

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	15 th Nov 2019
Planning Development Manager authorisation:	TF	15/11/19
Admin checks / despatch completed	CC	15.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>RL</i>	15/11/19.

Application: 19/01412/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mrs Julia Webster

Address: Three Elms Harts Lane Ardleigh

Development: Proposed cartlodge with home office.

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

10/00291/FUL	Continued occupation of dwelling house without complying with agricultural occupancy condition (removal of Condition 04 of planning permission TEN/184/69).	Approved	11.06.2010
19/01412/FUL	Proposed cartlodge with home office.	Current	
19/01735/OUT	Redevelopment of site for 4no single storey residential dwellings.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Harts Lane is characterised by sporadic dwellings on spacious plots and is considered very rural in nature. Like many properties in the area the dwelling sits some considerable way back from the road, some dwellings have a paddock-type area (including the site in question), others have large gardens. Front boundaries are varied, including established hedges and picket fences. The dwelling itself is a single-storey bungalow, as are most dwellings in the immediate locale.

Proposal

It is proposed to erect a detached outbuilding which comprises a two-bay car-port and storage area. Externally the building would have a plain-tiled roof and be finished in black-stained weatherboarding and be oak framed. The building would be sited within the forward paddock area, in the north-east corner and it would be served by a new vehicular access.

Principle of Development

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. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- be of a size, scale and height and in keeping with the character of the locality
- its design and materials would make a positive visual contribution to its setting
- be well related and in proportion to the original dwelling
- not be visually intrusive on a skyline or in the open character of the surrounding countryside
- retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- not represent over-development of the site or be detrimental to highway safety
- not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- not exacerbate any existing access, drainage or other problems associated with the site.

The structure would be of a size, scale and height that is entirely in keeping with the semi-rural character of the locality and, having a semi-rural appearance, would be of a design that would make a positive visual contribution to its setting. Its height relates well and is in proportion to the original dwelling, and for this reason would not be visually intrusive on a skyline or in the open character of the surrounding countryside.

Design

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The appearance is attractive in regards to external materials, the scale (height, roofscape, overall scale) all respect the character of the area. Whilst it is acknowledged that the structure is forward of the building line, it is nonetheless modest in height and would not cause harm to the open character of the area.

Impact Upon Neighbours

The NPPF, at paragraph 17 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 Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Separation distances between the proposed siting and Ardleigh Acres to the west are in excess of 30m, these distances are such that the proposed structure is unlikely to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. It is

likely the proposed structure would comply with paragraph 17 of the NPPF, Policy QL11 of the Saved Plan and Policy SPL3 of the emerging plan.

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: 1330-1A, 1330-2A, 1330-3A and 1330-4A; received 20th September 2019.

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

8. Informatives

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?		NO
Are there any third parties to be informed of the decision?		NO