



**REPORT of  
THE DIRECTOR OF PLANNING AND REGULATORY SERVICES**  
**to**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**05 FEBRUARY 2018**

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<b>Application Number</b>	<b>FUL/MAL/17/00802</b>
<b>Location</b>	Blackstone Farm Lodge Lane Purleigh Essex CM3 6PW
<b>Proposal</b>	Retrospective – siting of two (2) containers for agricultural use
<b>Applicant</b>	Ms. E. Padfield
<b>Agent</b>	-
<b>Target Decision Date</b>	21.02.2018
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>PURLEIGH PARISH COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

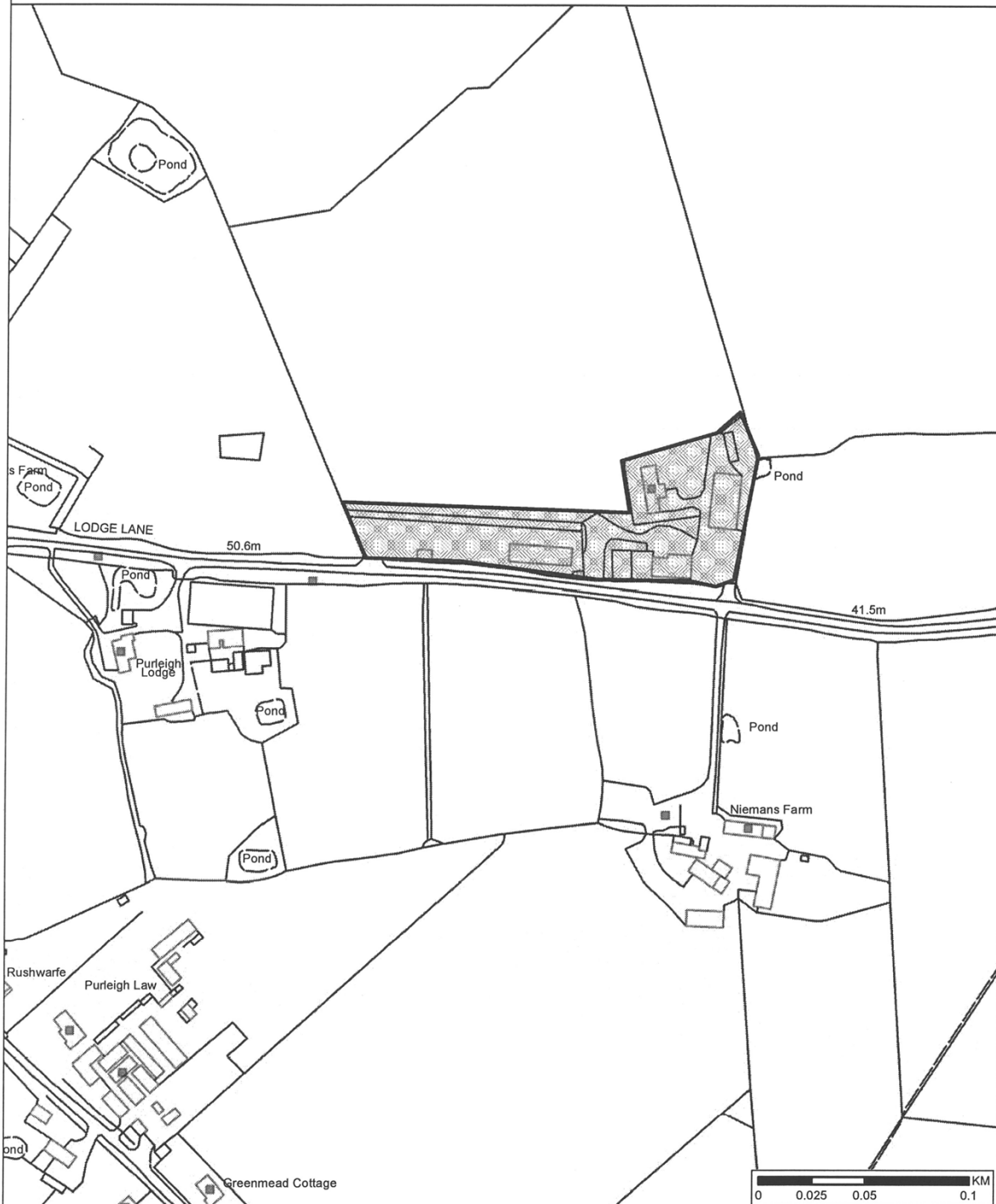
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# **Blackstone Farm Lodge Lane Purleigh** **FUL/MAL/17/00802**



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 Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: 17/00802/MAL

Date: 23/01/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1. Planning permission is sought for the provision of two shipping containers to be used for ancillary storage in association with the existing agricultural business on site. The containers are sat on unmade ground and are anchored on the land by their own weight. The containers are already in situ; therefore, the application is retrospective in nature.
- 3.1.2. The application site is located on the northern side of Lodge Lane, Purleigh, in a rural area outside of any defined development boundary. The site is part of the agricultural holding and is occupied by three barns, a bungalow and two containers. The site is enclosed by boarded fence and hedgerows. The rural area is characterised by open farm land with adjacent farm properties and their outbuildings within the locale. Lodge Lane is a single track metalled road leading to other farmsteads.

#### **3.2. Conclusion**

- 3.2.1. The impact of the development on the character and appearance of the rural locality is considered to be detrimental as the proposal is for an incongruous form of development, failing to enhance the character and appearance of the area, contrary to policies S1, S8 and D1 of the Local Development Plan (LDP) and 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. National Planning Policy Framework 2012 including paragraphs:**

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- E4 Agriculture and Rural Diversification
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

## **5. MAIN CONSIDERATIONS**

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

- 5.1.1. Planning permission is sought for development which is used in association with the existing and established agricultural use and ancillary operations carried out within the agricultural holding. As the development is associated with the existing use of the site it is considered that its principle is acceptable in line with policy S1.
- 5.1.2. Furthermore, policy S8 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 provided the development is for, among others, agriculture and forestry and related development (in accordance with Policy E4).
- 5.1.3. Policy E4 states that 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.
- 5.1.4. It is considered that the principle of the development is in line with policy E4 and as such satisfies the criterion of policy S8. Whether the visual impact of the development is acceptable in line with the main thrust of policy S8 will be considered in section 5.2 of the report. Other material planning considerations will be discussed in the following sections of the 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.
- 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”.*

*“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”.*

- 5.2.3. This principle has been reflected within 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.
- 5.2.4. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate 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 provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5. The proposal of this retrospective application is for two containers within a rural area. This type of structure appears to be at odds with the rural character and appearance of the area and the adjacent countryside. The undulating topography and arrangement of development in the area, allow extended views from the wider locality towards the containers. While the site and other properties nearby are dominated by barns and other large agricultural buildings, which in terms of scale are substantial when compared to the containers, the style and design of the metal shipping containers is incongruous to the nature of an agricultural use and more akin to a commercial use. Moreover, the presence of large agricultural buildings is something that is expected in a rural area. The unauthorised development has demonstrably harmed the character and appearance of the locality.
- 5.2.6. The use of containers has resulted in an alien form of development, appearing at odds with the established development pattern. In particular, container 1 has resulted in an incongruous feature in the streetscene, failing to harmonise with the rural character of the area, and appearing at odds with other built form in the immediate locality. Although the hedge on the boundary softens the impact of container 1, its retention cannot be guaranteed. Furthermore, even if the hedge is protected by the Hedgerow Regulations, there is no control over the height or density at which the hedge should be retained. As for container 2, although the structure is considered to be incongruous in form and appearance, it is noted that its location adjacent to a barn obscures views of the structure from the south, particularly in views from the highway. Views of container 2 would be visible from the open countryside north and would therefore

have a visual impact on the character of the area, albeit with the impact reduced by virtue of the fact that it is viewed against the backdrop of the existing building at the site.

- 5.2.7. During the site visit it was noted that a container of similar size as container 1 was located on the land across the road. It appeared that the addition of the container was recent. There is no evidence to indicate that this container benefits from planning permission. Therefore, its presence in the locality does not carry significant weight in favour of this application.
- 5.2.8. The fallback position of the development, if there is any, should be taken into account as it is a material planning consideration. According to the access and design statement submitted with the application, the containers are used in association with the agricultural operations of a holding larger than 5ha. Class A of Part 6 of Schedule 2 of the General Permitted Development Order (GPDO) 2015 allows for: *“The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*  
*(a) works for the erection, extension or alteration of a building; or*  
*(b) any excavation or engineering operations,*  
*which are reasonably necessary for the purposes of agriculture within that unit”*. However, the containers are not buildings nor excavation or engineering operations. Therefore, there is no fall-back position to be considered. Even if it was contented that the containers could be considered to be buildings, one of the limitations of the provision above is A.1 (d) which states that development is not permitted if: *“it would involve the provision of a building, structure or works not designed for agricultural purposes;”* A shipping container is an item which by definition is not designed to be used for agricultural purposes. As such, the conclusion that there is no fall-back position to be considered is reinforced.
- 5.2.9. Overall, the impact of the development on the character and appearance of the locality is considered to be detrimental as the proposal is for an incongruous form of development, failing to enhance the rural character and appearance of the area, contrary to policies S1, S8 and D1 of the LDP and the NPPF.

### **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. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2. The nearest dwelling to the site is more than 100m away. Due to the scale, nature and distance of the development from the adjacent neighbouring residential properties, it is not considered that any harm has been caused to the amenity of those properties in terms of overlooking, overshadowing or overpowering. The nature of the use is unlikely to give rise to any detrimental noise or other pollution affecting 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. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2. The existing access arrangements onto the highway would not be altered as a result of this proposal. The units provide cumulatively 23.8m<sup>2</sup> of storage space which would need the provision of a maximum of one parking space. While there is no designated provision of parking areas on site, there are extensive hard surfaced areas on site and immediately off the site which can be used for the purposes of off street parking provision. The development is considered acceptable in terms of access, parking and highway safety.

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

- No relevant planning history.

## **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	Noted

### **7.2. Representations received from Interested Parties**

- 7.2.1. No representations were received for the application.

## **8. REASONS FOR REFUSAL**

- 1 The impact of the development on the character and appearance of the rural locality is considered to be detrimental as the structures are an incongruous form of development which fail to enhance the character and appearance of the area, contrary to policies S1, S8 and D1 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.