

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	30/05/2019
Planning Development Manager authorisation:	SCE	31.05.19
Admin checks / despatch completed	WNE SB	31/05/19. 31/05/19.

**Application:** 19/00552/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Smalley

**Address:** 2 Hunters Chase Ardleigh Colchester

**Development:** Demolish and rebuild barn exactly as approved under application 18/00718/FUL to be used as an annexe.

### **1. Town / Parish Council**

Ardleigh Parish Council have not commented on this application.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

03/01694/FUL	2 Storey extension, single storey entrance hall and conservatory.	Approved	30.09.2003
18/00718/FUL	Proposed rear extension to existing dwelling and changes to existing facade, proposed conversion of existing barn into private annexe for main dwelling and change of use for rear land to residential use from agricultural.	Approved	09.08.2018
19/00552/FUL	Demolish and rebuild barn exactly as approved under application 18/00718/FUL to be used as an annexe.	Current	

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

National Planning Policy Framework 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



### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 a semi-detached on the north side of Hunters Chase, a predominantly rural location in the parish of Ardleigh. It is located on a substantial plot of some 0.14ha.

The property has been extended to the side by virtue of a two-storey side extension and at the rear through the addition of a conservatory. At the rear of the current garden is an area utilised as informal garden land which includes an area of grassed meadow land and several recently planted trees. The rear boundary of this area of land is enclosed by post and rail fencing.

Planning permission was granted under reference 18/00718/FUL for a rear extension to existing dwelling and changes to existing facade, proposed conversion of existing barn into private annexe for main dwelling and change of use for rear land to residential use from agricultural.

### **Proposal**

This application seeks planning permission to demolish and rebuild the barn exactly as approved under planning application 18/00718/FUL and it will be used as an annexe. The application form states that the conversion of the approved application is impractical due to there being no foundations to the existing barn.



## Assessment

The main considerations for this application are the principle of development, design and appearance and impact upon neighbouring amenities.

### Principle of development

The principle of the development has been established through the granting of planning permission 18/00718/FUL.

### Design and Appearance

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 footprint of the barn is not being altered. The current black timber to the exterior of the building will be re-painted and slates are to be applied to the roof. As such the barn will retain its current traditional rural outbuilding appearance.

In terms of its use it is intended to be used as a two bedroom annexe initially for the applicant and his young family whilst work to the dwelling is being undertaken. Once work is complete on the house it is then intended to be used as overspill accommodation and by the applicant's elderly parents. With its future use in mind the annexe would be single storey, designed with level access throughout. While active provision of care may not be required at present, the close relationship of the proposed building with the existing house would undoubtedly facilitate it in the event of it being required in the future. Furthermore, the building would not have a clear separate entrance, as it would turn its back to the highway and lack any obvious 'front door'. Access would be gained via the existing property's garden through sliding patio-style doors to the main rooms to the rear. As such it is concluded that the converted barn would be occupied in an ancillary manner. The imposition of a restrictive condition would still be reasonable and necessary in this case, in order to confirm the ancillary relationship with the existing dwelling.

### Impact upon neighbouring amenities

The proposal will be located to the east of the host dwelling and therefore will not cause any impact upon the neighbouring dwelling to the west. The proposal will be visible to the neighbouring dwelling to the east, Number 3 Hunters Chase, however, due to the building being a conversion of the existing barn as well as the approximate distance of 25 metres to the neighbouring dwelling, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

### Other considerations

Ardleigh Parish Council have not commented on this application.

No letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the development, the 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: Drawing No.107 and Drawing No. 108

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

3. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Hunters Chase, Ardleigh.

Reason - The site is unsuitable for an additional independent residential unit.

## 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.

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