

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	29/05/2019
Planning Development Manager authorisation:	SCE	29.05.19
Admin checks / despatch completed	AW	29/5/19

XNE

Application: 19/00349/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mrs Emma Hood

Address: Land at Ancient House Batemans Lane Little Clacton

Development: Proposed construction of all weather menage.

1. Town / Parish Council

Little Clacton Parish Council Recommend approval of this application.

2. Consultation Responses

Not Applicable

3. Planning History

96/00470/FUL	Mobile home for accommodation of disabled relative	Approved	19.06.1996
99/01427/FUL	Mobile home for accommodation of disabled relative - Renewal of planning permission TEN/96/0470	Approved	28.01.2000
11/01034/FUL	Change of use of agricultural land to pasture for horse grazing, plus erection of stable block.	Approved	
12/01060/FUL	Proposed two storey extension to form dining room and bedroom.	Approved	15.11.2012
14/01308/FUL	Change of use of land for horses, including new paddock, erection of fences, demolition of garage block and workshop and replace with 3. no stables and hay store.	Approved	10.11.2014
19/00349/FUL	Proposed construction of all weather menage.	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

EN1 Landscape Character

EN16 Agricultural and Related Development

COM12 Equestrian Uses and Buildings

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 refers to Land to the West of Ancient House, Batesmans Lane, Little Clacton, which is located outside of the settlement development boundary of Little Clacton.

Proposal

This application seeks planning permission for the erection of an all-weather ménage. The construction of the ménage will consist of timber post and rail fencing on the outer perimeter with timber gravel boards helping to retain the silica sand and flexi ride fibre surface.

The ménage is for personal use only.

Site History

Under planning reference 14/01308/FUL, planning permission was granted for the change of use of land for horses, including new paddock, erection of fences, demolition of garage block and workshop and replace with 3 no. stables and hay store.

Principle of development

Saved policy COM12 (Equestrian Uses and Buildings) and emerging policy PP13 (The Rural Economy) are most relevant to this proposal. They state, amongst other things, that equestrian development will be considered in respect of the nature and scale of the development upon the character of the countryside.

This policy sets out that business and domestic equine related activities will be considered in relation to the following criteria:

a) the nature and scale of the equestrian use and the impact of the built development on the character of the countryside, including nature conservation interests and the cumulative effect of similar uses in its general area;

The ménage will be located upon existing paddock land adjacent to the highway. There is existing vegetation denoting the boundary which will help to screen the proposal and due to the low key nature of the proposals (post and rail fencing and a surface dressing), the impact upon the rural appearance of the area would be minimal. A condition has been imposed to remove permitted development rights for the erection of fences, walls or other means of enclosure to protect the rural character of the area and the visual amenity.

A condition will be attached to ensure that the extent of any future lighting is controlled in the interests of protecting the character of the rural location.

b) whether the size of the stables accords with the number of horses intended to be accommodated;

The application does not seek planning permission for stables. Therefore this criteria does not apply.

c) the impact of any built development on the amenity of neighbouring residential properties;

The surrounding area is semi-rural with some residential properties to the south west and south east. However, given there is a significant distance to the properties, and that a condition will be attached to ensure no burning of manure, there is not considered to be a significantly detrimental impact to existing amenities. The proposals relate to an established equine use. The use of the land as a ménage on a personal basis would not adversely affected the amenities of the residents living directly to the south west or south east. Therefore the proposal is acceptable against this criterion.

d) whether suitable arrangements have been made for the disposal of storage of soiled material and foul drainage provision meets the requirements of the Council and Environment Agency;

The agent for the application has stated within their supporting statement that they will install soakaway crates and a drainage system. Therefore the proposal is acceptable against this criterion.

e) whether a suitable vehicular access can be provided in connection with the stables such as to allow the free and safe flow of traffic on the adjoining highway;

The proposal is to utilise an existing vehicular access to the north east of the site, and as such Essex Highways Authority raises no objections to the proposal. Further, a condition will be attached to the decision to ensure the proposal is for the applicant's personal use only, thereby reducing any impacts to the highway network.

f) the impact on the character of the countryside of providing an adequate access;

The access being utilised is already in situ and will therefore result in a neutral impact to the character of the countryside.

g) the level of traffic to be generated by the proposed use, and the suitability of the road leading to the site to cater for such movements;

The proposal will only be for the private use of the owner and family and it is anticipated that there would be no significant additional traffic generated by the proposed development and as a result the proposed access arrangements are considered acceptable.

h) the impact of traffic levels on the amenities of the land.

As the proposal is solely for the applicant's own use, there is not anticipated to be any significant impacts on traffic levels. Furthermore, a condition has been imposed to ensure that the stable building is only used privately and that no commercial use occurs.

Other considerations

Little Clacton Parish Council recommend the application for approval.

One letter of representation has been received and raises the following concerns:

1. Light pollution caused by flood lighting as it is a rural location.

In response to concern 1, this has been addressed within the report.

2. Area has a very well established Owl population and excessive lighting would be potentially detrimental to these birds and other nocturnal wildlife.

In response to concern 2, a condition will be imposed to ensure that details in relation to the position, height, aiming points, lighting levels and polar luminous diagram are submitted to and agreed by the Local Planning Authority.

Conclusion

In the absence of significant material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

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 and document: Block Plan Scale 1:500, Proposed Floor Plan Scale 1: 250, Proposed Elevations Scale 1:50 and Planning Statement dated March 2019.

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

3. There shall be no burning of horse manure on the site at anytime.

Reason- The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

4. The ménage hereby approved shall be used solely in connection with the private stabling of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

Reason - In the interests of local amenity and highway safety.

5. No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well-designed development sympathetic to the character of the area and in the interests of residential amenity.

6. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no erection of a gate, fence, wall or other means of enclosure except in accordance with drawings showing the design and siting which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-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 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.

Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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

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