

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	02/04/19
Planning Development Manager authorisation:	AN	02/04/19
Admin checks / despatch completed	AP	3/4/19

*RAO*

**Application:** 19/00124/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr & Mrs Booty

**Address:** 63 Tile Barn Lane Lawford Manningtree

**Development:** Proposed stationing of a static mobile home for use as an annexe for elderly relative.

### 1. Town / Parish Council

Lawford Parish Council      No objection on the condition the mobile home s only on the premises for the life of the proposed inhabitant.

### 2. Consultation Responses

Tree & Landscape Officer      No trees or other significant vegetation will be harmed by the development proposal.

The site for the stationing of the mobile home is well screened by existing hedges that comprise of separate evergreen hedges of Laurel and Cupressocyparis Leylandii.

Should planning permission be likely to be granted no additional soft landscaping is required to soften, screen or otherwise enhance the appearance of the development.

### 3. Planning History

03/01283/FUL	Existing buildings to be used for storage of classic scooters and motorbikes and restoration workshop	Withdrawn	26.01.2005
04/01886/FUL	2 New dwellings	Refused	22.11.2004
18/00680/LUEX	Use of land for stationing of a static mobile home as a permanent residential dwelling unit.	Refused	19.06.2018
18/01355/LUEX	Use of land for stationing of a static mobile home as a permanent residential dwelling unit.	Approved	22.10.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application site is a parcel of land to the north of Number 63 Tile Barn Lane, which lies within the parish of Lawford. Number 63 is a semi-detached property, while to the rear of the site are a number of timber sheds and former agricultural buildings, with the rest of the site laid to lawn. There are also two existing mobile homes within the curtilage of Number 63, one being approved under planning reference 18/01355/LUEX for separate permanent residential use and the other being ancillary to the dwelling. There is mature vegetation to the southern boundary. The character of the surrounding area is semi-rural, with scatterings of built form along this eastern section of Tile Barn Lane but further out large areas of grassed and agricultural land. The site is situated outside of a recognised Settlement Development Boundary in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

## Description of Proposal

This application seeks planning permission for the stationing of a static mobile home for use as an annexe to be used by an elderly relative. The unit is single storey and will measure 5.8m depth x 13.2m width.

## Assessment

### 1. Principle of Development

While there are concerns with the proposed unit being sited outside of the curtilage of Number 63 Tile Barn Lane it is acknowledged that the unit is an ancillary annexe that will be occupied by a family member, is well screened and will be set amongst other existing built form. Further, had it been located approximately 20 metres to the south it could potentially have met Permitted Development rights and no planning permission would have been required.

It is also acknowledged there are two mobile homes within the curtilage that could potentially be used instead of the new unit being proposed. However, one is currently occupied as a separate residential dwelling following the granting of 18/01355/LUEX, with the other being used as an ancillary storage area. The agent for the application has confirmed that the mobile home currently being utilised as a residential dwelling, due to its poor state, is to be removed with the occupant to instead reside in the unit currently being used for storage purposes, which is in line with the previous permission.

A condition will be attached to this decision to ensure only a family member in relation to Number 63 can occupy this annexe. Given this, on balance, the principle of development is considered to be acceptable.

### 2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed mobile home will be sited approximately 40 metres to the north of Number 63 Tile Barn Lane, and will be of a single storey nature in-keeping the surrounding buildings on site. The building is of a size, scale and design that would be expected of a mobile home. Further, the site is well screened with existing mature vegetation to the south-western boundary, ensuring the proposal will not be visible from the street scene along Tile Barn Lane. Therefore there is not considered to be any significant visual harm to the character or appearance of the surrounding area as a result of the proposal.

### 3. Impact upon neighbours

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).

Given that there are no residential properties in close proximity of the proposal, and its single storey nature, there is considered to be a neutral impact to the amenities of the nearby residential properties, Numbers 62 and 64 Tile Barn Lane.

## Other Considerations

Lawford Parish Council has no objection on the condition that the mobile home is only on the premises for the life of the proposed inhabitant.

There have been no other letters of representation received.

### Conclusion

In the lack of significant material harm resulting from the proposed development, this application is recommended for approval.

### **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, the untitled Block Plan, the untitled elevational drawings and the untitled floor layout plan.

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

- 3 The mobile home hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Number 63 Tile Barn Lane, Lawford.

Reason - The site is unsuitable for an additional independent residential unit and has been approved as a residential annexe ancillary to the dwelling at Number 63 Tile Barn Lane, Lawford.

### **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.