

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	22/04/2021
Planning Development Manager authorisation:	SCE	23.04.2021
Admin checks / despatch completed	DB	23.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	23/04/2021

Application: 21/00340/LUPROP **Town / Parish:** Wrabness Parish Council

Applicant: Mr and Mrs Richardson

Address: Domine Farm Cottage Station Road Wrabness

Development: Partial conversion of garage into guest room room with en suite facilities and alterations to fenestration to create new access

1. Town / Parish Council

Wrabness Parish Council No objections received

2. Consultation Responses

Not applicable

3. Planning History

08/01119/FUL	Change of use and extension to agricultural barn to form single residential dwellinghouse; including change of use of agricultural land to domestic garden, as amended by drawing no.'s A/52248/4F and 5F received on 5th September 2008 and drawing no. A/52248/6G received on 15th September 2008.	Approved	30.09.2008
14/01397/FUL	Replacement two storey dwelling (following demolition of existing dwelling and out-building). Part change of use of land to construct alternative access to serve dwelling and construction of ancillary out-building.	Approved	13.11.2014
15/00140/DISCON	Discharge of condition 03 (Temporary Protective Fences) and 04 (Landscaping) of planning application 14/01397/FUL.	Approved	12.02.2015
21/00340/LUPRO P	Partial conversion of garage into guest room room with en suite facilities and alterations to fenestration to create new access	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 comprises of a two storey detached dwelling well set back from the highway with a long driveway leading the house and garage.

Description of Proposal

The proposal is for the partial conversion of the existing outbuilding to ancillary accommodation. It has been confirmed by the applicant that the resultant space will be used as guest accommodation and a private home office.

Assessment

For the purposes of determining this application for a certificate of lawful development, the main considerations are;

- Planning History;
- General Permitted Development Order Class E; and,
- Other Considerations.

Planning History

An application for the replacement of the house and associated outbuilding was received and approved under planning permission reference 14/01397/FUL. This permission did not contain the removal of permitted development rights for the conversion of the garage.

General Permitted Development Order 2015

This application seeks a lawful development certificate for a proposed development, relating to the alteration of an outbuilding. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development reference needs to be made to The Town and Country Planning (General Permitted Development) (England) Order 2015. Class 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 as a result of the works 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);

Due to the size of the plot it is evident that the proposed outbuilding would not conflict with this criterion.

- (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 proposed outbuilding will not be situated on land forward of a wall forming the principal elevation.

- (d) the building would have more than one storey;

The outbuilding is single storey.

- (e) the height of the building, enclosure or container would exceed -
 - (i) 4 metres in the case of a building with 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 complies.

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

The proposal complies.

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

The application site is not a listed building.

- (h) it would include the construction or provision of a veranda, balcony or raised platform;

None of these form part of the proposed development.

- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

The proposed development is not caught by this criterion.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -

- (a) a World Heritage Site,
 - (b) a National Park,
 - (c) an area of outstanding natural beauty,
- Or
- (d) the Broads.

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The application site is not within any of these designated areas.

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 dwelling house and the boundary of the curtilage of the dwellinghouse.

The application site is not within a conservation area.

Other Considerations

Wrabness Parish Council have no objections to the proposal.
No letters of representation have been received.

Conclusion

It is therefore concluded that the proposed alterations to the outholding do fall under the property's permitted development rights and does not require planning permission.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

Not applicable