

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	30.03.2023
Planning Manager / Team Leader authorisation:	JJ	30/03/2023
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 23/00061/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Russell and Mrs Lorna Sharp

Address: 1 Hill Cottages Parsons Hill Great Bromley

Development: Change of Use from Highways to Private Use.

1. Town / Parish Council

Great Bromley Parish Council Great Bromley Parish Council have no objection to the application.

2. Consultation Responses

ECC Highways Dept
13.02.2023 The documents accompanying the planning application have been duly considered. From a highway and transportation perspective the Highway Authority has no comments to make on this proposal. Informatives are recommended.

3. Planning History

17/01010/FUL	Demolition of north east roof and end flank wall. Alteration of internal spine wall. Construction of two storey extension with enlarged existing infill central extension and single storey side extension.	Approved	02.08.2017
18/01905/FUL	Change of Use from Highways to Private Use.	Approved	14.01.2019

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)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL3 Sustainable Design
CP1 Sustainable Transport and Accessibility
PPL3 The Rural Landscape

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

The application site refers to a parcel of land adjacent to 1 Hill Cottages, Parsons Hill, Great Bromley. The property is a two-storey semi-detached dwelling located outside the settlement boundary of Great Bromley. The applicant site comprises of an area of highway land adjacent to the rear garden amenity area of No.1 Hill Cottages.

Proposal

The application seeks planning permission for the change of use from highway verge/land to residential garden to be used in conjunction with the residential property No. 1 Hill Cottages. The proposal does not include any boundary treatment or details of fencing/enclosures. This application is a re-submission of application 18/01905/FUL, which was approved but has now expired. Works have been carried out, however planning permission is required again in order to be able to apply to the Department of Transport for a stopping up order as this was not undertaken with the previous application.

Assessment

Principle of Development

Policy PPL3 seeks to protect the rural landscape of the district. Planning permission will only be granted for proposed development which would not result in harm to its character and appearance. Therefore there is in principle acceptance to the proposed development subject to the detailed policy considerations discussed below. Furthermore, the principle of development has been established within application 18/01905/FUL.

Impact upon the rural landscape

As stated above, Policy PPL3, seeks to protect the rural landscape. Due to the location of the site outside of any defined settlement development, the site is within the countryside. However the site had been cleared, turfed and fenced and is incorporated within the amenity area of No. 1 Hill Cottages. There remains a sufficient area of highway verge between the boundary and the Highway and the boundary is screened by established vegetation and there are limited views of the new fencing from the public realm.

Impact upon neighbouring amenities

The proposed piece of land is enclosed and used as part of the garden area for use by the residents of No. 1 Hill Cottages. The site borders the highway and open fields to the rear therefore the proposal would not have any impact on the amenities of the neighbouring properties which are some distance away.

Highway safety

Essex County Highways have been consulted on this application and do not raise any objections to the change of use and therefore the change of use from highway to residential land is acceptable in terms of highway safety, and therefore in the absence of any objection from Essex

County Highways the enclosure of the land is also not considered to have an impact on forward visibility splays. It is noted that once planning permission is granted the applicants are required to apply to the Department of Transport Highways Authority for a stopping up order and to register the land with Land Registry.

Third Party Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval – FULL

7. Conditions

1. The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No: Site Location Plan 1:500 – Proposed removal of Highway Rights dated 22/08/18

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if

found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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.

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.

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.

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

