

Our Ref: SR/03.531

Your Ref:

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Planning & Development Consultants

1<sup>st</sup> September 2003

**Ms Karen Shearing**  
Development Control Officer  
Maldon District Council  
Princes Road  
Maldon  
Essex  
CM9 5DL



BY FAX AND POST

Dear Ms Shearing

**OUT/MAL/03/00631 - Replace Farm Cottages with Agricultural Workers' Dwelling  
Brick House Farm Cottages, Brick House Farm, New Hall Lane, Mundon, Maldon**

Thank you for your letter of 27<sup>th</sup> August 2003. I have discussed the content of your letter with the applicant Gavin Rowsell and I am able to provide in following paragraphs the information that you require.

As explained in my letter to you of 21<sup>st</sup> August 2003 Gavin farms the easternmost 250 acres of the 485 acres of land that comprise the farm, the remainder of the land is farmed by the Kirk family. I attach a plan showing the division of land and confirm that the entire area farmed by Gavin is susceptible to Brent Geese grazing. Of relevance to this point is the extent of Gavin's licence to shoot Brent Geese; covering the entire holding (see map at **SPL6**).

Gavin does not reside at *Brick House farmhouse* and has not done so since his estrangement from his wife. His wife and children have, since the submission of the application, moved away and the farmhouse is currently vacant. The farmhouse is not subject to an agricultural occupancy condition and is now advertised for rent on the open market at £1800 per calendar month; a figure far in excess of that affordable by Gavin. This yearly rental figure is almost the same as that amount which would be lost to the holding should Gavin switch from growing Winter Wheat and it has already been explained that such a reduction on income, or in this case a commensurate increase in operating costs, could not be sustained by the farm.

For the avoidance of doubt neither Gavin nor his family have any formal lease with the *Rowell Brothers* in respect of their occupation of *Brick House Farmhouse*, indeed historically no rent was paid. In these circumstances any law concerning security of tenure will not apply.

'*Freshfields*' is currently occupied by Gavin's father John; a semi-retired farmer, and his step-mother. It is not therefore available for rent by Gavin. In an emergency or on an occasional basis Gavin may be able to spend a night or two at '*Freshfields*'. However, it is clearly not appropriate, or indeed, possible, for him to reside there with his father and step-mother permanently.

With regard to other dwellings in the vicinity, my understanding is that *New Hall Farmhouse* and *The Thatch* are in entirely separate ownership and *The Bungalow* is occupied by a person who assists the Kirk family farm the land to the west. None of these properties are therefore available for occupation by Gavin.

...continued

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Turning to the long-term viability of the holding, I am not inclined to provide any further information than that which has already been given. Gavin and his father have undertaken a farming enterprise on the land for a period in excess of the last 50 years and their occupation of the farmhouses during this period can be verified by reference to Electoral Registration records, which I have viewed prior to submission of the application. In addition, a letter from *The Rowsell Partnership's* accountants (at **SPL7**) confirms that the farming enterprise is currently financially viable and has been profitable for 6 of the last 10 years. Further, the accountants' can see no impediment to the continued profitability of the enterprise in the future. I consider that this is sufficient evidence as to the long-term viability of the holding. Of course, if you have contrary evidence in relation to this matter I would be happy to comment on it following consultation with the applicant. If not I see no reason why you should not accept the submitted evidence at face value.

Finally, Gavin is concerned at the delay in determining the application; Brent Geese will arrive at the farm in about a month and his divorce is proceeding at a pace. It is therefore important that the application is determined in the next month or so in order that Gavin can make interim accommodation arrangements and so that he can consider his next steps with regard to the proposal. With this in mind I ask that a report on the application, based on the information submitted to date, is included on the Agenda for the South Eastern Area Planning Committee meeting on 15<sup>th</sup> September 2003. I would be grateful to receive your confirmation on this latter point.

Yours sincerely



**STEWART ROWE DipTP MRTPI  
ASSOCIATE DIRECTOR**

c.c. Mr G Rowsell



EXTENT OF LAND FARMED  
BY KIRK FAMILY

EXTENT OF LAND FARMED  
BY GAVIN ROWSELL

MUNDON CP

MALDON DISTRI

Living Creek

202

203

204

205

Maylands

