

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/09/2022
Planning Development Manager authorisation:	AN	13/9/22
Admin checks / despatch completed	ER	14/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.09.2022

Application: 22/00888/FUL **Town / Parish:** Little Oakley Parish Council

Applicant: Mr Gerald Stock

Address: Land to The rear of The Old Rectory Rectory Road

Development: Proposed retention and relocation of stables and the erection of a tack room in association with the use of the land for equestrian purposes.

1. Town / Parish Council

Little Oakley Parish
Council
14.07.2022

Little Oakley Parish Council OBJECT to this planning application on the following grounds:

1. There has been no formal application for change of use of this parcel of land from agricultural land to equestrian / business use.
2. We believe that the siting of the stables would be detrimental to the setting of the Grade II listed building, The Old Rectory, directly to the south of the site. If Planning were minded to approve this application following any granting of 'change of use', we believe a more appropriate place to site the stables would be at the north end of the site directly south of and adjacent to the mobile telephone mast.
3. Loss of privacy in the gardens of The Old Rectory from visitors, riders, suppliers and business users to the site.
4. Again, if Planning are minded to approve this application after any granting of 'change of use', there should be strict conditions in place for the storage and regular disposal of horse muck and an appropriately placed cesspit (regularly emptied) to deal with stable effluent run off.

2. Consultation Responses

ECC Highways Dept
17.08.2022

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 and consultation with the Public Rights of Way team. It is noted that the existing access to the stable's forms part of the Public Right of Way network, bridleway no. 1 (Little Oakley_174). The bridleway follows a surfaced farm track and is in a suitable condition for vehicular access. The track is also quite wide, straight, and not enclosed so there is

sufficient space for users to step to one side and sightlines are good. The proposal will not change the current level of vehicular access and no issues with vehicular movement has ever been logged with the PROW team. It must be noted that the Highway Authority is not responsible for maintaining the bridleway in a condition to facilitate private vehicular access along the extent of the bridleway and vehicular traffic must give way to users of the PROW. The proposed stable/ tack room will be set back from the public highway. No new or altered means of access is proposed to the site which is from an established private access road and there appears to be sufficient parking and turning being provided, considering these factors:

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

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified 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.

2. The public's rights and ease of passage over public bridleway no.1 (little Oakley_174) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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

2: During the construction phase the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

3: On the completion of the Development, all roads, footways/paths, bridleways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the

appropriate statutory authority.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer
23.06.2022

The existing stables are situated on land to the rear of the Old Rectory and the proposed location of the new stables is set back further into the land currently being used for the grazing and keeping of horses.

Close to the position of the proposed new stables and tack room there are two established oak trees. The trees are situated on the field boundary and are mature healthy specimens. The trees are attractive features in their setting however they do not feature prominently in the public realm as they are not clearly visible from a public place.

To the east of the application site there is a Bridleway 174_1 and although the trees are visible from this footway they are not prominent features in the landscape.

Notwithstanding the condition or value of the trees it is considered that the separation distance between the trees and the position of the proposed stables and tack room is such that they will not be adversely affected by the construction of the proposed development.

In terms of soft landscaping there is little need for, or public benefit to be gained by, new planting associated with the development proposal.

Essex County Council
Heritage
12.09.2022

The application is for proposed retention and relocation of stables and the erection of a tack room in association with the use of the land for equestrian purposes. This follows my previous letter dated 24th August 2022.

Following confirmation that no additional parking facility or increased vehicular traffic is proposed as part of this proposal, there is no objection to this application.

3. Planning History

10/01182/LBC	Proposed alterations (including works already carried out by previous owners) and refurbishment as described and detailed on application drawings and supporting statement, including internal alterations, external works, reinstatement of portico, extensive repairs, structural reconstruction and stabilization.	Approved	23.12.2010
11/00584/LBC	Proposed replacement of existing sash windows.	Approved	12.08.2011

21/00128/FUL	Proposed erection of a hartley botanic, victorian lodge glasshouse, adjacent to the existing boundary wall to the north east of the property.	Approved	14.06.2021
21/00129/LBC	Proposed erection of a hartley botanic, victorian lodge glasshouse, adjacent to the existing boundary wall to the north east of the property.	Approved	14.06.2021
21/00999/LUEX	Continued use of land for grazing, exercising and stabling	Withdrawn	02.02.2022
22/00366/FUL	Proposed change of use from agricultural to equestrian.	Application Returned Prior to Validation	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

This application relates to Land to the rear of the Old Rectory, Rectory Road, Little Oakley. The application site is located outside of the settlement boundary and has an existing access from Rectory Road which is separate from the access to the Old Rectory. The Old Rectory which is the nearest residential building to the application site is Grade II Listed.

The application site currently comprises of a stable block which accommodates three horses.

Proposal

This application seeks the retention and relocation of stables and erection of a tack room in association with the use of the land for equestrian purposes.

Planning History

Application reference 21/00999/LUEX was submitted for the continued use of land for grazing, exercising and stabling. It was noted at the time of the application the stables which had been built would require retrospective planning permission. In terms of the determination of the lawful use certificate, sufficient evidence was not provided to demonstrate that the use of the land had been used for equestrian purposes for the 10 year period despite the supporting documentation provided. Following this, the application was withdrawn to submit a full planning application to apply for the change of use of the land to equestrian use as well as planning permission for the erection of the stables.

Assessment

Principle of Development

The application is considered against Policies PP13 and PPL3 which relate to the provision of amongst others, business and domestic equine related activities and the protection of the rural landscape, particularly outside of defined settlement development boundaries, therefore there is policy support for such development.

Due to the nature of the site and that there are already stables on the application site, the principal of the equestrian buildings are considered acceptable subject to the detailed considerations assessed below.

Character and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The proposed relocation of the stables is to the north west of the application site and located away from any neighbouring properties. This application also seeks permission for the erection of a tack room adjacent to the stable block. The stables will measure approximately 9 metres by 3.7 metres and accommodate three individual stables. The building is single storey and measures approximately 3.2 metres in height. The stable block will be constructed from timber horizontal cladding with a profile metal sheet mono pitched roof. It is considered that the use of the materials as well as the measurements are acceptable.

The proposed tack room is located adjacently north of the stable block. The tack room will measure approximately 4.5 metres by 2.3 metres with an overall height of 2.3 metres. The proposed building will be constructed from matching materials to those of the stable block. It is therefore considered to be in keeping and acceptable in terms of design and appearance.

Impact upon Neighbouring Amenities

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users. Policy SPL3 seeks new development that is designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents, provision is made for adequate private amenity space, waste storage and recycling facilities and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The surrounding area is fairly rural with residential properties to the south and south west of the site. Directly to the south is number 66 Rectory Road, due to the distance to the neighbouring dwelling as well as the newly planted hedge which will help screen the proposed buildings, the proposed buildings are not considered to cause any material harm to the neighbouring property.

The application does not involve the installation of lighting, a condition will be imposed to ensure that any lighting is submitted to and approved in writing by the local planning authority.

Heritage Impact

Paragraph 202 of the Framework adds 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 securing its optimum viable use.

Paragraph 194 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by Policy PPL9 of the Tendring District Council Local Plan 2013-2033. The policy also confirms that the development should be of a scale, design and use that respects the listed building and its setting. The neighbouring dwelling to the south of the application site, The Old Rectory, is a Grade II Listed building. As a result Place Services Historic Environment Team have been consulted on this application and have stated that the proposal site is within the land that was historically part of Grade II Listed Little Oakley Rectory.

The outbuildings which were historically part of the estate are now lost, however, the site is still part the setting of the designated heritage asset and positively contributes to the significance of the Old Rectory and to the way this significance is experienced, understood and perceived. The existing stable is a development of modest scale and uses traditional materials and design which are in keeping with the rural character of the area. The relocation of the stables in the proposed location is not considered to affect those elements of the setting of Little Oakley Rectory that make a positive contribution to the identified heritage asset or which better reveal its significance. Concerns were raised in regards to the parking and the intensification however an amended site plan has been provided by the agent to demonstrate the parking area and that there is no additional parking provided. The Historic Environment Team therefore have no objection to the proposed development.

Trees and Landscaping

The existing stables are situated on land to the rear of the Old Rectory and the proposed location of the new stables is set back further into the land currently being used for the grazing and keeping of horses. Close to the position of the proposed new stables and tack room there are two established oak trees. The trees are situated on the field boundary and are mature healthy specimens. The trees are attractive features in their setting however they do not feature prominently in the public realm as they are not clearly visible from a public place.

To the east of the application site there is a Bridleway 174_1 and although the trees are visible from this footway they are not prominent features in the landscape. Notwithstanding the condition or value of the trees it is considered that the separation distance between the trees and the position of the proposed stables and tack room is such that they will not be adversely affected by the construction of the proposed development. In terms of soft landscaping there is little need for, or public benefit to be gained by, new planting associated with the development proposal.

Highways Impact

Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

The proposal will utilise the existing vehicular parking and access arrangements that serve the application site. Essex Highway Authority have no objections to the proposals. As the access to the site is already in situ, it is not considered to cause any harmful impact to the character of the countryside.

Other considerations

Little Oakley Parish Council objects to this application for the following reasons:

- There has been no formal application for the change of use of the land from agricultural land to equestrian

This application is seeking planning permission for the use of the buildings only as addressed within the report.

- Siting of the stables is detrimental to the setting of the Grade II Listed building

This concern has been addressed within the report

- Loss of privacy to the Old Rectory

This concern has been addressed within the report

- Conditions to be imposed in regards to horse manure and effluent

Conditions have been imposed following consultation with the Environmental Protection Team.

Two letters of objection (from the same address) have been received raising the following concerns:

- Concerns that works were undertaken without planning permission

The application is currently a live planning enforcement case and this planning application has been submitted to overcome the concerns raised.

- The current application does not apply for the change of use of the land

This application is seeking planning permission for the use of the buildings only as addressed within the report.

- Impact the buildings will have on the setting of the Listed Building

This concern has been addressed within the report.

- Concerns in regards to parking and noise

This concern has been addressed within the report.

6. Recommendation

Approval - Full

7. Conditions

- 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 plans

Drawing No. MRF-464XX-01
Drawing No. MRF-464XX-02
Drawing No. MRF-464XX-03
Drawing No. MRF-464XX-04
Drawing No. MRF-464XX-05
Amended Site Plan - Scanned 07 June 2022

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

- 3 The public's rights and ease of passage over public bridleway no.1 (little Oakley_174) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility

- 4 There shall be no burning of horse manure on the site at any time.

Reason - The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

- 5 Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.

Reason - To ensure that an adequate and satisfactory means of foul drainage is provided.

- 6 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

- 7 Prior to first use of the stables hereby approved, a waste management plan dealing with the storage and disposal of horse manure shall be submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be adhered to at all times.

Reason - In the interests of residential amenities to ensure that they do not suffer a loss of amenity by reason of odour.

- 8 The approved Construction Method Statement scanned 20 May 2022 shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

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.

Highways

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

During the construction phase the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway Under Section 148 of the Highways Act 1980

it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

On the completion of the Development, all roads, footways/paths, bridleways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Change of Use

This application has only assessed the proposed stable block and tack room as the agent did not confirm the amended description to include the change of use of the land from agricultural purposes to equestrian use. The change of use will require a separate planning application.

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

