

Tendring

District Council



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Our Ref: 19/00841/COUNOT

23 July 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00841/COUNOT

PROPOSAL: Proposed change of use of an agricultural building to one dwelling.

LOCATION: Folkards Barn Folkards Lane Brightlingsea Essex

I refer to the above application received on 4 June 2019.

Determination by the Local Planning Authority that the prior approval of the authority is **required** as it fails to meet the criteria set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Tendring District Council hereby **refuse** approval for the development proposed in the above-mentioned application for the following reasons:

- 1 Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 states, under Q.1 (a), that works are not permitted by Class Q if;

- the site was not used solely for an agricultural use as part of an established agricultural unit;

(i) 20th May 2013 or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; and

In this instance, the building does not appear to have been used solely for an agricultural use as part of an established agricultural unit, instead an equestrian use forming stables and a storage barn. The land surrounding the building appears to be used for the grazing of horses only. The information provided by the applicant supports this view by stating that the use in recent years has been equestrian only as there has been no requirement for the land for sheep grazing. Consequently, there is insufficient evidence to show that the building is or was in an agricultural use thereby failing the criteria listed above.

The proposal is therefore considered to fail sections Q.1 (a) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

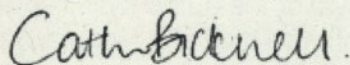


- 2 Paragraph 180 of the National Planning Policy Framework (2019) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy QL11 of the Saved Plan states that amongst other criteria, development will only be permitted if the scale and nature of the development is appropriate to the locality and the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In the absence of a full noise assessment it cannot be adequately demonstrated that future residents would not be subjected to adverse levels of noise from the existing commercial kennels and cattery located in close proximity to the south. As a result it cannot be proven that future residents will have a sufficient level of residential amenity or that the existing business will be compromised through the potential for noise complaints. The development therefore fails to comply with the above mentioned national and local planning policies.

Yours faithfully



Catherine Bicknell
Head of Planning