

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	25.02.2021
Planning Development Manager authorisation:	SCE	26.02.2021
Admin checks / despatch completed	CC	02.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	02.03.2021

Application: 21/00112/LUPROP **Town / Parish:** Thorrington Parish Council

Applicant: Mr & Mrs Beckwith

Address: Glebe Farm Clacton Road Thorrington

Development: Proposed part conversion of existing garage/carport to fitness & games room.

1. Town / Parish Council

Thorrington Parish No Comments
Council

2. Consultation Responses

Not Applicable

3. Planning History

00/01951/FUL	Conservatory extension	Approved	19.12.2000
05/01157/FUL	Extension.	Approved	26.09.2005
17/30091/PREA PP	Proposed one new dwelling.	Refused	04.05.2017
17/01709/FUL	Proposed one new dwelling with garage and associated driveway, hard and soft landscaping.	Refused	07.03.2018
19/00885/FUL	Proposed replacement five bedroom detached dwelling (following demolition of existing dwelling).	Approved	23.08.2019
19/01670/FUL	Variation of condition 02	Approved	02.01.2020

	(Approved Plan) of planning permission 19/00885/FUL.		
20/00922/FUL	Approval of condition 3 (Landscaping) from 19/00885/FUL and condition 4 from 19/01670/FUL in order for works to start.	Approved	
20/00994/DISCON	Discharge of condition 4 (Landscaping) for approved application 19/01670/FUL.	Approved	18.09.2020
20/01515/DISCON	Discharge of condition 6 (vehicle turning facility) of approved application 19/01670/FUL.	Approved	17.12.2020
21/00112/LUPROP	Proposed part conversion of existing garage/carport to fitness & games room.	Current	

4. Relevant Policies / Government Guidance

Not Applicable

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is Glebe Farm, Clacton Road, Thorrington, a two and a half storey dwelling located outside the settlement development boundary of Thorrington.

Proposal

The application seeks the issuing of a Lawful Development Certificate for the part conversion of existing garage/carport to fitness and games room.

A Lawful Use Certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'

Planning History

No decisions have been found removing the permitted development rights for outbuildings, therefore these rights remain intact.

Assessment

General Permitted Development Order

The purpose of this application is to establish whether the proposed development is permitted development. For the determination of the application reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, part 1, Class E.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

E. the provision within the curtilage of the dwellinghouse of-

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1 Development is not permitted by Class E if –

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Not Applicable

- b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal does not involve altering the total area of ground covered by buildings within the curtilage. The proposal complies.

- c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The garage is situated forward of the dwellinghouse, however as the proposal is to convert the existing building and does not proposed extending the building, the proposal complies.

- d) The building would have more than a single storey;

The proposal is single storey. The proposal complies.

- e) The height of the building, enclosure or container would exceed –
i. 4 metres in the case of a dual-pitched roof.
ii. 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
iii. 3 metres in any other case.

The proposal does not alter the height of the existing building. The proposal complies.

- f) The height of the eaves of the building would exceed 2.5 metres;

The proposal does not alter the height of the existing eaves. The proposal complies.

- g) The building, enclosure, pool or container would be situated within the curtilage of a listed building.

The property is not a listed building. The proposal complies.

- h) It would include the construction or provision of a verandah, balcony or raised platform;

The design does not include a verandah, balcony or raised platform.

- i) It relates to a dwelling or a microwave antenna; or

Not Applicable.

- j) The capacity of the container would exceed 3,500 litres

Not Applicable.

E.2 In the case of any land within the curtilage of the dwellinghouse within –

- a) An area of outstanding natural beauty;
b) The Broads;

- c) A National Park; or
 - d) A World Heritage Site,
- Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and container situate more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The site is not located within any of the areas mentioned at (a) – (d) above.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The site is not located within article 2(3) land.

Conclusion

The proposal meets all of the relevant criteria as set out above and it must be concluded to be permitted development. The lawful Development Certificate for the proposed development can therefore be issued.

6. Recommendation

Lawful use Certificate Granted

7. Conditions / Reasons for Refusal

1. The proposed development, shown on Drawing Number 03 Revision A constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 1 Class E of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Informatives

Not Applicable

<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? If so, please specify:</p>	<p>YES</p>	<p>NO</p>