

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	19/02/2019
Planning Development Manager authorisation:	SCE	20.02.19
Admin checks / despatch completed	ER	20/02/19

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Application: 19/00010/COUNOT **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr and Mrs Cullen

Address: Barn South of Foulton Hall Harwich Road Little Oakley

Development: Conversion of agricultural storage building into a residential dwelling.

1. Town / Parish Council

N/A

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The existing access comes out onto Harwich Road and is subject to a 30-mph speed limit the proposal is at the end of a private road and retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are

available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3:

Any 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.

The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

3. Planning History

96/01611/FUL	Extension to form farm office. Replacement windows	Approved	30.01.1997
96/01612/LBC	Extension to form farm office. Replacement windows	Approved	30.01.1997
08/01254/LBC	Erection of sunroom and external alterations.	Approved	23.10.2008
08/01255/FUL	Erection of sunroom.	Approved	23.10.2008
19/00010/COUNO T	Conversion of agricultural storage building into a residential dwelling.	Current	

4. Relevant Policies / Government Guidance

N/A

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)

Proposal

The application seeks to change the use of an agricultural storage building from agricultural to Class C3 (dwellinghouses) under the new relaxed permitted development allowances as set out in Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed change of use would result in the creation of a single dwelling measuring. The building will measure 6.5 metres in width, 26.5 metres in depth with an overall height of 6.5 metres. The dwelling will accommodate 2 bedrooms, an en-suite, a shower room, lounge, kitchen, dining room and hall.

This is a "prior notification" under Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use from agricultural use to C3 (Residential).

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from use as an agricultural building shall not be permitted development where:

(a) the site was not used solely for an agricultural use as part of an established agricultural unit:

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

- *The building has been used for the storage of agricultural items and therefore has been no other use of the building at any time other than for agricultural purposes on 24th March 2013. This criterion is therefore met.*

(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

- *The cumulative floor space of the building changing use totals 130.56 square metres. Therefore this criterion is met.*

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

- *This prior notification is the first on the holding submitted under Class Q. Therefore this criterion is met.*

(d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

- *It is not occupied under an agricultural tenancy. Therefore this criterion is met.*

(e) less than 1 year before the date development begins;

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

- *No such agricultural tenancy has been terminated. Therefore this criterion is met.*

(f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

- *No such development has been carried out. Therefore this criterion is met, although there is still an onus on the applicant to comply with criterion (f)(ii).*

(g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

- *The development would not extend from the existing building at any given point and therefore this criterion is met.*

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

- *The cumulative floor space of this proposal is 130.56 square metres, whilst there has been no previous development under Class Q. Therefore this criterion is met.*

(i) the development under Class Q(b) would consist of building operations other than;

(i) the installation or replacement of;

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

- *The works required for the conversion of this building are not considered to be excessive, and will involve the inclusion of additional doors and windows, that of which would be expected for a proposal of this nature. Therefore the changes proposed are in accord with the items listed above and this criterion is met.*

(j) the site is on article 2(3) land;

- *The site is not on article 2(3) land. Therefore this criterion is met.*

(k) the site is, or forms part of;

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

- *The site is not, or does not form part of any of these interests or such areas. Therefore this criterion is met.*

(l) the site is, or contains, a scheduled monument; or

- *The site does not include a schedule monument. Therefore this criterion is met.*

(m) the building is a listed building.

- *The building is not a Listed Building. Therefore this criterion is met.*

In addition to the above requirements, condition Q.2.(1) requires the Local Planning Authority to consider as to whether the following issues would require prior approval (accompanied by officer comments in italics):

(a) transport and highways impacts of the development,

- *The site will be accessed using the established driveway. The plans show a large area to the front of the building for parking/turning purposes, whilst there is sufficient room for the parking of two vehicles. There are no other material transport or highways impacts. Furthermore, Essex County Council Highway Authority raise no objection to the development subject to conditions in relation to cycle parking and residential travel packs. These conditions have not been imposed as the site can accommodate adequate cycle parking facilities and conditions relating to residential travel packs would be imposed on major applications only. Therefore, this criterion is met.*

(b) noise impacts of the development,

- *The proposal would not result in any material noise impacts. Therefore, this criterion is met.*

(c) contamination risks on the site,

- *The site is not located near to any land designated as contaminated land. Therefore, this criterion is met.*

(d) flooding risks on the site,

- *The site is located outside of an area of recognised flood risk. Therefore, this criterion is met.*

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

- Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant." On this basis, the Local Planning Authority does not consider that the location or siting of the building would make it impractical or undesirable for the proposed change of use.

(f) the design or external appearance of the building,

- *The design will see a conversion from the existing structures. However, the proposed changes involved are all minor works, with replacement materials and additional doors and windows. These would all be expected from such a proposal. Therefore the Local Planning Authority does not consider that the proposed development will have any significant impact on the design or external appearance of the building.*

Representations

Ramsey and Parkeston Parish Council have not commented on this application.

Conclusion

Having regard to the above it is considered that the change of use of the agricultural building to C3 (dwellinghouse) does not require Prior Approval, as it would meet the requirements set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Recommendation

Determination prior approval not reqred

7. Conditions / Reasons for Refusal

- 1 Having regard to the above it is considered that the change of use of the agricultural building to C3 (dwellinghouse) does not require Prior Approval, as it would meet the requirements set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

N/A

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