

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	19/12/19
Planning Development Manager authorisation:	AN	19/12/19
Admin checks / despatch completed	CC	19/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	MO	19/12/19

Application: 19/00780/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Mrs Baines

Address: Mill Farm Brightlingsea Road Thorrington

Development: Retrospective application for the erection of an agricultural building, the stationing of 2 no. holiday let shepherds huts and storage of materials and equipment in association with the landscaping business in operation from the site.

1. Town / Parish Council

Thorrington Parish Council No comment.

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal does not alter the existing access to the private road and there appears to be adequate room and provision for off street parking and turning, for the proposal therefore:

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

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Essex County Council Heritage The retrospective application is for the erection of an agricultural building, the stationing of 2 no. holiday let shepherd's huts and storage of materials and equipment in association with the landscaping business in operation from the site.

The above concerns Mill Farm, a site incorporating Thorrington Mill House, a Grade II listed (HE Ref: 1235270) building, and Thorrington Tide Mill a Grade II* listed (HE Ref: 1265152) building.

Whilst the erected agricultural building appears in-keeping with the existing agricultural development on site and the shepherd's huts have a negligible impact on the setting of the heritage assets due to their location, size and scale, the impact of the proposed storage area is not fully understood and clarification is recommended. Whereas the relocation of paraphernalia associated with the landscaping business into a distinct space may be considered to be of heritage benefit, reducing clutter on site, the photographs provided suggest that clear, unobstructed views onto the Grade II* listed Mill can be glimpsed from

the storage area (and vice versa), raising concerns with regard to the impact to its setting. The submitted block plan shows the storage area projecting far beyond the screening provided by the recently erected agricultural building and the proliferation of shipping containers and other storage articles within views of the Mill is not desirable. It is therefore recommended that the applicant clarifies what the proposed designation of the area for storage would entail, outlining details such as height and appearance of paraphernalia to be located therein, with a possible revision of the area's extent should views of the Mill be negatively impacted.

Natural England

Thank you for your consultation on the above dated 29 July 2019 which was received by Natural England on the same day. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

European sites:

- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area
- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar
- Essex Estuaries Special Area of Conservation (SAC)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the internationally designated sites and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Natural England consider that due to the small scale of this development, and the lack of access to the designated sites, a Likely Significant Effect may be ruled out.

Colne Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

3. Planning History

02/00566/AGRIC	General purpose agricultural building.	Determinati on	22.04.2002
08/01420/FUL	Erection of single-storey rear extension.	Approved	09.12.2008
08/01421/LBC	Erection of single-storey rear	Approved	08.12.2008

	extension, renewal of existing dining room window and form new door opening, and removal of existing kitchen window and external door to form enlarged opening.		
09/00162/FUL	Erection of single storey rear extension.	Refused	29.04.2009
09/00182/LBC	Erection of single storey rear extension, removal of existing dining room window and form new door opening, and removal of existing kitchen window and external door to form enlarged opening.	Refused	29.04.2009
09/01296/FUL	Proposed single storey, part glazed oak framed extension to kitchen and ancillary works.	Approved	17.02.2010
09/01297/LBC	Proposed single storey, part glazed oak framed extension to kitchen and ancillary works.	Approved	17.02.2010
11/01262/FUL	Change of use of redundant agricultural buildings to residential.	Approved	21.12.2011
11/01263/LBC	Change of use of redundant agricultural buildings to residential.	Approved	21.12.2011

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

ER16 Tourism and Leisure Uses

ER20 Occupancy Timescales

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

PP8 Tourism

PPL3 The Rural Landscape

PPL9 Listed Buildings

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

Site Description

The application relates to land part of Mill Farm, which is located to the western side of Brightlingsea Road within the parish of Thorrington. The site itself historically forms part of the farmyard to Mill Farm, and the land slopes steeply downward to the west away from the site entrance. The surrounding area is a mixture of rural and urban; to the wider north and south lie the settlements of Thorrington and Brightlingsea respectively, while there is linear residential development running north to south along Brightlingsea Road to the east. However to the west are large areas of grassed land.

To the south of the site are two Grade II & II* Listed Buildings, while there is a public right of way to the south running east to west. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This application seeks retrospective planning permission for the following:

- Erection of a steel portal frame agricultural building;
- Stationing of 2 x holiday let shepherds huts that have been in use since 2015 to the northern section of the site; and
- Storage of materials and equipment in association with the landscaping business in operation from the site, Hill Farm Landscapes.

Assessment

The application will individually assess the shepherds huts and the agricultural building/open storage area.

Two Shepherd Huts

1. Principle of Development

Policy ER16 of the Adopted Local Plan states that proposals for tourism and leisure uses will be permitted provided that:

- a) the development is accessible to all potential visitors and users;

The application site is located outside of a recognised settlement development boundary, with the nearest settlements being Thorrington and Brightlingsea to the north and south respectively. However the site itself is highly accessible via Brightlingsea Road to the east and therefore this criterion is met.

- b) there is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible;

The site is for two holiday let shepherd huts and is therefore not considered likely to generate large traffic volumes. The site is linked to Brightlingsea Road to the east and has an existing suitable access point. While there is not a designated parking area shown suitable there is sufficient space for parking provision across the wider site, whilst Essex Highways Authority has not objected. Therefore this criterion is met.

- c) the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas;

There are neighbouring properties located to the south of the proposal; however there is an approximate separation distance of in excess of 100 metres. The site is also mainly open woodland and does not contain sensitive wildlife areas. Further, the use relates to two holiday homes, which is not considered to generate large levels of noise disturbance. Therefore this criterion is met.

- d) there will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high quality agricultural land; and

The site is to be located on woodland and there will therefore be no impacts to any high quality agricultural land as a result of the proposed development.

- e) where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area.

The retention of the Shephard's Huts will not cause harm to any trees or other existing vegetation, and sit comfortably within their setting.

2. Design, Layout and Appearance

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. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The two holiday homes are to be located approximately 200m west of Brightlingsea Road. Views to the site will be largely restricted from existing mature vegetation to this boundary. Therefore the low number and relatively small size ensure they do not radically impact the character of this rural area.

Agricultural Building/Storage Area

1. Principle of Development

Paragraph 83 of the National Planning Policy Framework (2018) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, particularly well-designed new buildings, and should enable the development and diversification of agricultural and other land-based rural businesses.

Policy PP13 of the Emerging Local Plan states that to support growth in the rural economy, the Council may support buildings that are essential to support agricultural, aquaculture, horticulture and forestry, subject to detailed consideration against other policy requirements.

The proposal relates to the retention of an existing agricultural building and the storage of materials and equipment in association with the landscaping business Hill Farm Landscapes. Therefore the Council is in support of a proposal that will see the retention of an established local business, and the principle of development is acceptable subject to the detailed considerations below.

2. Visual Impacts

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. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans show that the agricultural building is of a similar size, style and design to adjacent development, ensuring it assimilates well within its surrounds. Further, due to the site being so far set back from the street scene to the east, there will be a neutral impact to the areas wider character, while the building is largely in-keeping with the type of activity operated on the site. There are therefore no objections to this element of the scheme.

With regards to the open storage for materials and equipment, initially concerns were raised that there would be harm to the setting of the nearby listed buildings. Accordingly, following discussions, the agent for the application has submitted a site layout plan that has relocated the existing storage containers to the north-east corner, with the storage zone to be located to the south-east corner. Given this the front area will be open and uncluttered, and therefore the previous visual harm identified has been overcome.

3. Landscape Impacts

The retention of the existing extended agricultural building will not result in ongoing harm to the local landscape character. The structure is relatively well assimilated into its setting and is positively associated with adjoining barns.

New soft landscaping has been carried out to the east of the barns to provide screening from the nearby Public Right of Way. Given this, and the sites open setting, there is no requirement for further soft landscaping on this occasion.

4. Impacts to Neighbouring Amenities

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).

While there are neighbouring properties located to the south, there is good separation distances of approximately 100 metres. Given this, and that the agricultural building is already in existence, there is no harm to neighbouring amenities as a result.

5. Impact to setting of a Listed Building

Paragraph 196 of the National Planning Policy Framework (2019) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 of the National Planning Policy Framework (2019) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN23 of the Adopted Local Plan states proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this are carried forward within Policy PPL9 of the Emerging Local Plan.

The above concerns Mill Farm, a site incorporating Thorrington Mill House, a Grade II listed (HE Ref: 1235270) building, and Thorrington Tide Mill a Grade II* listed (HE Ref: 1265152) building.

Following consultation the Council's Historic Environment consultant initially stated that whilst the erected agricultural building appears in-keeping with the existing agricultural development on site, the impact of the proposed storage area harmed existing clear, unobstructed views onto the Grade II* listed Mill, which can be glimpsed from the storage area (and vice versa), raising concerns with regard to the impact to its setting. However these concerns have been overcome following the submission of a site layout plan that shows the storage area and containers to be sited to the eastern section of the site. The remainder of the site is to remain clear to allow for vehicle turning, thereby significantly reducing the potential for views to the listed building to be harmed. Conditions will also be attached to this decision to ensure no additional containers are allowed without first obtaining planning permission, and to restrict the storage areas to 3 metres, to further ensure the setting of the listed building is protected.

Other Considerations

Thorrington Parish Council have not commented.

There have been no other letters of representation received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, documents titled 'Site Location Plan', 'Block Plan', 'Storage Area Layout Plan', 'Planning, Design and Access & Heritage Statement; Mill Farm', the two untitled drawings showing elevations and floor plans for the shepherds huts, and drawing numbers G [1] and G [3].

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

- 2 No shepherds hut shall be occupied between 14 January and 28 February inclusive in any year but during that period may be used for storage of household effects.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

- 3 The shepherds huts shall be occupied for holiday purposes only.

Reason - To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 4 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual shepherds huts on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 5 No goods or materials shall be stored, stacked or deposited on the site except in the designated areas shown on the document titled 'Storage Area Layout Plan'. The external storage shall also not exceed 3 metres in height.

Reason - In order to protect the setting of the nearby listed buildings, and to also protect the setting of the surrounding landscape.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.