



**REPORT of
CHIEF EXECUTVE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
4 DECEMBER 2017**

Application Number	OUT/MAL/17/01114
Location	Land East Of Goldsands Road Southminster
Proposal	Outline application for proposed agricultural workers dwelling with appearance and landscaping matters reserved. Dwelling to be tied to use by agricultural worker.
Applicant	Mr John Fisher - D.J.Fisher (Farms) Limited
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	14.12.2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	SOUTHMINSTER
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 East Of Goldsands Road, Southminster
OUT/MAL/17/01114



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/01114/OUT
	Date:	21/11/2017
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 on the eastern side of Goldsands Road, outside of the settlement boundary of St Lawrence. The application site is a parcel of undeveloped land measuring 0.19 hectares and is currently part of an arable field. The surrounding area is rural in nature with open countryside to the north, east and south of the application site and fishing pits located opposite the site.
- 3.1.2 Outline planning permission with some matters reserved is sought for the erection of an agricultural workers dwelling.
- 3.1.3 The proposed dwelling would measure 10.1m in height to the ridge, 5.3m in height to the eaves, 19m in width and a maximum of 13.7m in depth. The proposed dwelling would accommodate a kitchen / family room, utility room, living room, study and WC at ground floor and five bedrooms and three bathrooms at first floor. The outline application procedure allows for applicants to identify specific matters for consideration which include the principle of the development, layout, access, scale, appearance and landscaping. The applicant has identified that this application is to consider the principle of the development, access, layout and scale. The considerations of appearance and landscaping will form the subsequent reserved matters application should outline planning permission be granted for this proposal. Nevertheless all material planning considerations are relevant, where applicable, to this application.

3.2 Conclusion

- 3.2.1 The proposed development of an agricultural workers dwelling is considered unacceptable in this instance. The proposed development fails to accord with the guidance within the National Planning Policy Framework (NPPF) and policy H7, S8 and D1 of the Local Development Plan (LDP). The evidence supplied is not considered adequate to sufficiently justify the functional need or viability of the business. It is not considered that the harm caused by the erection of a dwelling in an unsustainable location is outweighed by the need for an agricultural workers dwelling. Furthermore, the harm to the open and undeveloped countryside is significantly exuberated by the excessive scale of the proposed dwelling.

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
- 55 - Housing

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

- D1 - Design Quality and Built Environment
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility
- S1 - Sustainable Development
- S2 - Strategic Growth
- S7 - Prosperous Rural Communities
- S8 - Settlement Boundaries and the Countryside
- H4 - Effective Use of Land
- H7 - Agricultural and Essential Workers Dwelling

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 Council is required to determine planning applications in accordance with its Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].
- 5.1.2 Planning permission is sought for a new dwelling outside of the development boundary for Southminster.
- 5.1.3 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states that 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 and the development is for one of the development types listed within that policy. The

dwelling is proposed for the use of an agricultural worker, which is listed under Policy S8 (g) and therefore the principle of development would depend on the compliance of the proposed developed with Policy H7 of the LDP. Similarly, the NPPF states that dwellings can be erected within the countryside where there is an “essential need for a rural worker to live permanently at or near their place of work in the countryside.”

5.1.5 Policy H7 of the LDP states the following:

‘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.

5.1.6 The applicant has submitted a planning statement and financial appraisal to demonstrate compliance with the stipulations 1, 2 and 3.

5.1.7 Functional Need

5.1.7.1 Within the planning statement it states that DJ Fisher Farms Ltd is predominantly an arable farming business who currently farm 2,800 acres of land. The main office and farm are located at Hall Farm, Goldsands Road Southminster around 200m to the north of the application site. It is stated that the dwelling would be used by the farm manager, who currently resides in a property off site and not owned by DJ Fisher Farms. It has been stated that *‘It is essential that the farm manager is housed within the site of the main operations of the business for the following reasons:*

1. *Peak Season. During peak season, between July-October, extra labour is employed and it is sometimes necessary for operations to go on for 24-hour days, working around the weather. This will mean the farm manager will need to be available to deal with machinery breakdowns, equipment failures, labour issues, health and safety and farm security around the clock.*
2. *Grain Drying. The farm houses several grain driers which need to be monitored during summer months and turned off as humidity levels rise during the night.*
3. *Irrigation Water from the onsite reservoir is fed through a series of hydrants situated on the farm track in front of the proposed building. This equipment must be periodically moved (typically in the early morning and early evening to minimise evaporation).*

4. *Crop Spraying. There are times that crop spraying is needed to be done during the early hours of the morning to avoid volatilisation and late into the night where weather windows are tight’.*

5.1.7.2 The supporting text of Policy H7 goes onto state that ‘The Council will support permanent (or temporary) accommodation in the countryside in exceptional circumstances to sustain the effective operation of a viable rural business. Evidence will be required within an application to outline why accommodation is required to support the business in that particular location. Any evidence provided should seek to establish, to the Council’s satisfaction, that the business needs one or more workers to be readily available at most times, for example to provide essential care to animals or processes at short notice. The application must demonstrate that new residential accommodation on that site is essential, rather than convenient, for the enterprise.’

5.1.7.3 The above evidence supplied to the Council does not demonstrate an essential need for a member of staff to be located on the farm. The applicant’s submissions make it clear that the agricultural operation is arable and therefore there are no livestock or other animals at the site that would require such immediate attention that would justify an agricultural worker needing to live within sight and sound of the agricultural activities. Whilst it would be convenient, it is considered that it has not been demonstrated why the proposed dwelling is essential in order to sustain the effective operation of the business, especially considering the farm manager, who would reside in the proposed dwelling, is currently remote from the farm. Therefore, it is considered that the application fails to comply with this stipulation.

5.1.8 Alternative dwellings

5.1.8.1 Given that it is not considered that there is a functional need for the proposed dwelling on the farm, there are several properties for sale and rent within Southminster that could be utilised for the farm manager.

5.1.8.2 In addition to this, the site plan no. NDCM07JW_FP1.1 shows eight dwellings along Goldsands Road in ownership of the applicant, no information as to why these dwellings could not be used has been supplied to the Council. Therefore, it is considered that the application fails to comply with this stipulation.

5.1.9 Viable business

5.1.9.1 A financial appraisal of DJ Fisher Farms LtdD by Whirledge and Nott has been submitted to the Council. The assessment has been undertaken by a professional member of the Royal Institution of Chartered Surveyors and a Fellow of the Association of Agricultural Valuers. It concludes that the business has a turnover in line with the income expected from an agricultural business of this size and that has generated a profit for the last five years and is therefore a viable business. The Council would expect to see evidence to substantiate the conclusions within the appraisal. It is noted that the applicant’s submissions include details of the turnover of the enterprise, but also sets out that the turnover is subject to significant fluctuations. An indication of costs is given, but it is not clear if this is all of the costs that are incurred by the enterprise. It is also noted that the applicant’s submissions highlight that diversification of the operations and the change of use of buildings within the control of the applicant has enabled the operation to be profitable and it is stated that the

would have been viable without these other sources of income which do not derive a functional need to live at the site thereby relying solely on farming income and ‘renewables’. It is not clear if the operation would be viable without the financial input from renewables. It is stated that the business has been profitable for at least five years, but it is not clear whether this would remain the case if the development costs associated with the erection of a five bedroom dwelling are factored into the financial appraisal. Overall, in the absence of the profit figure being quoted, it is considered that it has not been demonstrated to the Local Planning Authority that the criteria 3 of policy H7 has been met.

5.1.10 Size and nature

5.1.11 The justification provided for the size and nature of the dwelling is ‘The business needs a reasonable sized property to accommodate the current manager’s wife and three children. It is also important for the business to be able to provide a good farm house to attract a good standard of manager that is willing to work long unsociable hours, in a demanding job, for modest agricultural pay’. On the basis that the dwelling would meet the needs of the current manager, his wife and their three children, it is assumed that a four bedroom dwelling would be adequate, at most. Examples of job adverts from similar businesses showing provisions of on farm accommodation was also provided. It appears that the accommodation is being proposed to meet the needs of the current farm manager who is stated to be a director of the company. It is therefore assumed that there would be no need to attract a new farm manager and as such the employment adverts at other farms (which offer three bedroom accommodation for a farm manager, not 5 bedroom accommodation) is of limited relevance to the proposal that is being considered by the Local Planning Authority. There does not appear to be a need for extra accommodation to be provided speculatively.

5.1.12 The application proposes a dwelling measuring 10.1m in height to the ridge, 5.3m in height to the eaves, 19m in width and a maximum of 13.7m in depth. It would accommodate a kitchen/family room, utility room, living room, study and WC at ground floor and five bedrooms and three bathrooms at first floor.

5.1.13 It is not considered that the above mentioned statement by the applicant justifies the need for a dwelling of the proposed height, width and level of accommodation, moreover it is considered that the size of the dwelling is commensurate with the requirements of the business. Therefore, it is considered that the application fails to comply with this stipulation.

5.1.13 Compliance with stipulation 5 of policy H7 is assessed in 5.2 of the Officer report.

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 seek to create a high quality built environment for all types of development. In addition, policy H7 states that ‘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.’

- 5.2.2 The application is outline in nature with appearance and landscaping reserved for consideration at a later date. However, access, layout and scale must be considered as part of the outline application.
- 5.2.3 The proposed dwelling would measure 10.1m in height to the ridge, 5.3m in height to the eaves, 19m in width and a maximum of 13.7m in depth. Although appearance is a consideration for a later date indicative elevation plans have been submitted as part of the application. The proposed dwelling in plan view is ‘H’ shaped and is largely symmetrical; there are two front and rear gable ends, a front porch, side porch and single storey rear element.
- 5.2.4 The application site fronts onto the existing road network and has a rural character given that it is a section of an undeveloped agricultural field. The site is surrounded by open and undeveloped land with the closest built form being in excess of 100m. The site contributes to the countryside setting, ensuring the character is maintained along this stretch of Goldsands Road. It is therefore considered that the encroachment of built form on this site, and resultant loss of this section of undeveloped countryside, would cause significant harm to the countryside and its intrinsic characteristics. The harm would be significantly exuberated by the excessively large dwelling with a ridge height of 10.1m and a width of 19m it is considered no effort has been made to minimise the adverse impact upon the character and appearance of the area contrary to policy H7 and D1 of LDP.

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 appearance of the proposed development is a consideration for a later date and therefore a full assessment of the impact of the proposed development on the neighbouring occupiers cannot be fully assessed at this stage. However, the application site is an isolated plot with no immediately adjacent neighbouring properties, with the closest residential dwelling in excess of 120m from the proposed development. Therefore, it is unlikely that the proposed dwelling would result in overlooking, a loss of light or would form an overbearing development to the detriment of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks 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 Access to the proposed development would be taken from Goldsands Road; The Highway Authority has been consulted and raised no objection to the proposed access in relation to highway safety subject to conditions.

5.4.3 In order to comply with policy T2 for off-street parking provision in accordance with the Council's adopted Parking Standards; the number of spaces provided depends upon the number of bedrooms for each dwelling. Given that the proposed dwelling shown on the indicative floor plan would accommodate five bedrooms the recommended standard is a maximum of three car parking spaces. An area of hardstanding is proposed to the front and side of the proposed dwelling, it has space to accommodate three cars plus a turning area. Therefore, no concerns are raised.

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 Supplementary Planning Document (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 Due to the size of the site, the rear amenity space would be in excess of 400sq.m and therefore would be in accordance with D1 of the LDP. The landscaping for the site will be considered as part of a reserved matters application at a later stage.

6. ANY RELEVANT SITE HISTORY

6.1 None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	No response received at the time of writing this report.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council – Highway Authority	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. REASONS FOR REFUSAL

- 1 The proposed development would result in the erection of a dwelling outside the settlement boundary of Southminster in an unsustainable location, remote from community services and essential support services/facilities and inaccessible by a range of means of transport. Moreover the layout and scale of the proposed development would have a significant and material detrimental impact on the character and appearance of the surrounding countryside. Inadequate evidence has been provided to demonstrate that an essential functional need exists for an agricultural workers dwelling to be erected at the site, that the existing agricultural operation is viable and that the size of the dwelling is commensurate with the needs of the agricultural holding and it is therefore considered that the harm identified is not outweighed by other material planning considerations. The proposal is therefore contrary to policies S1, S8, H7, T1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.