

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	28/04/2021
Planning Development Manager authorisation:	SCE	28.04.2021
Admin checks / despatch completed	ER	28.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	28.04.2021

Application: 21/00434/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr Dean and Mrs Louise Boggis

Address: Torriglen Michaelstowe Drive Ramsey

Development: Change of use from agricultural/scrub land to private garden

1. Town / Parish Council

Ramsey and Parkeston Parish Council Not commented on this application

2. Consultation Responses

Not Applicable

3. Planning History

20/01405/FUL	Proposed 1.5 storey eco friendly dwelling with garage, access and residential curtilage.	Refused	18.01.2021
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located on the northern side of Michaelstowe Drive, Ramsey and is known as 'Torrigen'. The application relates to the land to the rear of 'Torrigen'.

Description of Proposal

The application seeks full planning permission for the change of use of the land to the rear to domestic garden land from agricultural/scrub land to private garden.

Assessment

The main considerations are;

- Policy Context;
- Visual Impact on the Countryside, and;
- Representations.

Policy Context

Saved Policy EN1 of the adopted Tendring District Local Plan (2007) states that any development which would significantly harm landscape character or quality will not be permitted. Saved Policy HG16 of the adopted Tendring District Local Plan (2007) relates to garden extensions into the open countryside and states that these will only be permitted where there is no material visual harm to the surrounding countryside. These sentiments are echoed within Draft Policy PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Visual Impact upon the Countryside

The proposed change of use of the land behind the existing dwelling 'Torrigen' is considered to infill the current garden land. It is considered that the change of use will not materially alter the appearance of the site therefore having no impact or resultant harm to the landscape or rural appearance of this part of Ramsey.

The Council's Principle Tree and Landscape Officer raises no objection on this basis.

Representations

Ramsey and Parkeston Parish Council have not commented on this application.

No letters of representations have been received.

Conclusion

For the reasons set out above, the proposed change of use will not alter the appearance of the site and therefore will not result in any material harm to the landscape character. The application is therefore recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan:

- Block Plan scanned 01 Mar 2021

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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO