

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	14/11/2018
Planning Development Manager authorisation:	AN	19/11/18
Admin checks / despatch completed	AN	20/11/18

OK

Application: 18/01643/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr K Gill

Address: Wensley Stud Rectory Road Weeley Heath

Development: Proposed cart-lodge & tack room (including office use above).

1. Town / Parish Council

St Osyth Parish Council

Whilst it is noted that a previous application (18/01150/FUL refers) was refused, the Parish Council has no objections to this application.

2. Consultation Responses

ECC Highways Dept

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

3. Planning History

01/01011/FUL	Proposed change of use to riding school and livery	Refused	09.08.2001
01/01012/OUT	Proposed indoor arena with office and administration accommodation and barn to store hay	Refused	09.08.2001
93/00185/FUL	(Old Cricket Field, Rectory Road, St Osyth) Proposed playing field for two football pitches, car park and alterations to access	Approved	27.04.1993
02/02246/FUL	Change of use to equestrian centre and associated works	Approved	23.01.2003
02/02247/OUT	Equestrian centre and associated works	Approved	23.01.2003
05/02153/FUL	Proposed equestrian centre.	Approved	10.05.2006
07/01355/FUL	Proposed use as a stud farm (incl stables and haybarn) siting of mobile home to be used as a temporary dwelling for 3 years in	Refused	29.11.2007

conjunction with the business.

08/00182/FUL	Proposed use as a stud farm (incl proposed barn and retention of stables), siting of mobile home to be used as a temporary dwelling for 3 years in conjunction with establishing the business.	Approved	03.04.2008
14/01228/OUT	Proposed permanent dwelling.	Approved	16.01.2015
16/01591/FUL	Proposed manege, lunging ring, horse walker and conservation/drainage pond.	Approved	17.02.2017
17/00063/FUL	Proposed dwelling.	Approved	03.05.2017
17/01000/FUL	Alteration to approved planning permission 17/00063/FUL.	Approved	02.08.2017
18/01150/FUL	Proposed cart-lodge & tack room (including office use above).	Refused	14.09.2018
18/01643/FUL	Proposed cart-lodge & tack room (including office use above).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN16 Agricultural and Related Development

COM12 Equestrian Uses and Buildings

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is located at Wensley Stud on the south-eastern side of Rectory Road. The site is outside of the Settlement Development Boundaries as established in the saved and draft local plans. The nearest defined settlement is Weeley Heath approximately 0.5 miles to the north-east. The site contains various buildings associated with the equestrian use of the land. The structures present on site are set back a significant distance from the highway. Construction work on a new rural worker's dwelling approved in 2017 has commenced.

Proposal

This application seeks permission to construct a cart lodge and tack with office above to the east of the proposed dwelling. The proposed building would measure 10m in width, 13.5m in depth and 6.4m to ridge height.

Background/Planning History

Wensley Stud occupies 3.24 hectares and is split into several small paddocks. The buildings present on site include a 12 bay stable block and a hay barn. A mobile home was approved on the site in 2008 and a permanent worker's dwelling was approved in outline form in January 2015 (Ref: 14/01228/OUT). A full application for the dwelling has now been approved and building work has commenced.

Planning permission was refused for a similar development earlier this year under planning reference 18/01150/FUL. The application was refused due to the excessive size and bulk of the outbuilding and in the absence of any justification as to the need of the building it was considered that the extent of the development was disproportionate to the needs of holding.

Design/Functional Need

Following the previous refusal a justification from the applicant has been received which states that the building is required as they intend to use their horses to pull both wedding and funeral carriages. The carriages require a safe and dry building and the cart lodge would also allow for easy access and a dry area to carry out any maintenance. The applicants also state that the tack room and wash down area are essential for the horses to be examined by vets and for medical procedures to be carried out away from the other horses. In addition, the cart lodge has also been reduced in width by 0.5m and the height of the building has been reduced from 6.9m to 6.4m.

The proposed cart lodge/office building is contrary to saved policies EN1, COM12 and QL9 of the Tendring District Local Plan (2007). Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted. Policy COM12 (Equestrian Uses) relates to equestrian related development and states that the development will be considered in relation to the nature and scale of the use and the impact of the built development on the character of the countryside. Policy QL9 (Design of Development) seeks to ensure that new buildings, alterations and structures are well designed and should maintain or enhance local character and distinctiveness and also to ensure that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Whilst it is acknowledged that additional information has been provided in an attempt to justify the size of the structure it is not considered that the information provided is sufficient to prove that a building of this bulk and size is reasonably required for the purposes of the commercial stud farm or to meet the functional needs of the key rural workers that are to reside on the site.

The proposed building would accommodate part domestic uses and uses associated with the commercial operation of the stud farm. The large footprint and mass of the building in conjunction with its high ridge height would appear at odds with the rural character of the locality and, given the presence of several other equestrian buildings present on the stud farm and the approval of a large key rural worker's dwelling, the building would appear to be disproportionate to the needs of the rural enterprise and those of the future residents of the associated dwelling.

Given the modest size of the site and the number of current/consent buildings on the land it is not considered that the rural enterprise can sustain a further building of this scale. As such the development, if approved, would result in an excessive accumulation of buildings on this rural site without a demonstrated need and due to the massing and height of the building would adversely harm the rural character of the area.

Residential Amenities

The building is located a significant distance from the closest residential properties to the west and would therefore not harm resident's amenity.

Highways

ECC-Highways do not object to the development. Parking provision was approved to the front of the dwelling under the 2017. As such refusal of this application does not impact upon future resident's parking requirements.

Other Considerations

St Osyth Parish Council has no objections to the proposal. No further letters of representation have been received.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 The proposed cart lodge/office building is contrary to saved policies EN1, COM12 and QL9 of the Tendring District Local Plan (2007). Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted. Policy COM12 (Equestrian Uses) relates to equestrian related development and states that the development will be considered in relation to the nature and scale of the use and the impact of the built development on the character of the countryside. Policy QL9 (Design of Development) seeks to ensure that new buildings, alterations and structures are well designed and should maintain or enhance local character and distinctiveness and also to ensure that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

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8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO