

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	02/11/2022
Planning Development Manager authorisation:	JJ	16/11/2022
Admin checks / despatch completed	ER	16/11/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/11/2022

Application: 22/01121/FUL **Town / Parish:** St Osyth Parish Council

Applicant: H Carter

Address: High Birch Farmhouse High Birch Road Weeley

Development: Proposed retention of stables and associated menage.

1. Town / Parish Council

St Osyth Parish Council
22.08.2022

The Parish Council object to this application on the basis that there is no evidence to support planning permission was ever granted for 2no. stable blocks, associated menage and mobile home/lodge as an annex.

Furthermore, it is noted that this site has already been subject of Planning Enforcement (20/00319/BLDOP3 refers.)

2. Consultation Responses

Essex County Council
Heritage
09.09.2022

The application is for proposed retention of stables and associated menage.

The proposal site is within the curtilage, and setting, of Grade II Listed 14th Century High Birch Farmhouse.

This is a retrospective application for the retention of the existing stables and menage which were built in 2019 following the demolition of a 1980s dilapidated barn. A site visit and a meeting with the applicant and their agent have been carried out in order to assess the impact of the stables and manage on the setting of High Birch Farmhouse.

It is noted the stables are of limited height and of a traditional design which is considered to be in keeping with the rural character of the main building and of the local the area. The converted use of part of the fields associated to Birch Farmhouse into a manage for private use, is also considered compatible with the original agricultural use.

While alternative solutions in terms of location and design of the proposed development would have been more sympathetic in this context, the construction of the stables and the menage on this site is considered to have a very limited impact on those elements of the setting that make a positive contribution to the identified heritage asset, or which better reveal its significance (Paragraph 206 of the NPPF is relevant here). The retention of the stables and menage can therefore be considered acceptable, providing that these facilities are permanently maintained for personal use only.

It is noted that a mobile home annexe has also been constructed on this site without consent to provide accommodation for the applicant's family members. As discussed on site, this is an incongruous addition to this complex of buildings due to its location, quality of design/construction and its mainly residential character, and overall does not preserve those elements of the setting that make a positive contribution to the identified heritage asset. With regards to the National Planning Policy Framework (2021), the level of harm to High Birch Farmhouse as a designated heritage asset is considered to be 'less than substantial'. Therefore, I do not support its retention. It is my understanding, however, that the applicant is willing to resolve this issue in the near future by seeking advice from the Local Planning Authority, and consequently removing the existing unsympathetic building. In any case this building should be removed and not permitted.

As discussed on site, there may be the potential to provide a more sympathetic residential annexe for the extended family by converting/rebuilding the existing outbuildings to the East of the site, which are a modern addition and currently used mostly as storage and in poor condition, however it is advised that the applicant engages in a pre-application process for this proposal.

Further applications for this site shall be supported by a heritage assessment providing sufficient information regarding the significance of the heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, a requirement set out in Paragraph 194 of the NPPF.

Environmental Protection
02.09.2022

The Environmental Protection Team's comments are given below:

Noise, light & odour:

I have reviewed the application and have the following comments to make;

- 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.
- A plan for storage and removal of horse manure is to be confirmed with this authority.
- No burning of horse manure should be carried out on site.
- Any external lighting on the proposed site shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk)

ECC Highways Dept
12.09.2022

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, google earth image dated September 2012. The site is accessed from Birch Road (classified as a local road) along an unmade track and is set well back from the highway. This drive lends to the neighbouring field which was subject to a separate planning application (14/01470/FUL) approved in 2014. It is noted that the site

is laid to grass and has been used for tenanted grazing purposes and the proposal is for the retention of 2no. stable blocks and tack room for private use; given these considerations:

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the 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: On the completion of the Development, all roads, footways/paths, cycle ways, 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.

3: 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.

Environmental Protection 12.10.2022 I have reviewed the sent documents and have no adverse comment to make.

3. Planning History

94/00525/FUL	(High Birch Road, St Osyth) Erect barn to store farming equipment	Approved	28.06.1994
94/00681/OUT	New processing factory unit	Approved	09.08.1994
94/00682/FUL	Toilet block - first phase of meat processing factory	Approved	08.07.1994
94/00823/FUL	Dirty water lagoon (not solids) to hold 9 months effluent from pig and poultry units	Approved	01.09.1994
96/00752/DETAIL	New processing factory unit (details following outline planning permission TEN/94/0681)	Approved	28.06.1996
96/01591/FUL	Additional 6 metre wide bay to meat processing factory unit approved under TEN/96/0752	Approved	15.01.1997

97/00024/FUL	Storage barn	Approved	14.02.1997
97/00508/FUL	New access to serve meat processing factory	Approved	21.08.1997
97/00509/FUL	Layout of site including car parking, loading/unloading of services facility and earth mounds required under outline planning application No. TEN/94/0681	Approved	21.08.1997
99/00832/FUL	Proposed conservatory	Approved	20.07.1999
04/00556/FUL	Change of use to residential curtilage, conversion of farm building to pool enclosure and amenity and construction of walled garden and associated structures.	Approved	17.06.2004
06/00758/OUT	Demolition of redundant farm buildings. Redevelopment of existing factory including extension to provide covered loading bays, change of use to storage and distribution (B8). Construction of six industrial units including change of use (B2) with associated hardstanding, access drive and landscaping to boundaries.	Approved	15.08.2006
08/00728/LBC	Demolition of building within the curtilage of a listed building.	Approved	04.07.2008
09/00807/DETAIL	Demolition of redundant farm buildings. Redevelopment of existing factory including extension to provide covered loading bays, change of use to storage and distribution (B8). Construction of six industrial units including change of use (B2) with associated hardstanding, access drive and landscaping to boundaries.	Approved	20.11.2009
10/00539/FUL	Proposed conversion of redundant farm building to games room/store.	Approved	27.08.2010
10/00809/FUL	Erection of single storey extension to factory building to provide ancillary office use.	Approved	27.08.2010
12/01344/DISCON	Request for confirmation that planning consents 06/00758/OUT & 09/00807/DETAIL have been implemented. - FOR INFORMATION ONLY.	Approved	

13/30097/PREAPP	Reinstatement of roof following recent storm damage and remedial works.		04.12.2013
14/01023/LUPRO P	Claim in respect of the commencement of use pursuant to application 13/01141/COUNOT relating to the use of an office building as a dwelling.	Refused	03.10.2014
17/30278/PREAPP	Removal of existing outbuildings and construction of annex.	Refused	14.11.2017
22/01120/LBC	Proposed retention of stables and associated menage, mobile home/lodge as annex.	Withdrawn	27.07.2022
22/01121/FUL	Proposed retention of stables and associated menage.	Current	
22/01763/FULHH	Proposed retention of caravan as an annexe and home office ancillary to existing dwelling.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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

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

Proposal

The application relates to a property known as High Birch Farmhouse, Weeley, a Grade 2 listed dwelling which lies centrally within the application site, set back from High Birch Road. The application site itself comprises a long driveway and various old outbuildings as well as the newer additions of stables and the manege. The area is rural in character with open fields on the opposite side of High Birch Road and wooded areas to the north. The site lies outside of any settlement

development boundary. The application proposes the retention of a stable block with two timber stables and the associated manege. The stables are sited to the north east of the Farmhouse, while the manege is situated to the east. Retrospective permission for the annex has been removed from the planning application and will be dealt with as a separate matter.

Design, Appearance, Heritage and Landscape Impact

The stables and manege are not publically visible, being a distance of at least 120 metres from High Birch Road and to the rear of the Farmhouse. The stable block is of a traditional design and form, U shaped and finished with a red brick plinth, black weatherboarding and a slate pitched roof. Two individual timber stables lie alongside the stable block. The synthetic sand surface of the manege is enclosed by low level boards. Mature hedging bounds the paddocks and the rear of the stable block, obscuring views of the stables and the manege.

The surrounding area is rural by its nature and the additions have been kept within reasonably close proximity of the Farmhouse to create a cluster of built form. Due to the siting of the stables and manege there will be no significant impact to the rural landscape.

Following consultation with Place Services at Essex County Council (PS – ECC) they confirm that “the construction of the stables and the manege on this site is considered to have a very limited impact on those elements of the setting that make a positive contribution to the identified heritage asset, or which better reveal its significance...the retention of the stables and manege can therefore be considered acceptable, providing that these facilities are permanently maintained for personal use only”. Having regard to the comments from PS-ECC as outlined above, officers position is that with the imposition of a condition to ensure that the facilities the subject of this application are permanently maintained for personal use only, the proposal will have a neutral impact on the said heritage assets. On the grant of planning permission a condition will secure the use of the stables and manege for private use only.

Impact upon Residential Amenity

The residential property of Bowshots is located to the south west of the application site and is a distance of 43 metres from the manege and a distance of 40 metres from the stables ensuring there would be no significant impact to this neighbour.

The nearest residential property is Motefields to the north west of the application site, a distance of 4.2 metres from the application site with intervening vegetation. Having regard to the close proximity of the stables and muck heap to the north western boundary, the Council’s Environmental Protection team have been consulted. They request the imposition of conditions to ensure that nearby properties do not suffer a loss of amenity by reason of odour and light nuisance.

The stables and manege will be for private use only and will not be used for business or commercial purposes thereby ensuring the activity and noise levels will be limited. A Waste Management Plan has been submitted and the Environmental Health team had no adverse comments. As a result of the management of the muck heap detailed in the Waste Management Plan and the imposition of conditions for disposal of foul water, no burning of horse manure and no floodlighting without the prior approval of the Local Planning Authority on the grant of planning permission, it is considered that there will be no material harm to residential amenities as a result of the development.

Highways

Essex Highways have been consulted as part of the application and they confirm that they have no comments to make. The proposal is for private use and there is not expected to be an increase in vehicle movements or any changes proposed to the access to the property, therefore there will be no significant impact in relation to highways.

Other Considerations

St Osyth Parish Council objects to the application.

4 letters of objection have been received which raise the following concerns:

1. Smell of horses and the dung heap
2. Flies caused by the dung heap and the horses
3. The dung heap is large at times and is a fire hazard
4. Noise from the stables
5. The build date of the stables is not correct
6. Annex will look unsightly and not in keeping
7. Traffic nuisance

The Officer has addressed points 1-4 and 7 in the body of the report.

Point 5 – Correspondence received throughout the planning application process has confirmed the correct build date of the stables.

Point 6 – The annex is not considered as part of this planning application.

Conclusion

In the absence of any policy conflict and material harm resulting from the development, the application is recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions

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

DWG. NO. P01d, P03b, P04, P05b and document titled Waste Management Plan.

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

- 2 The stables and manege hereby approved shall be used solely in connection with private stabling of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

Reason - To prevent the generation of unnecessary traffic in the interests of highway safety, local amenity, and character and appearance of the area.

- 3 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.

- 4 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.

- 5 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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The annex located immediately south of the hereby approved stable block does not have planning permission. The annex is considered unauthorised development and we may take legal action to have it removed.

<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>