

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	27/11/2018
Planning Development Manager authorisation:	AN	29/11/18
Admin checks / despatch completed	SB	30/11/18

Application: 18/01639/FUL **Town / Parish:** Tendring Parish Council
Applicant: Mr R Parrott
Address: Skirr Cottage Crown Lane Tendring
Development: Proposed change of use from agricultural land to garden of Skirr Cottage. Erection of workshop to be used ancillary to the main dwelling and new access.

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept The Highway Authority has no objection subject to a condition regarding the proposed gates at the new access.

SUDs The Local Lead Flood Authority have identified that the site is not classified as major and they therefore have no comments. Conditions and informatives have been provided for consideration.

3. Planning History

94/00090/FUL	Side extension	Approved	21.02.1994
04/01580/FUL	Change of use of land from agricultural to garden.	Refused	05.10.2004
04/02223/FUL	Extension to form garden room and garage/store	Approved	05.01.2005
05/00365/FUL	Extension to form garden room and garage/store (amendmend to scheme of development permitted under planning permission 04/02223/FUL)	Approved	21.04.2005
18/30167/PREAPP	Proposed detached storage/workshop building (for private use).		03.09.2018
18/30182/PREAPP	Proposed small agricultural barn type building clad in dark green with a light grey roof to blend in with existing mature trees & hedges.	Withdrawn	05.10.2018

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

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

5. Officer Appraisal

Proposal

The application seeks permission to change the use of agricultural land which adjoins the curtilage of Skirr Cottage, to erect a workshop to be used ancillary to the dwelling and to provide a new access.

Background

A previous planning application, reference 04/01580/FUL, proposed the change of use of the same area of agricultural land to garden. The application was refused due to its open nature and visually intrusive impact to the detriment of the character of the countryside.

Design, Appearance and Residential Amenity

Policy HG 16 of the Tendring District Local Plan 2007 states that proposals for the extension of a domestic garden into the countryside will only be permitted if there is no material visual harm to the surrounding countryside, no material loss of existing trees, shrubs or hedgerows and it would have no material adverse effect on the amenities of neighbouring properties.

It is stated the land proposed for change of use has been in the ownership of the current applicant for over 10 years and during this time the agricultural land has been kept as a garden with a lawn that is regularly mowed. Tree planting of various species has also taken place which has served to enclose the land and offers screening from Crown Lane. Post and rail fencing is used to enclose the north and north western boundaries. The south western boundary encloses the site with hedging. The removal of permitted development rights will prevent inappropriate fencing and large outbuildings in the future. The nearest neighbours are the occupants of Bretts Hall Cottages and Bretts Hall, a distance of over 70 metres from the southern point of the application site. No significant visual harm will result as a consequence of the change of use of the land, or any adverse effect on neighbouring amenities. The height and density of the tree planting protects views to the majority of the site.

It is proposed that the workshop building will be sited on the northern edge of the extended garden land behind the hedge line and a row of trees. A new vehicular access will be created along the existing hedgerow, north of the proposed workshop. The building will be coloured green to ensure it does not stand out and will look similar to a small agricultural building although it will only be used ancillary to the dwelling of Skirr Cottage. The workshop building will be partially visible above the existing hedge line and between the trees from Crown Lane, however, its linear position in relation to the dwellinghouse ensures it becomes part of the group of buildings at Skirr Cottage and will not significantly impact the character of the area or the existing amenities of the neighbouring properties.

Highways Impact

The creation of the new access is acceptable to the Highway Authority subject to a condition which requires for any gates at the new access to be set back a minimum distance of 6 metres from the highway and any gates should be inward opening only.

Other Considerations

Tendring Parish Council has no objection to this application.

Local Lead Flood Authority – SUDs – given the small area of built form and a majority of the site being undeveloped there is not considered to be significant surface water run-off.

No other letters of representation have been received.

Conclusion

In the absence of significant material harm as a result of the development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, Entrance Gate Details, Plan showing new access, parking and proposed workshop building, Drawing number: BAS1825-103 Issue: 1, Drawing Title: Elevations.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Any gates provided at the hereby approved vehicular access shall be inward opening and set back a minimum of 6 metres from the back edge of the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst the gates are being opened and closed in the interest of highway safety.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, fences, walls or other enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such buildings/structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The proposal involves a large expansion to the residential curtilage and the provision of buildings, pools and enclosures will need to be carefully controlled to preserve the rural character of the surrounding area.

- 4 The hereby approved workshop shall only be used ancillary to the residential use of the dwelling known as 'Skirr Cottage'.

Reason - The location of the workshop, outside of any settlement development boundary in a rural location is not considered an appropriate site for business use and in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- i. There shall be no discharge of surface water onto the Highway.
- ii. The applicant is advised to face back the hedgerow along the entire site frontage in order to maximise the visibility splay available to the south along Crown Lane.
- iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. Contact Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, 653 The Crescent, Colchester, CO4 9YQ.

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