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Item No: 7.2

Application: 222261

Applicant: Mrs Lisa Spence

Agent: Mrs Mandy Sexton

Proposal: New Dwelling

Location: Hushwing Farm, Mount Bures Road, Wakes Colne,
Colchester, CO6 2AP

Ward: Rural North

Officer: Chris Harden

Recommendation: Authority to Approve subject to finalisation of a Unilateral Undertaking and a RAMs wildlife mitigation payment.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Sunnucks who states “This has been called in at the request of the Parish Council and the owners of a neighbouring property. Although the expansion of rural businesses should be supported there have to be serious questions about adding a dwelling to the site. The neighbours are complaining about noise, surface water run-off, human and animal liquid waste.”

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the dwelling in this location, along with its location design, scale and form. Impact upon highway safety, residential amenity, vegetation and wildlife also need to be considered.
- 2.2 The application is subsequently recommended for approval subject to finalisation of the Unilateral Undertaking and RAMs wildlife mitigation payment. In conclusion, it is considered that there is an essential need to site the dwelling on the site to serve the existing, well established and viable equestrian business. The location, design, scale and form of the dwelling, which has been reduced from 5 bedrooms to 3, would respect the character of this part of the countryside and is well related to the existing complex. There are no highway safety, residential amenity, vegetation or wildlife concerns and the Public Footpath is not affected.

3.0 Site Description and Context

- 3.1 The site lies within the countryside and was previously part of Hammonds Farm and formerly known as Meadow Green Farm. It is now called Hushwing Farm and has an approved equestrian use and lies adjacent to the remainder of Hammonds Farm.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a three bedroom dwelling to provide accommodation for the owners of the site who run the equestrian business at Hushwing Farm. It would be positioned on the Western side of the equestrian centre. It should be noted that the initial submission on this application comprised a 5 bedroom dwelling but this has been reduced to ensure the dwelling would be more commensurate with the current needs of the equestrian business. The owners would move out of the existing mobile caravans temporarily granted approval and into the new dwelling.
- 4.2 In support of the application for the permanent dwelling the applicant has made the following points.
- Applicant’s licence with the Colchester City Council Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, states that on site supervision is required and stipulates that 24h hour supervision is highly recommended to maintain a high standard of care for the horses.

- The business also has a number of competition horses at livery of high value (in excess of 25k each) and high in maintenance, similar to those in the racing industry. The nature of the high level of endurance required makes the need for 24 hour supervision essential.
- The risk of colic (a stomach impaction common in horses due to the extreme length of their intestines) is high in these types of horses. One bout already occurred. Episodes of this require the horse to be walked and lunged hourly until it clears, often through the night. Last bout lasted 3 days. This onsite care is one of the reasons the applicant attracts such a high level of livery. It is also why she is able to provide the provision of such quality horses for her training centre which is very different to the average riding school. This makes onsite accommodation essential for both her and staff to cover the applicant's absence, and annual leave of which we are all entitled.
- temporary mobile caravans planning approval discontinues in June 2023.
- anticipated that a future runner of the business would require a family dwelling.
- The present owners purchased the farm in June 2020 at the same time that planning was granted for a change of use to an equestrian school and livery stables. The equestrian business has been thriving whilst the owners have been living and working in two mobile caravans sited next to the stables.
- Demand for the equestrian services has been great and despite being hampered by Covid have been able to triple turnover since moving to the new site.
- Financial business details submitted showing increase in turnover, ongoing profits and three income streams from the equestrian business, fencing and agricultural business glamping and education centre to more than sufficiently support the development. Mortgage already approved.
- Viability of the business: Hemps Green Equestrian Ltd is a registered limited company, the accounts are available at Companies' House. The increase in turnover is significant which having been in Covid shows the need for this business and shows its sustainability even during the toughest of times.
- Lisa also runs her own livery business, Lisa Spence coaching and livery from Hushwing farm, which this year posted a significant increase on its profit. It also employs one full time member of staff.
- Since the move to Hushwing Farm and the ability to grow our business we are now able to host BHS assessments which are accredited by BHSQ, this is an awarding body recognised and regulated by the office of the qualifications and examinations regulator (Ofqual) in England, SQQ accreditation in Scotland, Qualifications Wales, Work Based Diplomas, Equestrian Tourism and Equestrian Coaching qualifications. We have been approved to run assessments to stage 4 level and are the only centre in the whole of East Anglia offering this provision.

There is an associated application (222262) for change of use for the addition of an education centre and welfare facility building and accommodation for client and student use. This application is also to be presented to the Committee and is recommended for approval.

5.0 Land Use Allocation

5.1 Countryside/Equestrian

6.0 Relevant Planning History

- 6.1 200964 Change of use to equestrian school and livery stables. Complete the conversion of hay barn to stables – further alterations to proposed doors, openings and finishes of buildings now under construction and originally consented to under application no 120484. Build approved hay barn to store hay and machinery. Extend hardstanding and entrance track for access, turning and parking. New managed and lunge pen. Siting of temporary mobile home and office. Approved

172806

Extensions to existing building to form hay barn and rest facilities, creation of a manege, lunge pen and erection of horse walker for equine breeding unit following approval 120484 for a stud farm. Stationing of caravan/temporary accommodation for owners of the equine unit (AMENDED DESCRIPTION). Withdrawn.

120484

15/03/2012 -

Land at, Meadow Green Farm, Mount Bures Road, Wakes Colne Colchester CO6 2AP

Formation of a Stud Farm comprising a Change of Use of land and redundant livestock building to equestrian use, minor alterations to the building to form stabling, provision of manege, minor extension of existing access track and A mobile home was also given a temporary permission.

Approved After Appeal - 15/01/2013

090546

22/04/2009 - Full (8 Week Determination)

Land at Hammonds Farm, Hemps Green, Fordham Colchester CO6 3LS

Change of use of agricultural building into stables to include opening up of footpath route and provision of hardstanding.

Refuse - 16/06/2009

Appeal dismissed- not evidence of economic benefit. Might need dwelling.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP5 Employment
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy
SG2 Housing Delivery
SG3 Economic Growth Provision
SG4 Local Economic Areas
SG7 Infrastructure Delivery and Impact Mitigation
SG8 Neighbourhood Plan
ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
OV1 Development in Other Villages
OV2 Countryside
DM1 Health and Wellbeing
DM2 Community Facilities
DM3 Education Provision
DM4 Sports Provision
DM5 Tourism, leisure, Culture and Heritage
DM6 Economic Development in Rural Areas and the Countryside
DM7 Agricultural Development and Diversification
DM9 Development Density
DM10 Housing Diversity

DM12 Housing Standards
DM14 Rural Workers Dwellings
DM15 Design and Amenity
DM16 Historic Environment
DM17 Retention of Open Space
DM18 Provision of Open Space and Recreation Facilities
DM19 Private Amenity Space
DM20 Promoting Sustainable Transport and Changing Travel Behaviour
DM21 Sustainable Access to development
DM22 Parking

7.4 The Neighbourhood Plan: Not applicable.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Managing Archaeology in Development.
Developing a Landscape for the Future

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways Authority states:

The Highway Authority does not object to the proposals as submitted.

Informative1: The public's rights and ease of passage over Public Footpath Nos.31 & 34 (Mount Bures) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Informative1: 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.

8.3 Environmental Protection recommend the following condition:

ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

8.4 Contaminated Land Officer states:

The above named report is acceptable for the purposes of the Environmental Protection team and the conclusions seem reasonable based upon the information provided.

Should planning permission be granted for this application, the following condition will apply:

Reporting of Unexpected Contamination

8.5 Landscape officer has raised concerns about the initial 5 bedroom submission and made the following points:

- To help maintain this historic separation between the nucleated Goodwin's and Hammond's farmsteads, the nuclear form of the Hammond's Farm and the wider setting to the Grade II listed Goodwin's Farmhouse, the proposed units should be reorientated so as to face onto the farmyard, this to better help it visually read as part of and physically connect it to the historic farmstead.
- The scale of the proposed rural workers dwelling needs to be reduced considerably so that it demonstrably reads as subservient to Hammond's Farmhouse, which forms the historic focal point of Hammond's Farm. Both its form and the material proposed will need to be drawn from the farmyard buildings, of which it will need to read as a part, rather than competing with the farmhouse. This approach retaining not only the historic settlement pattern of Hammond's Farm, but also, by not introducing what might be read as another farmhouse, helping protect the landscape setting to the listed Goodwin's Farmhouse and its farmstead. It would thereby help protect landscape character and public amenity by maintaining the existing sense of undeveloped landscape and dominant rural character shared by the site and its immediate setting, this particularly important for users of the nearby/adjacent PRow network that the site would visually impact upon. A good example of such sensitive rural worker development that follows this approach, in the sense of building scale, style and form, can be seen to the south of Goodwin's Farm at Hemp's Green Barn
- The proposed planted-up bunding along the site's eastern boundary should be removed from the proposal as it is not a traditional landscape feature to the Rochfords Farmland Plateau and would block the proposed unit's connection to the farmyard which it serves. This eastern boundary should be left visually exposed and thereby connected to the farmyard, but as a domestic unit within the steading it should be subtly divided from it with post and rail fencing. The remaining boundaries to the sites northern, western, and southern boundaries should be enclosed to screen the development with native hedging and hedgerow trees, traditional enclosure to a rural workers unit, these set immediately behind the existing post and rail fencing.

- In conclusion; taking into account all relevant considerations and for the reasons set out above, this application cannot currently be supported on landscape grounds as it may cause harm to its landscape setting. To fully consider the proposals and mitigate the envisaged harm, the above point(s) will need to be satisfactorily addressed.

Officer comment: The proposed dwelling has since been reduced in scale in response to these comments.

8.6 Natural England: Standard advice and Habitats Regulation Assessment required.

8.7 The Ramblers state: “Make a general observation
Comment: The routes of Public Rights of Way 31 (clearly shown on the plans) and 34 (not so obvious) should remain open and safe to use during and after any works. It is understood that dogs and washing lines adjacent to the caravans have unnerved some footpath users and this application is seen as a good time to address this.”

9.0 Parish Council Response

9.1 Mount Bures Parish Council “ Make a general observation:

The Parish Council has no difficulty with the applicants wishing to develop their business including the proposed education and welfare centre.

However, the proposed new building for the centre is very close to the boundary with Hammonds Farm (Mount Bures) with possible noise and other impacts and it is not clear from the documentation why it needs to be in this position although we accept there might be good business needs. This should be sited where it will have least impact on neighbouring properties while meeting business needs, and additional screening should be considered to mitigate any adverse impact.

The move to providing overnight accommodation for students and staff (beyond what is needed to look after the horses) is a very significant development. The Parish Council would have thought that in terms of the economic benefit to the wider community it would be preferable if students and staff were using accommodation in the wider locality, which would also avoid more buildings/caravans/glamping pods in the countryside affecting the amenity of local residents and those walking along footpaths across the area. If there are concerns that insufficient accommodation is currently available within a reasonable distance then the Parish Council could only support accommodation on site if it is temporary or time limited allowing regular review against the availability of hotel, bed and breakfast and rented accommodation nearby.

Objection under DM14 that whilst recognising the need for a worker to be permanently on site the size and design of the proposed dwelling is not necessarily ‘commensurate with the needs of the business’.

The Parish Council are not in favour of new dwellings in the countryside, which are against Colchester Borough Council's development policies. The exemption for rural workers' dwellings is intended to apply where the nature and demands of the role require a worker to be permanently on site. We accept that looking after the horses may require a presence on site overnight but the Parish Council find it difficult to see how this requires a 5-bedroom two-story house.

A single storey building would be far less intrusive and less damaging to the local surroundings. The Parish Council would object to the scale of the building proposed.

The Parish Council would like to suggest that any permanent staff accommodation could be included within the development of the new dwelling. (i.e an annex perhaps?)

The Parish Council is also concerned about the retention of the caravans, which are generally an eyesore.

If the house is needed because people have to be on site overnight it is difficult to see why caravans should also be needed for the same purposes.

However, the Parish Council accept that there may be good temporary reasons why they are needed so would be content to support a further temporary extension but not permanent retention.

Finally, while we have been very understanding about the impact of the caravans on the use of Footpath 34 while the business has been establishing, if the caravans are to be retained in their current positions and a new dwelling built then all current fences and gates impeding the passage of members of the public along the correct line of Footpath 34 must be removed. (And the Parish Council would like to note that the line of Footpath 34 has not been clearly marked on the plans and no mention has been made of this in the documents submitted.)"

Officer comment: The proposed dwelling has since been reduced in scale in response to these comments.

9.2 Wakes Colne Parish Council "Make a general observation:

- Wakes Colne Parish Council has requested that this application be determined by the CBC Planning Committee rather than through Officers delegated powers.
- The application site is beyond the village settlement boundary.
- Policy DM6 (C) Replacement buildings will only be supported where the existing development is visually intrusive or otherwise inappropriate in its context and a substantial improvement in the landscape and surroundings will be secured through replacement. New buildings should not significantly increase the scale, height and built form of the original building.
- Specific business needs for a new dwelling should be adequately demonstrated.
- Suitable provisions should be addressed to mitigate any detrimental effects to both adjoining neighbours and the wider countryside setting.

- Any planning consent for a new dwelling should contain an occupancy condition allied to the business.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 4 letters of objection have been received which make the following points:

- Proposed development does not satisfy the three limbs of sustainable development.
- Site lies outside of any defined settlement boundary.
- Applicants have failed to provide any evidence as to how the proposal will respect "the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity" in accordance with Policy OV2.
- The Applicants have provided no evidence as to why there is an essential need for a permanent dwelling. The Applicants have therefore failed to satisfy Policy DM14 (i).
- Dwelling is excessive for the requirements of any business. The Applicants have therefore failed to satisfy Policy DM14 (iii).
- Applicants have failed to explain why the functional need cannot be met through the currently situated mobile homes which the Applicants propose to retain. The Applicants have therefore has not satisfied Policy DM14 (v).
- no further mention of breeding nor any accounts to evidence the profits made from the breeding element of the business.
- Not demonstrated 24 hr need to be on site.
- Dwelling too bulky.
- Traffic concerns on single track road.
- Main access to this site would be from the A1124 onto Vernon road at which several accident have happened with the turning being just over a blind summit having witnesses one myself last week and my son having his car written off at this junction .
- Events and competitions "in-house". This is clearly not the case. Hems Green Equestrian promotes competitions on its website and FB page (see below) and there was a show today which was largely for external clients. You will note that Ms Spence has set up a cross country course and is offering One Day Event training. This is not for the clientele who ride the riding school horses and is aimed at a much wider group of people.
- You will note that there is a London Group. They also have to get to and from the establishment, presumably by car as it is too far to walk.
- Environmental destruction of agricultural land.
- Public footpath appears to have been moved to accommodate caravans.
- noise from the site at the moment is not pleasant. Westerly wind the noise carries and can be heard in the Annex and the house.
- Refuses to use headsets and teaches 7 days a week; including all public holidays.

10.3 One letter states:

- no objection to the building of a house, to replace the temporary living accommodation, but it should occupy the same footprint.
- Worry about the increase of traffic on the road, which is single track in several places, as it is a country road used by walkers and horse riders.

10.4 One letter of support states:

- Support the proposal.

Comment: We live within half a mile of the address, it is not visible from the road, and therefore we are 100% behind building a house on the site, this couple have saved the village from the previous potential issues when travellers owned some of the land, why should they not be allowed to build a property on the 20+ acres of land?

11.0 Parking Provision

11.1 At least two spaces available on site to serve the dwelling.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. Contributions will be sought via a Unilateral Undertaking.

16.0 Report

Principle

16.1 The site lies within the countryside and in terms of settlement policy principle for a dwelling, regard needs to be had to the newly adopted Local Plan 2017-2033. Local Plan Policy SP1 states that throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy. Settlement Policies SP3, SG1 and SG1 and SG2 have similar provisions. The Council can demonstrate a five year housing land supply.

16.2 In addition Policy OV2 of the adopted Local Plan also provides that:
Residential development proposals in the countryside, outside defined settlement boundaries, will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. Small scale rural exception sites needed to meet local affordable housing needs will be considered favourably on appropriate sites provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. Where there is an identified need for certain types of housing, schemes must demonstrate how these needs have been met.

16.3 Accordingly, having regard to the above and to Paragraph 80 of the NPPF housing within and the countryside is strictly controlled in accordance with settlement policy and the adopted spatial strategy. There therefore needs to be a special justification and one such justification can be an essential need for a rural worker to live on site in accordance with the above policies and Para 80 of the NPPF which states:

NPPF Para 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

16.4 Government Guidance (NPPG) provides some additional background on this issue as follows:

“How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 80a of the NPPF could include:

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products).”

16.5 Policy DM14 of the Local Plan is also directly relevant and states:

Policy DM14: Rural Workers' Housing Permanent Rural Workers' Dwellings Planning permission will be granted for new agricultural/rural workers' dwellings as part of existing businesses where all of the following criteria are met:

- (i) Evidence is provided to show that there is an essential functional need for a permanent dwelling;*
- (ii) The need is related to a full time worker who is primarily employed locally in agriculture, forestry or some other rural based business that requires a new dwelling in the countryside;*
- (iii) The size and design of dwelling is commensurate with the needs of the rural business;*
- (iv) The business has been established for at least 3 years, has been profitable for at least one of them, is financially viable and is likely to remain so in the future;*
- (v) The functional need cannot be met by another suitable and available dwelling;*
- (vii) The conversion of an existing building should be considered in preference to new build;*
- (viii) The proposed development is not located in a recognised area of flood risk; and*
- (ix) The proposed development satisfies all other Local Plan policy requirements.*

16.6 Overall, having regard to the nature of the business which is long established, the justification and supporting information put forward, the above Local Plan policies and NPPF and the planning history of the site it is considered that a justification for a dwelling to provide for the owners on the site is deemed essential on functional grounds and to enable the business to continue satisfactorily.

16.7 Temporary permission was originally granted for a mobile home on appeal and then renewed temporarily on the most recent approved application (200964). The proposed equestrian use is similar to that previously proposed, although differs from the original appeal consent in that foaling no longer appears to form part of the equestrian use on the site at present. The applicant has put forward a case for a dwelling on the grounds of

security (with horses on site of considerable value), welfare (especially Colic). A 24/7 livery service is also provided rather than DIY.

- 16.8 This combination is considered adequate justification to demonstrate an essential functional need for permanent residential accommodation on site. Security by itself is not normally a sufficient need although combined with the other points and plus the stated 'high value' of the horses on site, the combination of factors overall is considered convincing. It is becoming increasingly obvious that the requirement for an on site presence to serve significant equestrian businesses is becoming more prevalent, as evidenced by other similar applications submitted to the planning authority of similar businesses.
- 16.9 Furthermore, as outlined earlier, the applicant's licence with the Colchester City Council Animal Welfare states that on site supervision is required and stipulates that 24h hour supervision is highly recommended to maintain a high standard of care for the horses. The applicant also states that risk of colic is high in these types of horses and this onsite care is one of the reasons the applicant attracts such a high level of livery. It is also why she is able to provide the provision of such quality horses for her training centre which is very different to the average riding school. Research from the case officer has confirmed that Colic is deemed a medical emergency and is the most common cause of death for horses.
- 16.10 The applicant states that there are also has a number of competition horses at livery of high value (in excess of 25k each) with high maintenance demands, similar to those in the racing industry. The nature of the high level of endurance required makes the need for 24 hour supervision essential.
- 16.11 Having regard to the above it is considered essential on functional grounds for there to be a dwelling on site for the reasons outlined above; including being available for animal welfare and health emergencies and for security given the value of the horses. This need is also judged having regard to the track record of this established business and its importance and value to the rural economy. There is not an existing dwelling on the site that would serve this need.
- 16.12 In terms of the financial test, Policy DM14 provides that the *business* should have *been established for "at least 3 years, has been profitable for at least one of them, is financially viable and is likely to remain so in the future."* The equestrian business is considered to meet this policy criteria. The business itself has been established for well in excess of 3 years, with the applicant confirming that
"Hemps green Equestrian Ltd was established in 2014 at our former residence Hemps Green Barn. The success of the rural business meant we soon outgrew the 4-acre premises we were established in." The business moved to the current site in 2020.

16.13 The financial business details submitted show an increase in turnover and continuing profit with three income streams from the equestrian business, fencing and agricultural business, glamping and education centre to more than sufficiently support the development. Details of the profits have also been submitted and have been analysed by the case officer and show the business continues to make a profit and is an ongoing sustainable business with a lengthy track record. Accordingly, given the above factors it is considered that the financial test is also met.

16.14 The size of the revised proposal comprising a 3 bedroomed dwelling is now considered commensurate with the needs of the holding as referred to in the NPPF. It is not unreasonable for a dwelling of this size to serve a business of this nature. The initial submission of a 5 bedroom dwelling has been reduced to a 3 bedroom dwelling and this represents a substantial reduction in size.

16.15 It also needs to be borne in mind that the NPPF remains supportive of the rural economy and that this equestrian business is beneficial to the rural economy and the proposed dwelling is an important element of that business. NPPF Para 84 indicates that decisions should support sustainable growth and expansion of all types of business. It states:

NPPF Para 84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; ...

16.16 Para 85 of the Framework also recognises the importance of businesses in rural areas including in areas not particularly well served by public transport and also emphasises the importance of businesses being sensitive to their surroundings. It states:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

16.17 Local Plan Policy DM6 also supports businesses in rural areas, including their expansion and confirms that businesses in rural areas can help “ensure local residents have access to local job opportunities without the need to travel.” . Local Pan Policy SP5 promotes a strong and sustainable economy and Policy SG3 aims to encourage economic development, including on existing sites with permission

- 16.18 The proposed dwelling is considered to be an integral and essential part of this equestrian business and would therefore accord in principle with National and Local Plan policy of supporting business in a rural area. The occupation of the dwelling will be restricted to a worker employed in the equestrian business and their partner/dependents thereof.

Layout, Design, Scale, Form and Landscape impact:

- 16.19 In considering the layout, design, scale, form and layout of the proposal, policies DM15 and SP7 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 16.20 It is considered that the location and orientation of the dwelling is acceptable within the local environment. Its front elevation faces the access track, which is a logical orientation but it remains relatively close to existing buildings on the site and on the adjacent Hammonds Farm to ensure that it does not appear isolated or unrelated to the overall complex. It is set well away from the nearest Listed Building to avoid adversely affecting its setting.
- 16.21 The scale of the building has been significantly reduced to a 3 bedroom dwelling of traditional proportions and design. The main gable is 6 metres, which is a traditional width and ensures a conventional roof pitch is achieved. The height of the dwelling is approximately 7.5 metres which again is a traditional height for rural dwellings and the materials to be used (render and plain clay tiles) reflect local historic vernacular. Elements of the fenestration are not entirely traditional but overall are considered appropriate for a dwelling of this design, scale and form. Accordingly, it is considered that the location, design, scale and form of the dwelling would appear as a generally traditional, modestly sized farmhouse in the countryside and would not detract from the character of the landscape subject to the use of appropriate materials (which can be conditioned).
- 16.22 The comments received from the landscape officer have been carefully considered in this respect, and, further to the significant reduction in the size of the dwelling, conditions can be applied to ensure the submission of an appropriate landscape scheme, including native screen and filter planting and the omission of the mound shown adjacent to the proposed dwelling which would not be a sympathetic feature in the landscape.
- 16.23 Overall, subject to the above mentioned conditions, the scheme is therefore considered to accord with Policy SP7 and DM15 as it is considered to respect the character of the site and surroundings and would not undermine the character of this part of the countryside or impact upon heritage assets (DM16).

Highway Issues

- 16.24 The scheme is considered acceptable in terms of consideration of highway issues. The Highway Authority has raised no objections. The dwelling would not result in a vehicular intensification of the use of the site. The existing, adequate accessway to the site would be utilised, with a new appropriate entrance and there is adequate parking and turning provision available. The proposal would therefore accord with the provisions of Para 111 of the NPPF and Local Plan policies, including DM22 which concerns parking provision and the associated adopted parking standards. The nearby Public Footpath is not affected by the proposal and the informative will be applied to ensure that it should remain unobstructed will be applied.

Residential amenity

- 16.25 It is not considered that the dwelling would have any significant impact upon neighbouring residential amenity. Owing to the intervening distance of the replacement dwelling from the neighbouring dwelling, which is beyond farm buildings, the proposed development would not appear overbearing on the outlook of neighbours. Similarly, there are no concerns regarding loss of light. The parking and manoeuvring areas are located well away from the neighbours dwelling so there should not be any material noise or disturbance impact in this respect. A condition can be applied to control hours of construction, as suggested by Environmental Protection.

Other

- 16.26 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There is no impact upon vegetation of significance or upon wildlife (Policy Env 1). Adequate private amenity space is provided, in accordance with Policy DM19.
- 16.27 An 'Unexpected Contamination' condition will be applied.
- 16.28 A Unilateral Undertaking will need to be completed to ensure appropriate contributions are made, and a RAMs wildlife mitigation payment will be required. As these have not yet been finalised, Authority to Approve the application is required with planning permission being issued only once these have been finalised.
- 16.29 An appropriate Habitats Regulation Assessment has been undertaken.

17.0 Planning Balance and Conclusion

- 17.1 In conclusion it is considered that there is an essential need to locate a dwelling on the site to serve the existing, well established and viable equestrian business. The location, design, scale and form of the dwelling, which has been reduced from 5 bedrooms to 3, would respect the character of this part of the countryside and is well related to the existing complex. There are no highway safety, residential amenity, vegetation or wildlife concerns and the Public Footpath is not affected. A Unilateral Undertaking and RAMs wildlife payment will be required.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject prior completion of the Unilateral Undertaking and RAMs payment and to the following conditions:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM – Development in accordance with Approved Plans.

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:108 Rec'd 14.9.22, 103 D (excluding mound), 104 D, 105 D Rec'd 8.12.22, 109 Rev A Rec'd 16.1.23.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Z00 – Equestrian Occupation

The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working or last employed in the existing equestrian business on site or a widow or widower of such a person and to any resident dependents.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

4. ZBC – Materials to be agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

5. ZFI- Tree or shrub planting

The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. (*see informative).

Reason: To ensure an appropriate visual amenity in the local area.

6. Z00 - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of where there is the possibility of contamination.

7. Z00- Sewage Treatment Plant

Prior to its first use, precise details of the sewage treatment plant shall be submitted to and agreed in writing by the Local Planning Authority. The approved plant shall be provided prior to first occupation of the dwelling and shall thereafter be retained as such whilst the flat is in occupation.

Reason: To ensure the provision of appropriate foul drainage.

8. Z00- Construction Hours

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

9. ZDC- Removal of PD Rights

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

10. Z00 - Boundary Details

The development hereby permitted shall not come in to use until details of the provision, siting, design and materials of any screen walls and fences required have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first USE/OCCUPATION of the development and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to visual amenity.

11. ZIR- Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, shall have been hard surfaced, and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

12. ZJF- Cycle Provision and Electric Charging

Prior to the first occupation of the development hereby permitted, cycle parking for bicycles and an electric vehicle charging point shall have been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

The agreed cycle parking provision and electric charging points shall thereafter be maintained and made available for this use at all times.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking and electric charging available at the site at the time that it becomes occupied.

13 Z00 – Existing Mobile Homes

Within one month of the occupation of the dwelling hereby approved, residential accommodation of the existing mobile homes shall cease.

Reason: To ensure compliance with local planning policy which seeks to protect the character of the countryside from unjustified development.

14 Z00 – Name Signs to be installed

Prior to the first occupation of any of the dwelling hereby approved a name sign shall have been installed at the junction of the new driveway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

19.0 Informatives

19.1 The following informatives are also recommended:

1. The Highway Authority does not object to the proposals as submitted.

Informative: The public's rights and ease of passage over Public Footpath Nos.31 & 34 (Mount Bures) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Informative: 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.

Informative: The mound shown on the site is not considered acceptable and is would not be approved.

2. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

3. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent, you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your

conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.