

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	13/09/2019
Planning Development Manager authorisation:	TF	16/09/2019
Admin checks / despatch completed	SB	17/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EXL	17/9/19

**Application:** 19/00954/LUPROP                      **Town / Parish:** Clacton Non Parished

**Applicant:** Mr T Ludlow

**Address:** 2 Brentwood Road Holland On Sea Clacton On Sea

**Development:** Proposed detached garage.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

19/00954/LUPRO    Proposed detached garage.                      Current  
P

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 2 Brentwood Road, Holland on Sea. The semi-detached bungalow is north facing. The main property is finished in brick render with a tiled roof.

### **Description of Proposal**

This application seeks a Lawful Development Certificate for a Proposed Development, in this case an outbuilding forming a single flat roofed garage.

A lawful use certificate is, 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'.

The plans submitted with the application show the outbuilding and its proposed position.

### **Assessment**

Main considerations are;

- Planning History and the General Permitted Development Order.
- Planning History

### **Planning History**

The property was built prior to 1947. There is no planning history for the property that restricts permitted development rights, meaning the permitted development rights for the property still exist.

### **General Permitted Development Order**

This application seeks a lawful development certificate for a proposed development, in this case an outbuilding. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development reference needs to be made to The Town and Country Planning (General Permitted Development) (England) Order 2015.

### **Class E - The provision within the curtilage of the dwellinghouse of-**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**

**(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

**(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**

*Not applicable.*

(b) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

*The total area covered by the proposal and existing buildings will not exceed 50% of the total area.*

(c) any part of the building enclosure pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

*The outbuilding will not be situated on land forward of the wall forming the principal elevation of the original dwellinghouse.*

(d) the building would have more than one storey;

*The outbuilding will be single storey.*

(e) the height of the building, enclosure or container would exceed -

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse or;

(iii) 3 metres in any other case;

*The outbuilding will be situated a minimum of 0.3 metres away from the eastern side boundary. The height of the flat roof is 2.5 metres.*

(f) the height of the eaves of the building would exceed 2.5 metres

*The height of the eaves of the outbuilding is 2.1 metres.*

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

*2 Brentwood Road is not a listed building.*

(h) it would include the construction or provision of a veranda, balcony or raised platform;

*The proposal does not include the construction or provision of a veranda, balcony or raised platform.*

i) it relates to a dwelling or a microwave antenna; or

*The proposal does not relate to a dwelling or a microwave antenna.*

(j) the capacity of the container would exceed 3,500 litres.

*Not applicable*

### Conclusion

The proposed outbuilding meets all the relevant criteria as set out above and must be concluded to be permitted development. The Lawful Development Certificate for the proposed development can therefore be issued.

## **6. Recommendation**

Lawful Use Certificate Granted

**7. Conditions / Reasons for Refusal**

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

**8. Informatives**

N/A

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