

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/03/2019
Planning Development Manager authorisation:	AN	25/3/19
Admin checks / despatch completed	AN	26/3/19

Application: 19/00121/FUL **Town / Parish:** Tendring Parish Council *ER*

Applicant: Mr Simon Brown

Address: Gooses Farm Parsonage Lane Tendring

Development: Proposed change of use of land to garden land to serve the replacement dwelling approved under 17/00400/FUL.

1. Town / Parish Council

Tendring Parish Council overall do not object to the application but makes an observation that although the land hasn't been farmed for some time it is still classed as agricultural and concern for decline of this was raised.

2. Consultation Responses

Tree & Landscape Officer The proposed change of use of the land will not adversely affect any trees or other vegetation on the land.

Existing hedges demarcate the site boundaries and consequently there does not appear to be a need to secure any additional soft landscaping.

3. Planning History

92/00267/FUL	Replacement Dwelling	Approved	12.05.1992
15/00910/LUEX	Use of former stable building as domestic residence.		21.09.2015
16/01062/OUT	Erection of 3 no. detached dwellings and garages served by private drive access.	Refused	23.09.2016
16/01957/OUT	Erection of 2 no. detached dwellings and garages served by private drive access.	Refused	24.01.2017
17/01771/NMA	Non-material amendment of application 17/00400/FUL - proposed addition of balcony and also addition of pitched roof to front porch.	Approved	07.11.2017

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

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located on the northern side of Parsonage Lane in Tendring Green. Gooses Farm is a modern dwelling with private equestrian facilities to the rear along with several outbuildings and paddocks. One of the outbuildings (a former stable) was converted to a domestic residence lawfully under a Certificate of Lawful Use under 15/00910/LUEX and its replacement approved under 17/00400/FUL. This has now been sub-divided with the new dwelling and Gooses Farm house forming separate planning units.

The application therefore relates to the land to the rear of the existing dwelling and site of the replacement dwelling, mostly comprising paddock land and a manege subdivided with low level fencing. The boundaries of the site are demarcated by a low level native species hedgerow and some sporadic trees.

Description of Proposal

The application seeks full planning permission for the change of use of the land to the rear to domestic garden land to serve the replacement dwelling under 17/00400/FUL.

Assessment

The main considerations are;

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

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 defined settlement boundary for the area and relates to a parcel of land approximately 0.91 hectares in size. The parcel of land subject of the change of use extends a significant 190 metres rearward beyond the rear boundaries of existing neighbouring gardens. Whilst it is recognised that the area is extensive and extends well into the adjoining agricultural fields, the site almost wholly comprises paddock and manege areas with the boundaries clearly defined and demarcated by an established hedgerow with some post and rail fencing. The character of the site does appear as farm land and has not been farmed for some time. None of the vegetation or trees is threatened by the proposal. The change of use will not materially alter the appearance of the site therefore having no impact or resultant harm to the landscape or rural appearance of this part of Tendring. A refusal is not justified in this instance.

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 and long distance views from nearby roads.

The Council's Principle Tree and Landscape Officer raises no objection on this basis.

Representations

Tendring Parish Council overall do not object to the application but do raise concern over the loss of agricultural land.

The acceptability of the application in this regard is addressed above.

No letters of representations have been received.

Conclusion

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

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 No.: LPS 304 1:2 Rev00.

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.