

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DM	15/01/21
Planning Development Manager authorisation:	TC	15/01/2021
Admin checks / despatch completed	CC	18.01.2021
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Application: 20/01680/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr and Mrs Carter

Address: Church Farm House Lodge Lane Tendring

Development: Replacement of agricultural building with one 4 bed dwelling.

1. Town / Parish Council

2. Consultation Responses

UU Open Spaces
24.12.2020

Response from Public Realm
Open Space & Play

There is currently a deficit of '1.33 hectares of equipped play/formal open space in the village of Tendring.

The closet play area to the development is located on Heath Road which is 0.3 miles away from the proposed development
Recommendation

Due to the close proximity to the development it is felt that this play area will see the biggest impact. Therefore a contribution is both relevant and justified to this planning application. The contribution would be used by the Parish Council towards improvements at the open space/play area on Heath Road

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of any of the proposed dwelling, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Tree & Landscape Officer
15.12.2020

No trees or other significant vegetation will be affected by the development proposal.

The site benefits from an existing boundary hedge comprising of primarily Hawthorn that is shown as retained.

The hedge acts as a good screen and makes a positive contribution to the appearance on the public realm.

Building Control and
Access Officer
07.12.2020

No adverse comments at this time.

4. Planning History

93/00215/FUL	Continued use for car valeting business [renewal of planning permission TEN/1374/90 and TEN/91/0162]	Approved	31.03.1993
94/01398/FUL	Continued use of premises for car valeting and additional use for display and sale of cars	Refused	07.03.1995
96/01005/FUL	Conversion of barn into residential unit	Refused	01.10.1996
97/00458/FUL	Barn conversion to residence	Refused	27.05.1997
05/01148/FUL	Two storey extension to provide kitchen, utility room, wc, dressing room, ensuite and new master bedroom.	Approved	23.08.2005
91/00162/FUL	Variation of Condition 7 of TEN/1374/90 to allow additional working hours of 1pm until 6pm Saturdays and 9am to 12 non Sundays.	Approved	24.04.1991
09/01311/FUL	Erection of first floor and two storey extensions (revised scheme to that approved under planning permission 05/01148/FUL).	Refused	05.02.2010
10/00215/FUL	Erection of two storey rear extension and first floor rear extension.	Approved	30.04.2010
19/00554/FUL	Conversion of a traditional Essex barn into a dwelling.	Refused	31.07.2019
19/01273/FUL	Conversion of a traditional Essex barn into a dwelling.	Approved	15.10.2019
20/01680/FUL	Replacement of agricultural building with one 4 bed dwelling.	Current	

5. 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
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
TR1A Development Affecting Highways
EN6 Biodiversity
EN6A Protected Species
EN1 Landscape Character
EN11A Protection of International Sites European Sites and RAMSAR Sites
ER11 Conversion & Reuse of Rural Buildings
COM6 Provision of Recreational Open Space for New Residential Development
TR7 Vehicle Parking at New Development
TR1A Development Affecting Highways

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

SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL3 Sustainable Design
LP1 Housing Supply
LP3 Housing Density and Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been

appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

6. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site, Church Farm House, is a two storey dwelling located at the junction of Lodge Lane and School Road within the parish of Tendring. The building that is the subject of this application lies within the curtilage of the dwellinghouse and is a traditional timber framed barn currently used for the purposes of domestic storage and is sited to the southeast of said dwelling.

It is a prominent building in the street scene, with the midstrete facing west and a range of single storey additions to the north and southern sides. The northern range is in a poor state, comprising a series of metal clad structures supported on limited timber posts. The southern range is in a good condition, clad in timber weatherboarding with a pantiled roof. A further lean-to is affixed to the southern gable of the principal barn, used for keeping chickens.

This section of Lodge Lane contains sporadic residential dwellings either detached or semi-detached while Tendring Primary School is situated ca. 75m to the west. The site falls outside of Settlement Development Boundary within both the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-33 and Beyond Publication Draft 2017.

As previously alluded to the building is a traditional Essex type barn with some heritage merit however it is not a listed building and is not within a conservation area. It is timber framed with black weather boarding and a sheet metal roof. In the absence of any non-statutory local list, the building is not recorded as a heritage asset for the purposes of the NPPF. Nevertheless, it retains its unique 'Essex barn' appearance and character. The building also displays a considerable degree of historic and architectural interest meaning that it can be considered a non-designated heritage asset.

Description of Development

The application seeks planning permission for the replacement of existing former agricultural building with a residential dwelling to be served by four bedrooms

Relevant Site History

19/01273/FUL - Conversion of a traditional Essex barn into a dwelling - Approved under Policy ER11 of the adopted Local Plan 2007

19/00554/FUL

Conversion of a traditional Essex barn into a dwelling.
Refused for reasons of a lack of a completed Unilateral Undertaking to account for financial contributions toward RAMS & Open Space

Principle of Development

The previous application was assessed and found to be acceptable under saved Policy ER11 Conversion and Re-Use of Rural Buildings of the Adopted Local Plan 2007.

It states that... *The re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of:-*

- a. the type and scale of activity proposed and its compatibility with the character of the surrounding area;*
- b. the suitability of the building for the use proposed;*
- c. the level of traffic generated;*
- d. the effect on the external appearance of the building;*

- e. the scale and visual impact of any open storage areas associated with the proposed use;*
- f. the location of the building in relation to other buildings, the landscape and the highway network;*
- g. the impact on local amenity; and*
- h. the impact on the historical value of the building.*

The Council displayed flexibility in its interpretation of the 2007 Plan against the NPPF requirements and approved the application as it was found to fulfil the listed criteria including criterion *h. the impact on the historical value of the building*. In this instance however the proposal would not comply with the above policy because it represents the demolition of the existing barn, not its re-use or conversion, and the loss of all of its heritage significance and value. As such Policy ER11 cannot be applied in this instance as it only provides for conversion and not what would amount to the demolition of the existing barn and the construction in its place of a home that would represent a pastiche of the existing structure. This means that the policy justification that led to the previous application's acceptance when assessed against the emerging and existing local plans cannot be applied. As such the dwelling falls to be considered as a new dwelling in the countryside.

Having regard to the above and for completeness, the principle of residential development on the site can be assessed as follows.

The site lies outside of any Settlement Development Boundary (SDB) as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. – Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth. For completeness the three strands of sustainable development are discussed below.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- economic;
- social, and;
- environmental roles.

- Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, and so meets the economic arm of sustainable development. Notwithstanding this, such benefits would be the same were the development in a location that accorded with development plan policy.

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. Socially, it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. Smaller villages like Tendring are considered the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

The Street, Tendring is a main bus route approximately 820 metres to the south of the site being a ca. ten minute walk along a road via a narrow, unlit footway. With regard to employment there is very little opportunity for potential future residents in the immediate area. One pub is understood to operate in the village. However, these are the only nearby amenities.

Whilst it is acknowledged that opportunities to maximise sustainable transport options will vary between urban and rural areas and that travel by private motor vehicles cannot be completely avoided, the accessibility of the site to services, facilities and sustainable transport options are inadequate. In reality, the occupants of the proposed dwelling will rely on their car for their day-to-day needs and the development is therefore considered contrary to the social objective of sustainable development. Whilst the provision of one dwelling would make a very modest contribution to the provision of housing in the district, the planning balance has shifted and there is no longer a necessity to consider these lower scoring settlements or their rural surroundings for growth.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

Layout, Scale and Impact

Notwithstanding the in principle objections discussed in the previous section 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 of the Tendring District Local Plan (2007) and Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that development is appropriate in its locality.

In addition, Saved Policy HG14 of the adopted Tendring District Local Plan (2007) states that proposals for new dwellings will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure that new development is appropriate in its setting and does not create a cramped appearance. As a guideline, a minimum distance of 1 metre will be sought and where circumstances warrant it, a greater distance will be expected.

The proposal would appear as a replacement for the existing barn in the open countryside and as its design would largely be based on the scale, footprint and appearance of the existing Essex type barn officers do not maintain objections in terms of design and appearance.

Heritage Significance

Notwithstanding the proposed replacement of the existing non-designated heritage asset with what can be considered a pastiche of an Essex barn the Heritage Team was also consulted. The Heritage consultant notes that the structure is at least of 19th century derivation and reflects the planning statement stating that the main barn is "...in very good condition." In line then with national guidance the building is considered to be a non-designated heritage asset and notes that not enough information has been submitted to demonstrate adequate consideration of the heritage asset therefore the proposal is not considered to be compliant with para. 189 of the NPPF. Comments are also made stating that recording of a heritage asset should not be a factor in deciding whether such loss should be permitted. The demolition of the barn is therefore opposed as it would result in the complete removal of its heritage significance and value. It is also noted that there are numerous examples of barns in good condition such as this that have been sympathetically and successfully converted. Paragraph 197 of the NPPF states that ... 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. In this instance the non-designated heritage asset is to be demolished therefore the loss of the heritage significance and value is total. The proposal is therefore also opposed on conservation/heritage loss grounds.

Residential Amenities

Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL10 of the adopted Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 of the adopted Tendring District Local Plan (2007) states that proposals for new dwellings will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to safeguard the amenities and aspect of adjoining residents. Additionally, Saved Policy HG9 sets out the minimum standards for private amenity space; in this instance the Council would expect to see a minimum of 100 square metres per dwelling

The layout plan shows that the site can provide a garden in excess of the standard requirement accommodate a single dwelling of the proposed scale without appearing cramped, allowing sufficient space around the dwelling to its respective boundaries. The layout plan also

demonstrates that the development provide a private amenity space for occupants in accordance with minimum standards. Due the location of the dwelling to the east of the Church House with Church View at least 20m to the east and open fields to the immediate north and the single storey scale of the proposal, the development would not result in any material harm to neighbouring residential amenities nor would there be overlooking or unreasonable loss of privacy to neighbours including Church House itself given the latter's orientation relative to the barn.

With respect to occupant amenity there are no objections as the proposal would offer a good standard of residential amenity in terms of internal space that would be well lit by fenestration that also allows for outlook.

Biodiversity

Given the impacts of the proposal to a structure that has the potential to be occupied by bat and barn owls a Phase 1 Habitat Survey has been submitted. The Council's Ecologist reviewed the documents supplied by the applicant relating to the likely impacts of the development on designated site, protected and priority habitats and species and identification of appropriate mitigation. The Ecologist is not satisfied by the level of information available and offered for determination of the application. Specifically bat emergence and re-entry surveys are required to assess if these species are roosting in the structure and to classify the roost type.

The case officer notes this and is cognisant that the ODPM Circular 2005 notes that...*"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* As such, were the principle of the development established officers would have sought additional biodiversity information in line with the comments of the Ecologist. As the principle has not been established in this instance (in contrast to the previous successful barn conversion application) it was not considered appropriate to request additional biodiversity information. As such the lack of sufficient biodiversity information has been added to the reasons for refusal.

Trees and Landscaping

No objections as the proposal will not affect trees and the hawthorn hedgerow is to be retained which is to be welcomed as it makes a positive contribution to the public realm.

Highway Safety and Parking

Saved Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. The Highway officer notes that the barn conversion was granted without objections. No objections are therefore maintained to this application.

Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states... *"For residential development below 1.5ha in size developers shall contribute financially to meet the Open Space requirements of the development in proportion to the number and size of dwellings built."* There is currently a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring. The closet play area to the development is located on Heath Road which is 0.3 miles away from the proposed development. To ensure the above play area is able to cope with the additional usage from this development it would be necessary to upgrade and increase the play provision available. No such contribution has been included within this application nor has any justification for the lack of such contribution and there the scheme does not comply with Policy COM6.

Habitats Regulation Assessment

Under the Habitats Directive a development which is likely to have an effect or an adverse effect (alone or in combination) on a European Designated site must provide mitigation or otherwise must satisfy the tests demonstrating 'no alternatives' and 'reasons of overriding public interest.' There is no precedent for a residential development meeting those tests which means that all residential development must provide mitigation. This residential development lies with the Zone of Influence of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites

for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites in particular the Hamford Water RAMSAR and SPA site mitigation measures will need to be in place prior to occupation. A proportionate financial contribution has not been secured in accordance with RAMS requirements. As submitted there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the TDLP 2007, Policy PPL4 of the DTLP 2013-33 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

A site notice was erected and near neighbours notified by letter. No objections or comments otherwise have been received.

Recommendation

Refuse

Reasons for Refusal

1. The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Saved Policy QL1 of the adopted Local Plan remains broadly consistent with the NPPF objective for achieving sustainable development. This is through a plan-led approach that focuses development to locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes. This also includes making effective use of land, particularly that which is previously developed, in meeting the need for homes. Those planned for rural areas are responsive to local circumstances and support local needs, whilst recognising the intrinsic character and beauty of the countryside. Emerging Policy SPL1 of the Publication Draft gain traction due to the same consistency with the Framework as found in respect of those in the adopted Local Plan.

As set out above, the policies for the delivery of housing are considered up-to-date and the application must therefore be determined in accordance with Paragraph 11 c) of the NPPF, thus in accordance with the development plan.

The application site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Regardless of the proximity of the site in relation to services and amenities, there is no longer a requirement to consider such sites due to their location outside of the defined settlement development boundaries. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal both on the character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by any benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraph 11 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

2. Paragraph 197 of the NPPF which requires that the significance of a non-designated heritage asset should be taken into account in determining planning application and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset. The proposal would represent the unjustified loss of a non-

designated heritage asset whereas the previous approved permission by converting the barn sought to preserve and enhance its character and heritage significance. As such adequate justification has not been made for the destruction of this historic Essex barn and the complete loss of its heritage significance and value.

3. Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water Ramsar and SPA site, mitigation measures will need to be in place prior to occupation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

4. The Council's Ecologist considers that the extent of information available and offered for determination of the application is inadequate specifically the lack of bat emergence and re-emergence surveys. As such the proposal would not mitigate disturbance to protected species and would be contrary to policies EN6 and EN11a of the adopted Tendring Local Plan and PPL4 of the emerging Local Plan and cannot be supported.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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

If so, please specify:

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