

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	18/03/2019
Planning Development Manager authorisation:	AN	18/3/19
Admin checks / despatch completed	AN	19/3/19

*SC*

**Application:** 18/02108/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs S Wright

**Address:** Applewood Waterhouse Lane Ardleigh

**Development:** Extension to garden and construction of an outbuilding to form a garage, workshop and kennel.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

02/00392/FUL	Extension and conservatory	Approved	01.05.2002
09/01179/FUL	Erection of detached building to form no.2 stables, tack room and hay store.	Approved	23.12.2009
18/02108/FUL	Extension to garden and construction of an outbuilding to form a garage, workshop and kennel.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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

HG9 Private Amenity Space

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

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

Local Planning Guidance

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 extend the curtilage of the garden and construct an outbuilding which will serve a garage, workshop and kennel at the property of Applewood in Waterhouse Lane, Ardleigh which is located outside of any settlement development boundary.

### **Design, Appearance and Residential Amenity**

Policy HG16 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.

The land proposed for the change of use will extend the garden and curtilage of the existing property north and north west of the dwelling. It is evident that this area is already in use in association with the residential use of the dwelling as a parking area and extension to the existing garden as this is already divided from the grazing land with post and rail fencing. The existing post and rail fencing will be extended to enclose the new curtilage. The removal of permitted development rights for gates, fences, walls or other means of enclosure will prevent inappropriate fencing in this rural location in the future. The removal of permitted development rights for outbuildings is not considered required due to the constrained shape of the extended curtilage much of which lends itself to serve the driveway, turning for cars and parking.

The nearest neighbour is 1 Old Shields Cottages to the west which is a bungalow of a similar style to the host dwelling. The rear garden of 1 Old Shields Cottages is enclosed by fencing and hedging, and a flat roof double garage is accessed via the shared farm access to the west of both properties. The area of land to be changed to curtilage is set behind the bungalows of Applewood and 1 Old Shields Cottages ensuring views of this land are screened by the existing built form and fronting hedgerow. No significant visual harm will result as a consequence of the change of use of the land, or any adverse effect on neighbouring amenities.

It is proposed that the outbuilding which will incorporate a garage, workshop and kennel will be sited north of Applewood, close to the newly defined curtilage boundary. The building will be constructed with a brick plinth and finished in sage green cement boarding and concrete pantiles. The natural colouring of the materials will ensure that it does not stand out and will look similar to a small agricultural building. There are a number of low level agricultural buildings at the adjacent Ilex Farm which lies to the west of the farm entrance. The building will not be visible from Waterhouse Lane due to its position behind the host dwelling and neighbouring 1 Old Shields Cottages however, its position in relation to the dwellinghouse and adjacent farm buildings ensures it becomes part of the group of buildings on this side of Waterhouse Lane and it will not significantly impact the character of the area or the existing amenities of the neighbouring properties. There is a small tree near the site of the proposed outbuilding which may require removal. The size of the tree and its lone position, out of public view does not merit retention. The removal of the tree will have no adverse impact in terms of visual amenity value.

The proposed garage does not meet the parking standards where the garage should measure 7 metres x 3 metres, however the area of land immediately behind 1 Old Shields Cottages is already utilised as off road car parking serving Applewood and will continue to be available for this purpose. At least two cars will be able to park off the road in this area which meets the parking standards where one space measures 2.9 metres x 5.5 metres.

#### Other Considerations

No 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 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 following approved plans: DWG NO. P01c and P02b

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, 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 fences, walls or other enclosures shall be erected except in accordance with drawings showing the design and siting of such enclosure which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of protecting the rural landscape and in the interests of visual amenity.

### **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.

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