

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/10/2019
Planning Development Manager authorisation:	TF	22/10/2019
Admin checks / despatch completed	CC	18/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ERL	18/10/19

Application: 19/01234/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mrs Germana Sinatra

Address: Greshams Farm Harwich Road Great Bromley

Development: Proposed ground level 20m x 40m manege for private recreational use.

1. Town / Parish Council

Great Bromley Parish Council has not commented on this application.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the vehicle access is not changing and the proposed manege is for private use only, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

3. Planning History

00/01613/FUL Continued use of mobile home Approved 08.03.2001

02/00605/FUL Continued use of mobile home Approved 31.05.2002

	(renewal of planning permission 00/01613/FUL).		
93/01041/FUL	Continued use of mobile home for elderly relative (renewal of consent TEN/1286/90)	Approved	12.10.1993
96/00898/FUL	Continued use of mobile home for elderly relative (Renewal of consent TEN/93/1041)	Approved	12.08.1996
99/01275/FUL	Removal of agricultural occupancy restriction as imposed by planning approval TEN/426/63	Approved	01.12.1999
03/01550/FUL	Renewal of planning permission 00/01613/FUL for continued use of mobile home	Approved	07.10.2003
05/00666/FUL	Mobile home to be used as annexe for sick relative.	Refused	31.08.2005
07/00650/FUL	Change of use of agricultural buildings for commercial purposes.	Withdrawn	09.07.2007
07/01525/FUL	Continued use of agricultural buildings as groundwork contractors workshop, storage and distribution depot (Class B2 and B8).	Refused	14.12.2007
08/01685/FUL	Continued use of redundant agricultural buildings as groundwork contractors workshop, storage and distribution depot (Class B2 and B8).	Approved	03.04.2009
18/01406/LUEX	Application for a Lawful Development Certificate - continuous occupation of Greshams Farm in breach of agricultural occupancy condition.		27.09.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL3 The Rural Landscape

SPL3 Sustainable Design

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 refers to Greshams Farm, Harwich Road, Great Bromley, which is located outside of the settlement development boundary of Great Bromley.

Proposal

This application seeks planning permission for a ground level 20 metres x 40 metre manege for private recreational use.

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 manege will be located upon existing paddock land. The site itself is open but not particularly prominent due to its set back nature and boundary treatments along this section of Harwich Road. Against this backdrop, the proposed manege is not considered to be prominent or out of character within the surrounding area in this 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 north east and north west. 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 use of the land as a ménage on a personal basis would not adversely affected the amenities of the residents. 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 applicant has included a drainage layout as part of this application. The plan demonstrates that the drainage would carry any surface water into a soak away. 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

Great Bromley Parish Council have not commented on this application.

No letters of representation have been received.

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 plan: Cross section and proposed materials scanned 16 Aug 2019, Drainage Layout scanned 16 Aug 2019, Block Plan scanned 28 Aug 2019, Proposed Fence scanned 28 Aug 2019 and proposed site photos scanned 28 Aug 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 manege hereby approved shall be used solely in connection with the private keeping 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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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