

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	30/11/2018
Planning Development Manager authorisation:	SCE	03.12.18
Admin checks / despatch completed	SB	03/12/18.

Application: 18/01685/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Day

Address: Devon House Malting Farm Lane Ardleigh

Development: Change of use from equestrian to domestic garden.

1. Town / Parish Council

Ardleigh Parish Council No comments received.

2. Consultation Responses

Tree & Landscape Officer The area of land intended to be included within the residential curtilage of the garden is set out primarily to grass with some young established trees. It abuts the existing garden associated with the host dwelling ' the boundary of which is demarcated by a low hedge

None of the vegetation is threatened by the proposed change of use of the land.

Taking into account the rural and agricultural nature of the application site and surrounding area it would appear prudent to remove permitted development rights to avoid a proliferation of outbuildings and inappropriate boundary treatment ' such as 2m tall close board or panel fences.

If the above action is taken then the proposed change of use is not likely to adversely affect the appearance of the area although it would by its very nature affect the character of the countryside.

3. Planning History

01/01484/FUL	2 No. side extensions	Refused	11.10.2001
02/00292/FUL	Side extension (re-submission)	Approved	10.04.2002
92/00642/FUL	Erection of one detached dwelling [Amending planning permission TEN/1478/89]	Approved	15.07.1992
94/01192/FUL	Demolition of existing cottage and garage, erection of new house and garage (renewal of permission TEN/1478/89)	Approved	22.11.1994
95/00832/FUL	(Devon Cottage, Malting Farm	Approved	18.10.1995

	Lane, Ardleigh) Front extension and change of use of highway land to form part of residential curtilage		
96/00397/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Proposed extension to the side and rear of Devon Cottage to provide increased living accommodation and a new double garage (Detached)	Approved	28.05.1996
96/00589/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Garden wall and timber gates (approx 1.8m high)	Approved	19.06.1996
98/01235/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Approved	27.10.1998
98/01640/FUL	Proposed demolition of existing dwelling and erection of new dwelling (Amended scheme)	Approved	20.01.1999
99/01011/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Refused	01.09.1999
99/01640/FUL	Proposed land change of use from agricultural to residential and re-positioning of proposed dwelling	Approved	27.01.2000
03/01672/FUL	Extension to existing garage	Approved	10.10.2003
05/01010/FUL	Alterations and extensions to garage to form gym, games room, office and guest room	Approved	03.10.2005
89/01155/FUL	Demolition of existing cottage and erection of two dwellings	Refused	05.09.1989
89/01478/FUL	Demolition of existing cottage and garage erection of new house and garage	Approved	07.11.1989
17/01774/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building.	Approved	14.12.2017

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

HG16 Garden Extensions into the Countryside

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 (including Site Description and Proposal)

Site Description

The application site is south facing and outside of any development boundary. The main property is a detached house which replaced an original cottage through planning permission 98/01640/FUL. The house is constructed of yellow brick with stone detailing and a slate roof. In front of the house is a gravelled driveway which leads to the extended double garage which lies to the south. The replacement dwelling and the garage were both further extended between 2002 and 2006 to provide additional accommodation. Mature trees are evident on and around the application site and some are protected by means of a Tree Protection Order. The large back garden is mainly laid to lawn. A public right of way runs adjacent to the eastern boundary of the application site.

Description of Proposal

The application seeks full planning permission for the change of use of a strip of paddock land approximately 0.83 hectares in size to the west of the existing plot to domestic garden.

Assessment

The main considerations are;

- Policy Context;
- Visual Impact on the Countryside; and,
- Representations and Consultations.

Policy Context

Saved Policy EN1 of the adopted Tendring District Local Plan (2007) states that any development which would significantly harm landscape character or quality will not be permitted. Saved Policy HG16 of the adopted Tendring District Local Plan (2007) relates to garden extensions into the open countryside and states that these will only be permitted where there is no material visual harm to the surrounding countryside. These sentiments are echoed within Draft Policy PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Visual Impact upon the Countryside

The application site lies outside the settlement limits for the area and relates to a parcel of land approximately 0.83 hectares in size.

The site is closely related to the rear and side of the dwelling and neighbouring properties and does not extend out further than the adjacent extended garden area serving Pycotts. The site is populated with sporadic trees or paddock areas.

The area of land subject to the proposed change of use would not materially harm the landscape or rural appearance of this part of Ardleigh.

None of the vegetation or protected trees are threatened by the proposed change of use of the land.

Permitted development rights for outbuildings and fencing/enclosures will be removed to maintain control over any future development of the land and any resultant impact upon the character and appearance of the countryside.

The change of use will not materially alter the appearance of the site and will not be harmful to the views possible from the adjacent public right of way.

Representations

No comments have been received from Ardleigh Parish Council.

No letters of representations have been received.

The Council's Principle Tree and Landscaping Officer has been consulted on the application and raises no objections subject to a condition removing permitted development rights which will be imposed.

Conclusion

For the reasons set out above, the proposed change of use will not result in any material harm to the character and appearance of the landscape. The application is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 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 The development hereby permitted shall be carried out in accordance with the approved plans: DRAWING NUMBER 1.1 REV 00.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) (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 building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

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.