

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Feb 2021
Planning Development Manager authorisation:	SCE	12.02.2021
Admin checks / despatch completed	DB	19.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	19.02.2021

Application: 20/01749/LBC **Town / Parish:** Lawford Parish Council
Applicant: Miss Alice and Mr Ranulph Poole
Address: Dale Hall Coxs Hill Lawford
Development: Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.

1. Town / Parish Council

Mrs Peachey
Lawford Parish Council Council has no objection to this application
03.02.2021

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to an application for: Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.
Heritage

The application concerns a stable building curtilage listed to the Grade II listed Dale Hall (List UID: 1254099).

While I am not supportive of development being undertaken without the requisite consents in place, I am unopposed to the proposals within this application.

3. Planning History

TRE/4/82	Remove deadwood and one branch	Current	25.01.1983
94/00490/LBC	(Dale Hall, Lawford) Demolition of existing Victorian Porch	Refused	23.08.1994
99/00525/FUL	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall manor house.	Approved	11.08.1999
99/00756/LBC	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall Manor House	Approved	11.08.1999

13/00452/OUT	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/cycle routes and boundary landscaping. The erection of 'approximately 700m2' of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	23.06.2014
14/00744/FUL	Extension and alterations to existing outbuildings that are situated to the side of the front lawn.	Approved	15.09.2014
14/01050/DETAIL	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/ cycle routes and boundary landscaping. The erection of approximately 700m2 of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	17.11.2014
15/00545/NMA	Non material amendment to 14/01050/DETAIL relating to: Plots 4, 18 & 50 (type 11 type 2) - ridge raised by 300mm & gables to rear instead of hips. Plot 17 (type 13) - ridge raised by 300mm, gables amended, front gable windows amended & rear lean-to widened. Plots 113 & 124 (type 9) - widened by 450mm, ridge raised by 250mm & bed 1 window omitted.	Approved	12.05.2015
15/01101/DISCON	Discharge of condition 5 (engineering details to protect below ground National Grid equipment) of planning permission 14/01050/DETAIL	Approved	17.09.2015
16/00017/NMA	Non material amendment application consisting of: - Alterations to Plot 20 (type 10 type 2) so that living areas face onto rear garden. - Car ports/garages for plots 137, 138, 143, 144, 145 & 146 revised due to changes required to the road layout.	Approved	08.02.2016
16/00469/FUL	Construction of garage storage unit used for domestic purposes.	Approved	18.07.2016

17/01689/TPO	1 No. Oak (T1) - Lop branch.	Withdrawn	12.10.2017
20/01748/FUL	Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.	Current	
20/01749/LBC	Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN23 Development Within the Proximity of a Listed Building

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

PPL9 Listed Buildings

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

5. Officer Appraisal

Site Description

Dale Hall is a Grade II Listed Building within extensive grounds, although now bereft of its substantial farm estate which is undergoing comprehensive residential development to the south. This application concerns a range of outbuildings to the south west of the Hall. These buildings are within the immediate grounds of the Hall and are clearly associated with the listed building. While not listed in their own right, they are regarded as being curtilage listed. They are domestic in form and clearly associated with the daily life of the Hall rather than as part of the farm estate. The farm and farmyard no longer exist, and the farm buildings which were located immediately to the west of the outbuildings have largely been demolished and this part of the site redeveloped for commercial purposes. The setting of the listed hall has therefore been significantly compromised through the redevelopment to the south and east, although the general setting remains essentially domestic.

Access to the site is via the principal driveway to the Hall. This swings round in front of the Hall, with a lawn to the front of the outbuildings. A separate access driveway also extends to the rear of the outbuildings.

Description of Proposal

The application is retrospective, seeking permission for the use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations. The outbuildings in question are the ones which were extended and altered under planning approval 14/00744/FUL.

The floor plans approved under application 14/00744/FUL helpfully labelled the intended purpose of each area; by comparison – the table below shows the current use of said area:-

14/00744/FUL		20/01748/FUL	
G 1.1	Storage	G 1.1	Living accommodation, Unit 1
G 1.2	Wash-up	G 1.2	Kitchenette; Unit 1
G 1.3	Shower	G 1.3	Shower Room; Unit 1
G 2.1	Workshop	G 2.1	Workshop/Study
G 3.1	Stable	G 3.1	Bedroom; Unit 2
G 4.1	Garage	G 4.1	Living room; Unit 2
G 5.1	Workshop	G 5.1	Kitchenette & Shower Room; Unit 2
G 6.1	Garage	G 6.1	Garage
G 7.1	Garage/Workshop	G 7.1	Garage/Workshop
G 7.2	Wash-up	G 7.2	Wash-up
G 7.3	Shower	G 7.3	Shower
G 8.1	Storage	G 8.1	Storage

Minor internal and external alterations have been undertaken to accommodate these changes. The principal external changes apply to the rear of the building, with only a minor alteration to one door on the elevation fronting the lawn. Two additional windows are shown on the north elevation facing the house.

Listed Building:

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires that, 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.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Listing is described as:

LAWFORD COX'S HILL TM 03 SE

2/108 Dale Hall 21.2.50 – II

House. C15/C16 or earlier origin with later alterations and additions. Timber framed, red brick facade, exposed frame to left return. Red plain tiled roofs, hipped forward gables with lead flashings to right and left. Rear left and end right red brick chimney stacks. Dentilled eaves cornice. Central band. 2 storeys. 1:5:1 various small paned vertically sliding sashes to first floor. 1:2:1 to ground floor, tripartite with segmental heads. To left of the central range is a C19 red brick porch with panelled parapet. 4 panel 2 light door. Between the central windows is a 4 panel 2 light door, moulded surround, frieze, flat canopy. The exposed frame to left (west) return with original mullion window and halved bracing. East wing rebuilt C19 (after destruction by fire in Corn Riots). Staircase with stick balusters and wreathed handrail. Some heavy bridging joists and ceiling beams visible. Large chimney stack with cambered mantel beam from elsewhere. Panelled shutters.

The Heritage Officer concludes that, while they are not supportive of development being undertaken without the requisite consents in place, they are unopposed to the proposals within this application

6. Recommendation

Approval - Listed Building Consent

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:- PL01 A and PL02 A, received 23rd December 2020.

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

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