

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	29.03.2023
Planning Manager / Team Leader authorisation:	JJ	29/03/2023
Planning Technician final checks and despatch:	ER	29/03/2023

**Application:** 22/02045/FUL **Town / Parish:** Tendring Parish Council

**Applicant:** Mr and Mrs Smith

**Address:** Bramble Lodge Heath Road Tendring

**Development:** Retention of existing cart lodge.

### **1. Town / Parish Council**

Tendring Parish Council

Tendring Parish Council object to this application to retain the partially-built cart lodge. Full details of our objection have been sent by email to TDC Planning.

See document dated 9th January 2023.

Officer Response – A summary of TPC’s objections, and responses to these concerns, are outlined at the end of this report.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

15/00544/OUT	3 detached dwellings with associated garaging and parking.	Refused	11.06.2015
17/02141/OUT	Proposed 5 No. detached dwellinghouses, garaging and parking spaces.	Refused	28.02.2018
17/02142/FUL	Proposed 3No. detached dwellings with associated garaging and parking (revision to approval 16/00616/FUL).	Approved	20.03.2018
22/02045/FUL	Retention of existing cart lodge.	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

PPL3 The Rural Landscape

Local Planning Guidance

Essex Design Guide

#### **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)**

##### Proposal

This application seeks retrospective permission for the erection of a cartlodge.

Amended plans have been received since original submission of this application amending and significantly reducing the submitted red line plan, indicating the residential curtilage of the site, as well as the land required and access necessary to facilitate the development. It is these amended plans that have been assessed throughout this report.

Information has been provided by the applicant justifying the reasoning for the positioning of and the scale of the proposed cartlodge. The applicant intends to partially demolish the existing garage at Bramble Lodge and convert this into a summer kitchen. The cartlodge is therefore needed to provide adequate parking. The land on which the cartlodge will be constructed is currently being transferred into the same title as Bramble Lodge. The existing drive between Bramble Lodge and its neighbouring site will be extended around to the cartlodge.

##### Assessment

##### Design and Appearance

Policy PPL 3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause over riding harm to its character or appearance. The Local Planning Authority notes that the cartlodge is of a large footprint and scale, however the cartlodge is located to the rear of the site, remains of a proportion that could reasonably associated with a domestic cartlodge, and will be largely shielded from the public views of the streetscene. In the areas where the cartlodge is visible it is not considered to appear overly dominant due to its significant distance from the highway. This lessens any negative impact the cartlodge has on the amenities of the open area, and it is for these reasons that the size and scale of the cartlodge is deemed to be acceptable and complies with the aforementioned policies.

The cart lodge is finished in black cedar cladding over a brickwork plinth with a pitched slate roof design. The cart lodge is considered to be of an acceptable design and appearance and is considered to blend with the design of the application site and neighbouring properties. The cart lodge therefore cannot be said to have any harmful impacts on the visual amenities of the area which are so significant as to justify refusing planning permission.

#### Impact on neighbouring amenities

The cartlodge is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The cartlodge is located an adequate distance from the neighbouring dwellings to ensure that no significant impact on the loss of light will occur. Due to the location of the cartlodge relatively close to Healthland House, a condition is considered necessary and reasonable to ensure the cartlodge is used for purposes ancillary to the main dwelling at Bramble Lodge – this is to ensure vehicular and other movements associated with the cartlodge is akin to that of domestic usage, in the interest of residential amenity.

Subject to conditions the cartlodge is therefore acceptable in terms of its residential impacts.

#### Highway Safety

The proposal does not meet Essex County Council Requirements for a garage space to measure a minimum of 7 metres by 3 metres internally in order to be considered an acceptable parking space. However, there is adequate space to the front of the site to accommodate for parking. The proposal is therefore acceptable in terms of highway safety.

#### Other Considerations

Tendring Parish Council have objected to this, the full details are available for public viewing on our website with the documents submitted with the applications, the objections have been summarised below;

- The site is outside of the development area, the dwellings here were approved prior to the adoption of the local plan and the area must now be protected against further development.
- The location of the cart lodge is situated on land that has been previously refused permission for development and is not within the curtilage of brambles.
- The land use has been stated as agricultural / equestrian although it has been vacant land for decades.
- It is unclear what the purpose of the cartlodge is, the parish council is concerned as to what use would be made of the covered area
- The block plan is out of date as it does not show the two new houses being build on the road immediately adjacent to the cart lodge
- Concerns over emergency vehicle access to the site given the narrow access road left between the house fronting heath road.

Officer Response;

- Although the application site is located outside of the settlement development area, the proposal is for a cart lodge, not dwellings, a condition has been implemented to ensure the

use remains ancillary to the host dwelling. There is no principal objection to the erection of the cartlodge. The cartlodge cannot be seen from the streetscene and is considered to be of a reasonably minor nature compared to the surrounding development. The Cartlodge is not thought to have any significant harmful impact on the open character of the area.

- With regards to the concerns over the use of the cart lodge, a condition has been included ensuring the use remains ancillary to the host dwelling.
- The cart lodge is not located within the access point and has no effect on the access of emergency vehicles. Furthermore the cartlodge is not providing additional living accommodation and therefore the access of emergency vehicles is not a material consideration.
- The case officer has visited the site and believes the block plan is relevant.

One letter of objection has been received from a member of the public, this has been summarised below;

- The site is outside the development boundary.
- There is no need for an extra 4 parking spaces
- There is not wide enough access for emergency vehicles.
- The block plan is incorrect
- The land use stated is incorrect
- This will set an unwanted precedent for residential buildings and will increase dependency on car use going against Tendring District councils Green Policy
- If the building is allowed to stay a clause should be added to state the land cannot be changed to residential.

Officer Response;

- The issues surrounding the site being outside the development boundary, the access for emergency vehicles and block plan have been discussed above.
- The proposal has been assessed in terms of highway safety and is deemed acceptable. Whether there is a need for four additional spaces or not is not a material planning consideration and the local planning authority cannot refuse the application on this basis.
- A condition had been added to restrict the use of the cart lodge to ancillary to the host dwelling.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

Drawing No. P01

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

- 2 **CONDITION:** This permission shall only authorise the use and occupation of the cart lodge hereby approved for purposes incidental and ancillary to the principal dwelling known as Bramble Lodge (or as may be renamed in the future) and does not permit the use of the approved cart lodge as a separate outbuilding unrelated and not incidental/ancillary to the principal dwelling.

**REASON:** The proposed cart lodge would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the

development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied and not incidental/ancillary to the principal dwelling.

**NOTE/S FOR CONDITION**

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

**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.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p>NO</p>