

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/10/2019
Planning Development Manager authorisation:	JP	17/10/2019
Admin checks / despatch completed	CC	17/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	17/10/19

Application: 19/01277/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr P Cavallo

Address: Vince's Barn Frating Road Ardleigh

Development: Change of use from agricultural (inactive) to residential as a garden extension of the existing house (Vince's Barn). Conversion and alteration of the Dutch barn to become a domestic garage for Vince's Barn.

1. Town / Parish Council

Ardleigh Parish Council No comments received.

2. Consultation Responses

None required.

3. Planning History

90/00229/FUL	Residential conversion of redundant agricultural barn complex.		09.11.1990
04/01964/LUEX	Lawful use of building currently used as residential dwelling.		10.12.2004
05/00516/FUL	Single storey extension	Approved	28.06.2005
07/01290/FUL	Erection of cart lodge within domestic curtilage.	Approved	09.10.2007
15/30253/PREAPP	Conversion of agricultural stables/ poultry /small holding into a residential building.	Refused	19.10.2015
17/01293/FUL	Change of use of land from agricultural to residential to support a new driveway to dwelling.	Approved	29.09.2017
18/30038/PREAPP	Proposed demolition of existing agricultural barn & erection of 2no. detached dwelling houses with new accesses.	Refused	27.03.2018
19/30058/PREAPP	External alterations to Dutch Barn to include replacement roof and cladding.	Support with Amends	12.07.2019

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

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located on the north-eastern side of Frating Road within the parish of Ardleigh. The site forms a parcel of land to the south-east of a complex of converted residential barns, dwellings and farm buildings. The land has been used historically for residential purposes and comprises of a curved driveway and grass central area associated with the use of Vinces Barn to the north-west. To the perimeters of the site are several trees and vegetation that assist in screening

views of the site from the highway. The application relates to the rear portion of the site and an existing Dutch Barn associated with Vincés Barn.

Description of Proposal

The application seeks full planning permission for the change of use of the land to form extended residential curtilage for Vincés Barn and the conversion and alterations to the existing Dutch Barn to form a domestic garage (for the applicant's car collection).

Assessment

The main considerations are;

- Principle of Development;
- Design, Appearance and Landscape Impact;
- Impact on Neighbours; and,
- Representations.

Principle of Development

The development proposal seeks to alter and extend an existing Dutch barn to create a large 6 bay garage to serve Vincés Barn as an ancillary outbuilding for the applicant's car collection.

The garden extension is considered acceptable given the character of the immediate locality appearing contained and bounded in part by existing garden areas. The site does not appear as open countryside and the building is in situ. The landscape impact is therefore neutral. It is considered necessary to impose an appropriately worded restrictive condition removing permitted development rights for outbuildings and boundary walls and fences so that any future development within this area can be controlled and the visual and landscape impact assessed on a case by case basis.

Design, Appearance and Landscape Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The development proposal essentially encloses the existing structure including garage doors and windows. The scale and proportions of the building will remain and the overall visual and landscape impact will not be materially different. The curved roof form of the existing Dutch Barn is a positive element of the historic character and charm of the existing structure. The proposal retains this feature therefore meeting the aims of the afore-mentioned national and local plan policies.

Impact on Neighbours

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

The land is enclosed by existing vegetation. The building is in situ and located a sufficient distance from neighbouring properties. The change of use of the land and the use of the building ancillary to the existing dwelling will not result in any material harm to neighbouring residents.

Representations

No comments have been received from Ardleigh Parish Council.