

## DELEGATED DECISION OFFICER REPORT

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

*AN*

**Application:** 19/00159/LBC **Town / Parish:** Mistley Parish Council

**Applicant:** Mr and Mrs P French

**Address:** Home Farm 119 Harwich Road Mistley

**Development:** Additional roof to link two outbuildings together.

### 1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 28th February 2019 the Parish Council made No Comment.

### 2. Consultation Responses

N/A

### 3. Planning History

00/00013/TELCO M	Erection of one 15-metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto.	Determinati on	02.02.2000
01/01340/FUL	Proposed tennis court with changing room and practice wall	Approved	10.10.2001
98/00078/LBC	Two replacement wooden window frames - as existing	Refused	21.04.1998
99/00809/FUL	Proposed alterations and extensions to existing dwelling	Approved	19.07.1999
99/00810/LBC	Proposed extensions and alterations to existing dwelling	Approved	19.07.1999
19/00158/FUL	Proposed swimming pool.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is in relation to two outbuildings to the north of Home Farm, which is located to the northern section of Harwich Road within the parish of Mistley. Home Farm is a Grade II Listed Building. The site falls outside of the Settlement Development Boundary of Mistley within both the Saved Tendring Local Plan 2007 but within in the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is semi-rural, with a large number of residential properties to the west and grassed/agricultural land to the east. The site also falls within an Area of Outstanding Natural Beauty and within a Coastal Protection Belt.

The building is also Grade II Listed, with its listing being the following:

*"Cottage. C18 or earlier. Timber framed and rough rendered. Thatched roof. Central chimney stack. One storey and attics. Casement windows with pentice boards over to right and left of central door, surround with pilasters, frieze and flat canopy. To the right is a brick built rough rendered single storey range with red pantiled roof, red brick chimney stack and 2 C20 casements. q.v. 3/227."*

The two outbuildings specifically relating to this application were both built prior to 1948 and therefore are curtilage listed.

Description of Proposal

This application seeks Listed Building Consent for the construction of a roof to link two curtilage listed buildings together, in order to allow a solar power cable to run through the roof void. This solar power cable is in conjunction with a separate full planning application for solar arrays to the rear of the site (reference 19/00160/FUL).

## Appraisal

The only consideration as part of this application is the above mentioned amendment on the character, appearance and historic fabric of the curtilage Listed Buildings.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this instance, the proposal seeks consent for the construction of a roof to link two existing outbuildings together, purely for the purposes of allowing a solar power cable to connect from the solar array panels being determined under planning reference 19/010160/FUL and the main junction box within the outbuilding to the south. The roof is to be constructed with clay pantiles and is therefore in-keeping with the existing outbuildings, while its minor nature ensures no significant harm to the appearance of the existing buildings.

It is therefore considered that the proposed works will not detrimentally harm the character, appearance or historic fabric of the curtilage listed buildings.

## Other Considerations

Mistley Parish Council has no comments to make on the application.

There have been no other letters of representation received.

## **6. Recommendation**

Approval - Listed Building Consent

## **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, drawing numbers 18/1001/1 Revision B, 18/1001/2 Revision B, 18/1001/3 Revision B, 18/1001/4 Revision B, 18/1001/7 Revision A and the document titled 'Design & Access Statement with Heritage Statement' dated March 2019.

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

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.