent dwelling would be contrary to policy H7.

5.1.13 Where the proposal does not accord with the exception policy H7, it is considered that the proposal must be assessed as a conventional dwelling within the countryside. As noted above the site is located outside the settlement boundaries, approximately 3km distance away from Southminster, which is the nearest village to the application site. The nearest bus stop from the site is located approximately 1km distance away from the application site. The bus stop has no frequent links with main employment opportunities areas or areas providing local services and amenities, considering that there are only two bus connections to Burnham-on-Crouch and Southminster, providing 9 services per day between 7.25am and 6.23pm. Although the applicant would no longer have to commute, this is not considered to be an attractive or favorable option and it is considered unlikely that the future occupiers would use public transportation for their day to day needs.

- 5.1.14 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the LDP.
- 5.1.15 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.16 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

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. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.
- 5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
- 5.2.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*

- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

- 5.2.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The proposed dwelling would be located outside the defined settlement boundaries and by reason of its siting would appear entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout of the proposed dwelling, by reason of its location it would appear remote from the four existing dwellings to the south. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.
- 5.2.7 Although the proposed dwelling is not of an exceptional or innovative design, its overall scale and design are not considered to be unacceptable in design terms. Although the building would be dwarfed by the existing storage units in the area, given that its residential use it is not considered that a comparison between the two types of buildings can be drawn.
- 5.2.8 It is considered that minor alterations could have been incorporated to improve the detailed design of the dwelling. However, the proposed dwelling would not be of a design that would jar with the character of the dwellings in the surrounding area.
- 5.2.9 No objection is raised to the proposed finishing materials. The general character of the dwelling in the surrounding area is for red roof tiles and red brick finish. Therefore, the proposed materials are considered to be appropriate and in keeping with the finishing materials in the wider area.
- 5.2.10 By reason of the distance of the proposed development from the Grade II Listed Buildings to the south (Asheldham Hall and Church of St Lawrence) it is not considered that it would have a detrimental impact on the heritage assets that would warrant the refusal of the application on these grounds.
- 5.2.11 On the basis of the above, it is considered that the proposed development, by reason of its siting in an open rural area, would result in an isolated development being out of keeping with the character of the countryside.

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.
- 5.3.2 The proposal is to erect a detached chalet style dwelling to the north of Asheldham Hall Farm within the existing open countryside. The nearest residential dwelling to

the application site sits approximately 115m away and this separation distance is considered to be sufficient to mitigate any adverse impact caused to the nearby neighbours in terms of dominance, overshadowing or overlooking.

- 5.3.3 Although the development would result in a level of activity from the future occupants of the dwelling, given the separation distance to the nearest residential units, it would not result in a materially harmful impact on the nearby occupants' residential amenity, in terms of noise and disturbance.
- 5.3.4 The proposed development would not have any greater impact on the other nearby residential property.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1, H4 and T2 of the approved LDP seek to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four bedrooms require a maximum of three off-street parking spaces.
- 5.4.3 The application site is located to the rear of Asheldham Hall Farm and it does not include a direct access to the public highway. Although there is an existing private access to the north of Hall Road, this does not link the public highway to the application site. Furthermore, no clear means of access have been shown to the submitted plans to satisfy officers that a suitable vehicle access can be provided to the proposed dwelling. Therefore, given the lack of means of vehicle access, the development would not be able to meet the off-street parking requirements. Moreover, no parking has been shown on the submitted plans and the relevant question in the application form has not been answered. On-street parking is not available along Hall Road. Although it is assumed that it might be possible to provide access and parking, this has not been demonstrated and therefore, the proposal would fail to include adequate off-street parking provision to the detriment of the local highway network and highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m.of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Based on the Site Plan submitted, it appears that the garden size for the proposed dwelling would be in excess of the minimum standards. Therefore, the outdoor amenity provided would be sufficient to meet the needs of the future occupiers.

- 5.5.3 The size of the proposed dwelling would be large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.
- 5.5.4 The site is located within close proximity to large storage units. By reason of the proximity of the site to these storage units, it is considered that when in use, the amenities of the future occupants of the dwelling would be compromised. However, it is not considered that this impact would be to an extent that would justify the refusal of the application.
- 5.5.5 No landscaping has been shown to the submitted plans and this is a requirement of all new developments of this type. Although no details have been submitted together with the application, should permission have been recommended by officers, this would have been dealt with by condition.

5.6 Other Material Considerations

Foul Sewage disposition

- 5.6.1 Concerns were raised from the Environmental Health Services regarding the use of a septic tank to dispose foul sewage, which is considered to be unacceptable form of treatment for new developments. Following the concerns raised by the Environmental Health Services, the applicant considered an alternative option to deal with foul sewage, by means of a klargester. The Environmental Health Services were re-consulted; however, no response has been received at the time of the writing of this report. Notwithstanding the concerns raised by the Environmental Health Services, it is considered that this matter in relation to sewage connection could have been dealt with by condition, should permission have been recommended by officers.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/01193** - Erection of stable building incorporating 10 loose boxes, a tack and a feed room. Construction of a menage. All to be used as a private DIY livery business between the hours of 8.00 - 18.00 on any day. Planning permission granted.
- **FUL/MAL/04/00506** - Non-compliance with Condition No. 2 of planning permission 02/01193 (hours of use) to increase. Operational times to 8.00-20.00 Mon-Fri, 8.00-20.30 hours Sat and Sun (April to October) and 08.00-19.00 hours Sat and Sun (November to March). Planning permission granted.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham Parish Council	Asheldham Parish Council has no objection to this application given that it would provide better security on site and for the livestock and it would reduce the carbon footprint of the owner. However, should permission is granted, they would like a conditions in relation to the restriction of the ownership of the dwelling to be tied with the business to be imposed.	Comment noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	Given the pre-existence of the site access and the area available for parking on-site, from a highways and transportation perspective, the Highway Authority has no objection to the proposal.	It is noted that the Highways Authority has no involvement when no new access linked with the public highway is proposed. The primary access from the public highway is already formed; however, this does not link the public highway with the application site.
ECC SuDS	No objection received. Sustainable drainage proposals should comply with the required standards.	Should permission have been recommended, sustainable urban drainage details would have been secured by condition.
Anglia Water Services	No comments received at the time of the writing of the report	
Essex and Suffolk water	No comments received at the time of the writing of the report	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle of the development; however, the following concern was raised:</p> <ul style="list-style-type: none"> Septic tanks are unacceptable forms of treatment for new developments unless there is no other practical method of disposal. 	Please refer to relevant paragraphs 5.6.1 of the report

7.4 Representations received from Interested Parties (*summarised*)

Although the applicant has submitted two letters of support, no comments/objections/letters of support were received by the Council at the time of writing this report. These letters are summarised as set out in the table below:

- Ben Fisher, Southminster Hall, Hall Road, Southminster
- Jo Griffiths, 2 Hall Cottages, Hall Road, Asheldham

Objection Comment	Officer Response
The 24-hour occupation of the farm would reduce the risk of theft and damage of the area.	The comments are addressed in ‘principle of Development’ sections.
The proposed dwelling will support the care of the horses and manage of the yard effectively.	

8. REASONS FOR REFUSAL

- The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area. If developed, the site would be disconnected and isolated from the existing

settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development, by reason of the lack of vehicle means of access to the application site would fail to meet the off-street parking requirements and would result in a detrimental impact on the parking availability, highway safety and local highway network contrary to policy T2 of the Maldon District Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).