

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ML	25/05/2023
Planning Manager / Team Leader authorisation:	AN	30/05/23
Planning Technician final checks and despatch:	CC	31.05.2023

Application: 22/01410/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr and Mrs Highfield

Address: Elton Grange Rectory Road Weeley Heath

Development: Proposed new stables following demolition of existing stables.

1. Town / Parish Council

Weeley PC Weeley Parish Council resolved to object to this application when it considered it at its meeting on 15 May 2023.

The Parish Council questions whether there are adequate hygiene facilities for the occupants of the touring caravans.

The detail in the application is insufficient and contradictory. The sketch of the site indicates storage of up to 30 caravans yet the sketch shows 40 pitches.

The application appears to be tacked on to the application to erect new stables. In the circumstances, this should be a separate application providing sufficient detail.

St Osyth Parish Council Whilst the Parish Council has no objections to the relocation of the stables, Councillors do object to the proposed siting and storage of touring caravans, for which it is considered that there is no necessity, and which at the very least should be a separate application with further information as to the intended use of the proposed caravan site.

2. Consultation Responses

ECC Highways Dept No comments received.

Environmental Protection 16.05.2023 With reference to the above application, I can advise that we have no further comments to add, following from our original consultation response on the 29.09.2022.

Tree & Landscape Officer 27.04.2023 No additional comments.

Tree & Landscape Officer 26.09.2022 The proposed demolition of the existing stables and their replacement elsewhere on the site will not adversely affect any trees or other vegetation on the land.

Similarly, the proposed storage of caravans and the creation of an

area for use for touring caravans will not necessitate the removal of any existing trees or other significant vegetation.

In terms of the impact of the development proposal on the character and appearance of the locality it is noted that the application site does not feature prominently in the public realm and potential views from the Public Right of Way to the east of the application site are fairly distant and obscured by intervening vegetation.

Nevertheless in order to maximise the screening of the site it would be desirable to secure new soft landscaping on the eastern boundary of the application site to strengthen existing screening and to bring screening under the control of the applicant.

Soft landscaping can be secured by a planning condition.

3. Planning History

19/01952/FUL	Proposed change of use and alteration of agricultural building to dwelling house.	Approved	05.05.2020
22/00730/FULHH	Proposed erection of new workshop and new track to rear field.	Approved	15.07.2022
22/01410/FUL	Proposed new stables following demolition of existing stables.	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

PPL5 Water Conservation, Drainage and Sewerage

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

The application site is located on the eastern side of Rectory Road to the immediate north of the A133. The site is situated in a rural area outside of any defined development boundary. The site comprises of a converted agricultural barn which is now occupied as a dwelling. To the rear of the dwelling is a stable building beyond which is open paddock land. The northern and southern boundaries are marked by mature vegetation bordering the A133 and commercial uses. To the north of the site is a residential property known as 'Rose Glen'. The boundary of this property is marked by close boarded fencing.

Proposal

This application proposes the erection of a stable building to replace the existing stable block situated to the rear of the property. The stables would measure 20m in length, 6m in depth with a maximum height of 4.1m. The building would accommodate 4 stables and a tack room for private use.

The application originally proposed a small touring caravan site and associated caravan storage. These elements were removed following concerns raised by ECC-Highways.

Principle of Development

The application falls to be considered against Policies PP13 and PPL3 of the adopted Local Plan 2013-2033 and Beyond. Amongst other things, these policies relate to the provision of business and domestic equine related activities and the protection of the rural landscape, particularly outside of defined settlement development boundaries.

The principle of development is therefore acceptable subject to detailed considerations against other relevant policies within the adopted Local Plan.

Scale, Design and Landscape Impact

Adopted Local Plan 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 proposal is considered to be in keeping with the rural character of the area being a low level, stable building of a suitable scale and appearance. Furthermore, the stables are closely related to the applicant's dwelling and the wider paddock land to the rear of the site. There are mature trees and hedgerows in and around the site providing a good degree of screening and therefore the development would not result in any significant visual or landscape harm. Subject to conditions managing lighting the development is considered acceptable.

Trees and Landscaping

The proposed demolition of the existing stables and their replacement elsewhere on the site will not adversely affect any trees or other vegetation on the land.

In terms of the impact of the development proposal on the character and appearance of the locality it is noted that the application site does not feature prominently in the public realm and potential views from the Public Right of Way to the east of the application site are fairly distant and obscured by intervening vegetation.

Access and Highway Safety

Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These sentiments of the NPPF are carried forward within Policies SPL3 and CP1.

The proposal would utilise the existing access into the plot and would not result in any intensification in terms of additional traffic movements. The stables are for private use only and replace an existing stable block situated in close proximity to the property.

Therefore, no highway safety concerns are raised in respect of the proposals.

Environmental Protection

Adopted Local Plan Policy SPL3 Part B, f. states that provision should be made for adequate waste storage and recycling facilities. Part C states that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts be compatible with surrounding uses and minimise any adverse environmental impacts. Specifically, Policy SPL3 Part C, b. which states that development will not have unacceptable level of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance. Furthermore, Policy PPL5 states that all new development must make adequate provision for drainage.

In this respect the following matters need to be considered;

- 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)

To ensure the development is compliant with the above-mentioned local plan policies, conditions and informatives will be added as necessary.

Residential 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 and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed stables are to be situated to the rear of the neighbouring property (Rose Glen). However, the spacing around the dwelling and development site and the distance to the Rose Glen is sufficient to ensure no material harm to residential amenities will result. Moreover, a large outbuilding is located to the rear of Rose Glen's garden, which assists in providing a good level of screening.

Subject to conditions in line with the requirements from the Council's Environmental Protection Team, the proposal will not result in any material harm to neighbouring amenities.

Other Considerations

Weeley Parish Council object for the following reasons;

- Concerns about adequate hygiene facilities for the occupants of the touring caravans.
- The sketch of the site indicates storage of up to 30 caravans, yet the sketch shows 40 pitches.
- The application appears to be tacked on to the application to erect new stables. In the circumstances, this should be a separate application providing sufficient detail.

(Officer Response - the application is solely for the erection of a stables building. All references to the touring caravan site have been removed from the application).

St Osyth Parish Council has no objections to the relocation of the stables.

No letters of representation have been received.

Conclusion

The proposal is for equine related development which is acceptable in countryside areas outside of any development boundary. In the absence of material harm to visual and residential amenity and no concerns raised in respect of highway safety, the proposal is acceptable and recommended for approval.

6. Recommendation

Approval

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: 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.

- P01 (Floor plan and Elevations)
- P02A (Amended Block Plan)

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.

3 COMPLIANCE - PRIVATE USE

CONDITION: The development hereby approved shall be used for the private stabling of horses in connection with the property known as Elton Grange, as outlined in blue on the accompanying block plan drawing number P02A, and no business or commercial use including livery or riding school activities shall be carried out from the site whatsoever.

REASON: In the interests of local amenity and highway safety.

4 FURTHER APPROVAL REQUIRED - WASTE MANAGEMENT PLAN

CONDITION: Prior to first use of the stables hereby approved, a waste management plan dealing with the storage and removal 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 unless otherwise agreed in writing by the Local Planning Authority.

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

REASON: In the interests of residential amenities and environmental protection.

5 COMPLIANCE - NO BURNING ON SITE

CONDITION: There shall be no burning of manure on the site at any time.

REASON: In the interests of environmental protection and residential amenities.

6 COMPLIANCE - FLOODLIGHTING

CONDITION: 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.

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