

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/04/2021
Planning Development Manager authorisation:	SCE	14.04.2021
Admin checks / despatch completed	ER	14/04/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.04.2021

Application: 21/00114/COUNOT **Town / Parish:** Little Clacton Parish Council

Applicant:

Address: Bovills Hall Farm Barn St Osyth Road West Little Clacton

Development: Proposed change of use of a barn from agricultural barn to 1no. residential dwelling.

1. Town / Parish Council

Not Applicable

2. Consultation Responses

ECC Highways Dept
25.03.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The proposed dwelling will utilise established vehicular access which is situated within an existing 30-mph speed limit and is close to existing public transport facilities. When compared with the former agricultural use, the level of activity will be on a par or possibly reduced. It appears that the host and proposed dwelling will retain adequate off-street parking and turning, therefore:

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

1. There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

3. The proposed dwelling shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided for the dwelling in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

4. Prior to the occupation 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.

5. No unbound material shall be used in the surface treatment of either 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.

6. Any gates to be retained 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 footway / cycleway or where no provision of footway/cycleway is present, 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.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to 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.

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.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,

Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

3. Planning History

09/00483/FUL	Change of use from agricultural farm yard to temporary storage compound for utility works.	Approved	23.07.2009
09/00697/FUL	Change of use of existing Grade II traditional buildings to a B1 office use.	Approved	03.11.2010
09/00698/LBC	Alterations to the fabric and structure of the building in connection with planning application for change of use.	Approved	18.01.2010
12/00187/FUL	Change of use of existing Grade 2 traditional buildings to a B1 light industrial use, B2 general industrial use and B8 storage.	Refused	16.04.2012
12/00188/LBC	Alterations to the building in connection with planning permission for a change of use.	Approved	16.04.2012
14/30132/PREAPP	Change of use to 2 no. residential units.		30.04.2014
14/01705/FUL	Change of use of agricultural barn to two dwellings and associated amenity space.	Approved	08.01.2015
14/01706/LBC	Change of use of agricultural barn to two dwellings and associated amenity space.	Approved	08.01.2015
15/00181/LBC	To replace the asbestos guttering on two outbuildings to the south west of Bovills Hall, which are believed to be curtilage listed, and outlined blue on the attached plan. Replacement gutters to be cast iron 115 half-round painted black.	Approved	
15/01694/COUNO T	Conversion of barn to single dwelling.	Prior Approval Required	14.01.2016
17/00409/LBC	Removal of attached hoods within inglenook fireplaces to fit pot hanger cowl to external chimneys.	Approved	15.05.2017
18/00106/FUL	Change of use from Sui Generis to B2, and installation of a cesspit.	Approved	18.04.2018

18/01390/FUL	Change of use of storage building into ancillary living accommodation.	Approved	15.10.2018
18/01391/LBC	Alterations to a curtilage listed building, including additional doors and windows.	Approved	31.10.2018

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

This application relates to Bovills Hall Farm, Little Clacton. The barn is sited on the southern edge of Bovills Hall Farm complex, with Grade II listed Bovill's Hall being located to the north-east of the barn. There are various other buildings within the Bovill's Hall Farm complex, including two other listed buildings (a traditional barn and pigsties, both Grade II), but the barn that is the subject of this application is deemed outside of the curtilage of the listed buildings, and is a modern agricultural building.

Proposal

This application is submitted under Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to determine whether prior approval will be required for the change of use of one agricultural buildings to one dwelling.

Assessment

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out permitted development the criteria under which development is not permitted as follows (officer assessment shown in bold text):

Class Q - agricultural buildings to dwellinghouses

Q. Development consisting of -

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if -

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit -
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. The proposal complies.

- (b) in the case of -
 - (i) a larger dwellinghouse, within an established agricultural unit -
 - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
 - (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

Interpretation: "larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

- (c) in the case of -
 - (i) a smaller dwellinghouse, within an established agricultural unit -
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

- (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

Interpretation: "smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

The proposed development comprises of 1 x 'larger dwellinghouse'.

The barn measures approximately 155 square metres and comprises of a living area, dining area, kitchen, utility, three bedrooms, a study and a bathroom

The total floor area is under the 465 metre threshold.

The proposal complies with (b) (i) (aa) and (bb).

- (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following -
- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would not result in either or both a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5. The proposal complies.

- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. The proposal complies.

- (f) less than 1 year before the date development begins -
- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

Less than 1 year before the date development begins an agricultural tenancy over the site has not been terminated. The proposal complies.

- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -

- (i) since 20th March 2013; or

- (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013 or

where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins. The proposal complies.

- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposal complies.

- (i) the development under Class Q(b) would consist of building operations other than -

- (i) the installation or replacement of -

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

the development under Class Q(b) would not consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

The proposal complies.

- (j) the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies.

- (k) the site is, or forms part of -

- (i) a site of special scientific interest;

- (ii) a safety hazard area;

- (iii) a military explosives storage area;

The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.

- (l) the site is, or contains, a scheduled monument; or

The site is not nor contains, a scheduled monument. The proposal complies.

- (m) the building is a listed building.

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

Conditions

Q.2 - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

- (a) transport and highways impacts of the development
- (b) noise impacts of the development

- (c) contamination risks on the site
- (d) flooding risks on the site
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
- (f) the design or external appearance of the building and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) Transport and Highways Impacts of the Development

There is currently vehicular access to the application site available from St Osyth Road West with parking available to serve the proposed dwelling.

The site would allow for the provision of parking for future occupants of the proposed dwelling house. A minimum of 2 No. car parking spaces for the dwelling has been demonstrated on the plan.

Essex County Council Highway Authority have been consulted on this application and have stated that the information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The proposed dwelling will utilise established vehicular access which is situated within an existing 30-mph speed limit and is close to existing public transport facilities. When compared with the former agricultural use, the level of activity will be on a par or possibly reduced. It appears that the host and proposed dwelling will retain adequate off-street parking and turning. The Highway Authority raise no objection to the development subject to conditions, which will be imposed where necessary.

The proposal complies.

(b) Noise Impacts of the Development

The proposal would not result in any material noise impacts and is situated a sufficient distance from any noise sensitive premises in the locality. Therefore, this criterion is met. The proposal complies.

(c) Contamination Risks on the Site

A condition will be imposed to ensure that a Phase Two Risk Assessment is submitted due to the contamination found on site. The proposal therefore complies.

(d) Flooding Risks on the Site

The site is located outside of an area of recognised flood risk. The proposal complies.

(e) Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change

Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its

conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

On this basis, the Local Planning Authority does not consider that the location or siting of the building would make it impractical or undesirable for the proposed change of use.

The proposal complies.

(f) The Design or External Appearance of the Building

The works involved in the change of use would be limited and are sought to preserve the existing character and appearance of the buildings. The resulting building would therefore have an acceptable visual impact on the character and appearance of the surroundings. Therefore the Local Planning Authority does not consider that the proposed development will have any significant impact on the design or external appearance of the building.

The proposal complies.

(g) The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". Drawing No. PW1120-PL02 Revision A indicates that each habitable room will have adequate natural light.

National Space Standards require that single storey, 3 bedroom dwellings have a minimum floor space of 86 square metres drawing no. PW1120-PL02 Revision A shows that the dwelling complies.

The proposal complies.

Other considerations

No letters of representation have been received for this application.

6. Recommendation

Prior Approval Not Required

7. Conditions

- 1 The development must not begin before the occurrence of the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 3 The development must be carried out (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 4 No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The local planning authority is to be consulted at all key stages in this investigation process.

Reason - To protect the health of site workers and end users

8. Informatives

Not applicable.