

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                               | INITIALS | DATE      |
|---|----------|-----------|
| File completed and officer recommendation:  | MP       | 22/03/19  |
| Planning Development Manager authorisation: | AN       | 25/3/19   |
| Admin checks / despatch completed           | ER       | 29/3/19   |
|   | SB       | 29/03/19. |

**Application:** 19/00045/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr K Gill

**Address:** Wensley Stud Rectory Road Weeley Heath

**Development:** Proposed cartlodge and tack room.

### 1. Town / Parish Council

St Osyth Parish Council      Objections on the basis that the size and design of the proposed property are deemed to be of little benefit to the countryside setting.

### 2. Consultation Responses

ECC Highways Dept      The Highway Authority does not object to the proposals as submitted.

**Informative 1:**

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

|              |   |          |            |
|--------------|---|----------|------------|
| 01/01011/FUL | Proposed change of use to riding school and livery  | Refused  | 09.08.2001 |
| 01/01012/OUT | Proposed indoor arena with office and administration accommodation and barn to store hay  | Refused  | 09.08.2001 |
| 93/00185/FUL | (Old Cricket Field, Rectory Road, St Osyth) Proposed playing field for two football pitches, car park and alterations to access | Approved | 27.04.1993 |
| 02/02246/FUL | Change of use to equestrian centre  | Approved | 23.01.2003 |

|              | and associated works   |          |            |
|--------------|--|----------|------------|
| 02/02247/OUT | Equestrian centre and associated works   | Approved | 23.01.2003 |
| 05/02153/FUL | Proposed equestrian centre.  | Approved | 10.05.2006 |
| 07/01355/FUL | Proposed use as a stud farm (incl stables and haybarn) siting of mobile home to be used as a temporary dwelling for 3 years in conjunction with the business.                                  | Refused  | 29.11.2007 |
| 08/00182/FUL | Proposed use as a stud farm (incl proposed barn and retention of stables), siting of mobile home to be used as a temporary dwelling for 3 years in conjunction with establishing the business. | Approved | 03.04.2008 |
| 14/01228/OUT | Proposed permanent dwelling.   | Approved | 16.01.2015 |
| 16/01591/FUL | Proposed manege, lunging ring, horse walker and conservation/drainage pond.  | Approved | 17.02.2017 |
| 17/00063/FUL | Proposed dwelling.   | Approved | 03.05.2017 |
| 17/01000/FUL | Alteration to approved planning permission 17/00063/FUL.   | Approved | 02.08.2017 |
| 18/01150/FUL | Proposed cart-lodge & tack room (including office use above).  | Refused  | 14.09.2018 |
| 18/01643/FUL | Proposed cart-lodge & tack room (including office use above).  | Refused  | 20.11.2018 |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

EN16 Agricultural and Related Development

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

PP13 The Rural Economy

PPL3 The Rural Landscape

SPL3 Sustainable Design

### **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 site is located at Wensley Stud on the south-eastern side of Rectory Road. The site is outside of the Settlement Development Boundaries as established in the saved and draft local plans. The nearest defined settlement is Weeley Heath approximately 0.5 miles to the north-east. The site contains various buildings associated with the equestrian use of the land. The structures present on site are set back a significant distance from the highway. Construction work on a new rural workers dwelling approved in 2017 has commenced.

### **Planning History**

Wensley Stud occupies 3.24 hectares and is split into several small paddocks. The buildings present on site include a 12 bay stable block and a hay barn. A mobile home was approved on the site in 2008 and a permanent worker's dwelling was approved in outline form in January 2015 (Ref: 14/01228/OUT). A full application for the dwelling has now been approved and building work has commenced.

Planning permission was refused for a similar development twice in 2018 under planning references 18/01150/FUL and 18/01643/FUL. The applications were refused due to the excessive size and bulk of the outbuilding and in the absence of any justification as to the need of the building it was considered that the extent of the development was disproportionate to the needs of holding.

## Proposal

This application seeks planning permission to construct a cart lodge and tack to the east of the proposed dwelling. The proposed building would measure 10m in width, 14m in depth and 5.5m to ridge height.

The proposal differs from previous similar applications as it has removed the office at first floor level, thereby also reducing the overall height by approximately 1m.

## Assessment

### 1. Design/Functional Need

Paragraph 83 of the National Planning Policy Framework (2019) states planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings

Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted.

Policy COM12 (Equestrian Uses) relates to equestrian related development and states that the development will be considered in relation to the nature and scale of the use and the impact of the built development on the character of the countryside.

Policy QL9 (Design of Development) seeks to ensure that new buildings, alterations and structures are well designed and should maintain or enhance local character and distinctiveness and also to ensure that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Following the previous refusals for similar developments, justification from the applicant has been received which states that the building is required as they intend to use their horses to pull both wedding and funeral carriages. The carriages require a safe and dry building and the cart lodge would also allow for easy access and a dry area to carry out any maintenance. The applicants also state that the tack room and wash down area are essential for the horses to be examined by vets and for medical procedures to be carried out away from the other horses. In addition, the cart lodge has also been reduced in height by approximately 1m to remove the first floor element.

Following the submission of both additional justification and revised plans that have removed the first floor element of the proposal, it is considered that the size and design of the building is far more proportionate to its rural surroundings. Further, it is considered that there is sufficient justification to explain the need for this building in this location, and therefore the proposal can be supported as enabling the expansion of a rural business.

### 2. Impact to Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The building is located a significant distance from the closest residential properties to the west and would therefore not harm resident's amenity.

### 3. Highways Impacts

Essex Highways Authority do not object to the development. Parking provision was approved to the front of the dwelling under the 2017. As such refusal of this application does not impact upon future resident's parking requirements.

## Other Considerations

St Osyth Parish Council objects to the application as the size and design is considered to be of little benefit to the countryside setting.

There have been no other letters of representation received.

## **6. Recommendation**

Approval.

## **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 number 01 Revision E and the document titled 'Justification for Proposed Cart Lodge'.

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 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.