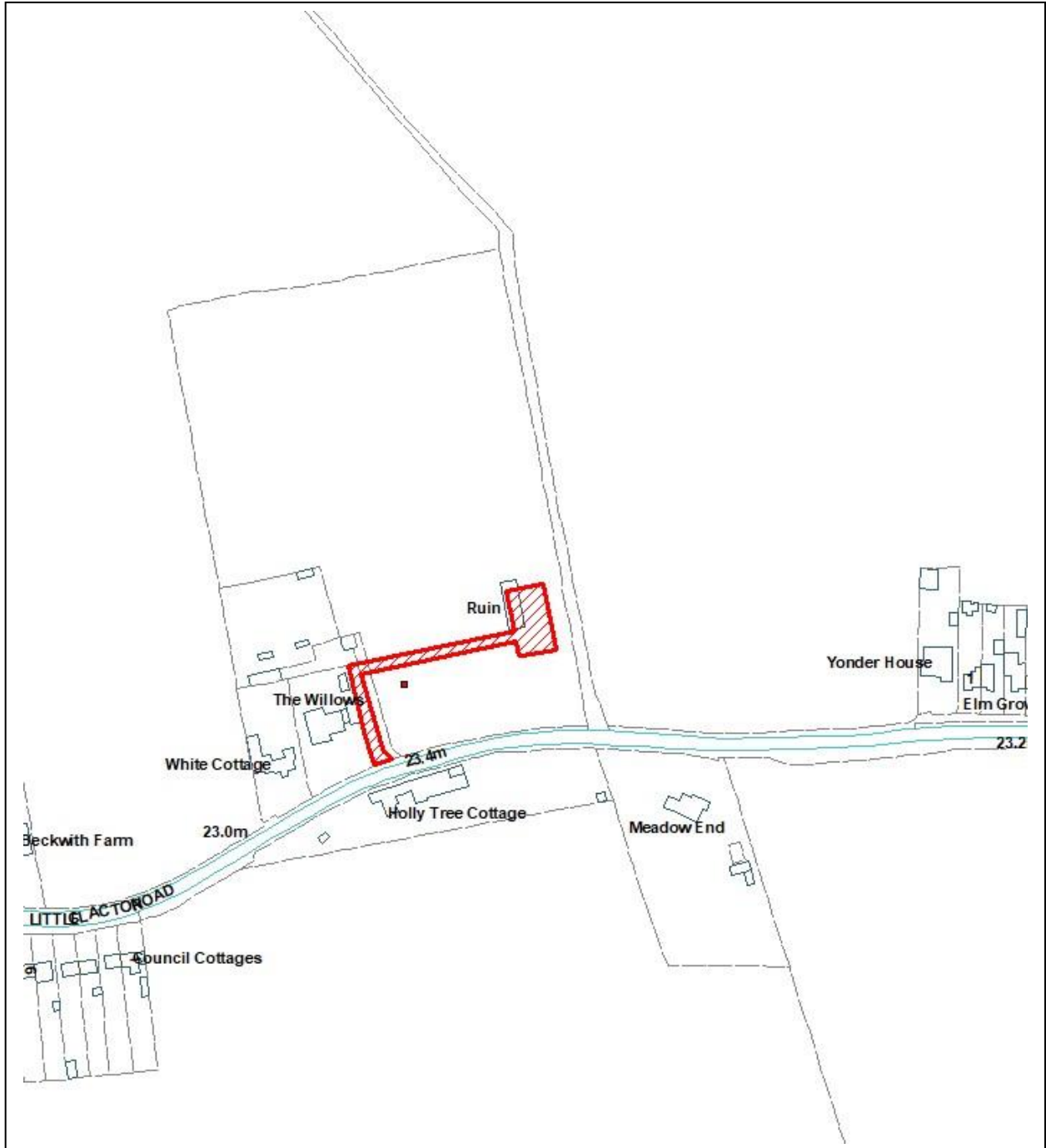


PLANNING COMMITTEE

4 July 2023

REPORT OF THE DIRECTOR OF PLANNING

A.4 PLANNING APPLICATION – 22/01937/FUL – Land Adjacent To The Willows, Little Clacton Road, Great Holland, CO13 0ET



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Application:	22/01937/FUL	Expiry Date:	13.01.2023
Case Officer:	Clive Theobald	EOT Date:	
Town/ Parish:	Great Holland Parish Council		
Applicant:	Mr Stevens		
Address:	Land adjacent to The Willows, Little Clacton Road, Great Holland CO13 0ET		
Development:	Proposed demolition of former livestock building and replacement with a two bedroom bungalow (in lieu of Prior Approval for conversion of building into a dwelling subject of application 21/00460/COUNOT). Resubmission of application 22/01052/FUL.		

1. Executive Summary

- 1.1 The application is referred to Planning Committee at the Director of Planning's discretion in light of the recent planning history of this site and due to the fact that planning application 22/01052/FUL for the proposed demolition of former livestock building and replacement with a two bedroom bungalow (in lieu of Prior Approval for conversion of building into a dwelling subject of application 21/00460/COUNOT) was refused by Member of the planning Committee following an officer's recommendation of approval.
- 1.2 This application proposes the demolition of former livestock building and replacement with a two bedroom bungalow (in lieu of Prior Approval for conversion of building into a dwelling subject of application 21/00460/COUNOT). This application is effectively a resubmission of application 22/01052/FUL. The proposal would conflict with the requirements of the Development Plan, principally Policies SP3 and SPL2 of the Tendring District Local Plan 2013-2033 and Beyond, being located outside of any Settlement Development Boundary.
- 1.3 It is also your Officers' considered view that the lawful ability to undertake the extant Prior Approval conversion scheme under 21/00460/COUNOT is now highly unlikely and that the weight that can be attributed to the so called 'fall-back position' is much further reduced whereby the further deteriorated condition of the building as seen on site for the current resubmission application since the refusal of application 22/01052/FUL is such that the possibility of compliance with the General Permitted Development Order (as also already previously cited for refusal reason No.1 for refused planning application 22/1052/FUL) is highly unlikely also. For this reason, the proposal is considered to fail the second element of the legal fallback test where there is no likelihood or real prospect of such a lawful event from occurring as set out in explanatory paragraph 6.16 regarding the fall-back position further into this report.
- 1.4 As such, the application is recommended for refusal.

Recommendation: Refusal

2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP7 Self-Build and Custom Built Homes

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Other Documents

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

96/01537/FUL (Land at Willow Farm (formerly Refused 04.03.1997

	piggeries), adjacent to The Willows, Lt Clacton Road, Gt Holland) Change of use of land to a 5 pitch transit gypsy site with new vehicular access		
98/00019/FUL	(Land at Willow Farm, Little Clacton Road, Gt Holland) Change of use of land to a 5-Pitch transit gypsy site with altered vehicular access	Refused	27.04.1998
19/00180/OUT	Proposed erection of 2no. Bungalows.	Refused	26.04.2019
21/00460/COU NOT	Conversion of agricultural buildings into a dwelling.	Determinati on	22.04.2021
22/01052/FUL	Proposed demolition of former livestock building and replacement with a two bedroom bungalow (in lieu of Prior Approval for conversion of building into a dwelling subject of application 21/00460/COUNOT).	Refused at Planning Committee	05.09.2022
22/01937/FUL	Proposed demolition of former livestock building and replacement with a two bedroom bungalow (in lieu of Prior Approval for conversion of building into a dwelling subject of application 21/00460/COUNOT). Resubmission of application 22/01052/FUL.	Current	

4. **Consultations**

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC Highways

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The information submitted with the application has been

assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.

It is noted that this application is a resubmission of application 22/01052/FUL whereby the revised scheme has reduced the ridge height of the building from the initial height of 6.3m to 4.7m. As with the previous proposal, vehicular access will be taken from the existing entrance onto Little Clacton Road which will be provided with a bound surface treatment. When compared with the former agricultural use, the level of activity will be on a par or possibly reduced. Again, the proposed dwelling will provide adequate off-street parking and turning. Considering these factors:

The Highway Authority does not object to the proposal as submitted subject to the previous highway conditions that were imposed for 22/01052/FUL being adhered to.

TDC Tree and Landscape Officer

The proposed position of the new dwelling is such that no existing trees or other significant vegetation will be adversely affected by the development proposal.

In order to soften and screen the proposed new bungalow and to ensure that it is satisfactorily assimilated into its setting, details of soft landscaping should be secured to soften and screen the proposed development.

New planting should primarily relate to the eastern boundary of the application site as views from other aspects are obscured by existing intervening vegetation.

Public Open Space and Play Team

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland

Recommendation: No contribution is requested on this occasion. However, should the development increase in size, a contribution may be required.

5. Representations

- 5.1 Frinton and Walton Town Council - Recommend refusal.
- 5.2 No third party representations from the general public have been received.

6. Assessment

The main considerations arising are as follows:

- Site Description / Context;
- Description of Proposal;
- Relevant Site History;
- Specific Material Considerations (the 'fallback' position);
- Principle of Development;
- Scale, Layout and Appearance;
- Impact on rural amenity
- Highway Safety, Access and Parking;
- Impact on Residential Amenity;

- Water Conservation, Drainage and Sewerage;
- Renewable and Energy Conservation Measures;
- Legal Obligations - Recreational Disturbance (RAMS), Open Space and Play Space.

Site Description / Context

- 6.1 The site lies on the northern side of Little Clacton Road and comprises part of a flat and overgrown field within which stands the partially collapsed remains of a prefabricated metal 'A' framed piggery building dating from the early 1950's with concrete base slab of approximately 131sqm which formerly comprised part of an extensive pig rearing farm unit known as Seven Acre Farm. The building is identified on various maps as 'Ruin', which is a description of the physical condition of the building at the time of survey identification rather than any historical or archaeological context.
- 6.2 A residential property containing a single storey bungalow with rear outbuildings (The Willows) lies to the immediate west of the site, whilst a farm track runs along the eastern boundary of the site extending to the north which is designated as a public footpath (Frinton and Walton 10). A further residential property lies to the immediate west of The Willows containing a two storey dwelling (White Cottage), whilst another residential property containing a two storey frontage dwelling lies opposite the site on the south side of Little Clacton Road (Holly Tree Cottage). Arable farmland lies to the north and east of the site. A straight concrete vehicular access drive with maintained side boundary hedgerow leads into The Willows from Little Clacton Road which forms the western boundary of the site. The remaining boundaries of the field are vegetated to include mature and established tree planting.
- 6.3 Approximately 150 metres to the east of the site, towards the eastern end of Little Clacton Road at its converging junction with the B1032 at Great Holland village, the character of the area suddenly changes to become more built-up in nature with uninterrupted frontage development (bungalows) along both sides of Little Clacton Road.

Description of Proposal

- 6.4 This application seeks full planning permission for the proposed demolition of this former livestock building and its replacement with a two bedroomed bungalow in lieu of Prior Approval 21/00460/COUNOT for the conversion of the building into a dwelling. This application is in effect a re-submission of refused application 22/01052/FUL for the same development, but with minor design variations.
- 6.5 The submitted drawings for the re-submission proposal show a new single storey dwelling designed in vernacular barn style having a rectangular footprint with slate ridged roof and traditional eaves line which would be sited in an off-set position to the bottom south-east corner of the footprint of the existing livestock building to be demolished.
- 6.6 The internal layout of the new dwelling would comprise a living/kitchen/dining space, home office, utility, two bedrooms and a bathroom with a stated external floor area of 142.6sqm. The dwelling would incorporate minimal external openings along both flank elevations, but would include central bi-folding doors to the dwelling's north elevation. The dwelling would include a single rooflight along its west flank elevation.
- 6.7 The new dwelling would have an indicated private amenity space to the building's northern aspect to include a sitting-out area, whilst a linking footpath approximately 55m long is shown leading from the dwelling across the field to 2 no. proposed dedicated parallel parking spaces to be formed on the field side of the existing access driveway run-in, leading to The Willows approximately three quarters along its length from the main road.

6.8 The application is accompanied by a planning statement in which the following extracted comments are set out below in support of the proposal:

- The application is a variation to the scheme which was refused by the Council's Planning Committee against the advice of Council Planning Officers;
- [Since the Prior Approval decision], the applicant undertook preparatory work on the commencement of the development while researching the costs involved in the conversion of the building and, in particular, ensuring the quality of the build meets their high expectations while achieving the highest code of sustainable construction and energy efficiency possible. The advice received has now shown that the conversion of the existing building can provide for a good level of construction and finish, but will not necessarily meet the standards they were hoping to achieve. In this respect, the applicants consider that a purpose designed structure will be of a similar cost to the conversion, but will enable far improved sustainable energy levels and higher specification;
- The current application is for the replacement of the structure subject of the prior approval in the same location upon the site. The new dwelling would be a 2 bedroomed bungalow having a gross floor area of 142.6². This proposal will be nominally larger than the approved scheme, with an additional 6m² floor area. The existing structure has a relatively low pitch roof, hence the limited eaves height of 3.1m. This revised scheme has reduced the ridge height from the initial height of 6.3m to 4.7m. The external appearance of the replacement building will reflect the existing structure, having a simple profile when viewed from the road, clad in horizontal black weatherboarding with a slate roof;
- In terms of access, the submitted scheme follows the same arrangement as shown upon the approved scheme, although is now provided with a consolidated surface;
- A private amenity area will be available in excess of the approved scheme;
- An electric vehicle charging point will be provided adjacent to the parking spaces;
- Although the proposed dwelling is almost identical in footprint to the approved scheme, it will be nominally greater in height. However, the ridge height of 4.7m will not be unusual for a simple bungalow design while also enabling a contemporary vaulted design to the interior. Having regard to the set back from the road, the impact of this increased height will be limited upon the wider countryside. The external materials will also reflect the character of a rural building. These elements taken together with the commitment to demolish the existing unsightly structure, will make a significant and positive improvement to the appearance of the rural surroundings.
- The proposal will result in a bespoke, custom-built yet modest dwelling rather than a standard housing unit, demonstrating a commitment to provide a unique self-build project as advocated by the government within the NPPF.
- It has been suggested that the existing building is now in such a poor condition that it is unable to be converted. It should be noted that the existing building is identical in its structural condition to that as seen by the authority when the Prior Notification was approved. The building has not deteriorated in any manner whatsoever. The structure is sound and while not weathertight, it is constructed with solid block work walls up to 1m above ground level, with a substantial steel framework and enclosed with steel windows. The roof is similarly sound, although missing a number of steel sheets. However, the building has remained structurally sound for more than 50 years. It is entirely able to be converted into a dwelling. No evidence has been put forward by the Council, including its members to justify the stance taken.
- The existence of the formal prior approval issued in 2021 is a significant 'material consideration' and to which the Council has given very little consideration.
- In the event that this current application is not supported, the extant permission will be developed without any ability for the Council to control the scheme beyond that shown on the submitted drawing.

6.9 The planning statement concludes as follows:

“It is considered that the proposed application must be judged in the context of the Council’s decision not to oppose the conversion of the existing barn into a self-contained dwelling earlier [in 2021]. The proposed scheme will be directly comparable to the fall-back scheme. It would be constructed to a higher building code, while its location will be no less sustainable than the approved scheme. The weight to be given to this material consideration is substantial. The scheme is therefore considered to be in accordance with the presumption in favour of sustainable development contained within the NPPF”.

Relevant Site History

6.10 On 22 April 2021, the Council determined that prior approval was not required for the conversion of the existing former livestock building on the site to a single dwelling as the development was considered to represent permitted development as defined in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (21/00460/COUNOT refers). The drawings submitted for that conversion proposal showed a single storey two bedroomed dwelling with a stated footprint (existing) of 136sqm clad in black weatherboarding and slate and having various window and door openings with bi-folding doors to the south aspect. The Prior Approval scheme has not been implemented to date (required to be completed by 21 April 2024).

6.11 Planning permission was subsequently refused by the Council’s Planning Committee on 5 September 2022 contrary to officer recommendation under ref: 22/01052/FUL for the proposed demolition of the former livestock building and its replacement with a two bedroomed bungalow in lieu of the Prior Approval scheme. The executive summary to the committee report for that application stated as follows in recommending officer approval for that subsequently submitted scheme:

“The application is referred to Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) being located outside of any settlement development boundary, and is recommended for approval. The proposed dwelling is not considered to be so materially different in regard to siting, height, footprint to the development approved under prior approval 21/00460/COUNOT. In the absence of any material harm resulting from the development in regard to its individual appearance, its impact on the wider streetscene, its impact on the character of the rural landscape and its impact on neighbours in regard to amenity and the parking provision, the application is recommend for approval”.

6.12 However, following a Members site visit for the application and due consideration of the matters as set out in the officer report, Members of the Planning Committee resolved to overturn the officer approval recommendation and to refuse planning permission for the application proposal on the following grounds which form the two cited reasons for refusal for that application, and as set out below:

Refusal Reason 1:

“Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies outside of any defined settlement boundary in the 2013-2033 Local Plan. The proposed development would therefore extend beyond the area planned to provide growth.

In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. In view of this, the proposal's conflict with policy gives rise to a significant degree of harm. The spatial strategy of Policy SP3 and place shaping principles of Policy SP7 reflect the National Planning Policy Framework (2021) sustainable development objectives and the proposal's conflict with both is given full weight. The principle of development is therefore not acceptable in this location.

The availability of a building subject to an approved Prior Approval for Class Q is acknowledged and given weight, but given the poor condition of the building since the approval, is no longer considered to be a possibility of compliance with the General Permitted Development Order and not given such weight as to set aside the development plan”.

Refusal Reason 2:

“Policy PPL 3 - The RURAL LANDSCAPE provides that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Further protection of landscape and good design requirements are required by Policy SPL 3.

The proposal fails to demonstrate that the development and associated layout to allow access and drive can be achieved without harm to trees considered to be either within the site or closely associated. The exact location of trees (identified through site visit and photos) and their associated root systems are not clear on plans to enable judgement of likely harm and the application fails to give protection of landscape asset due consideration. Furthermore, by reason of increased height, and size, the proposed development would have a detrimental visual impact on the rural landscape in this location. The material consideration of the prior approval Class Q on site is a material consideration, but the impact and harm of the proposed development is considered to be in excess of the prior approved development by reason of its design. On this basis, the proposal is considered contrary to Policies PPL3 and SPL3 as well as NPPF Section 12 Achieving well-designed places”.

Specific Material Considerations (the ‘fallback’ position):

- 6.13 Planning law requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Material considerations are matters or issues which may be relevant to the decision. Principles of Case Law held through the Courts hold significant weight as a material consideration.

The Fallback position

- 6.14 In this particular regard and in relation to the current planning application, the Mansell v Tonbridge and Malling Borough Council [2017] judgement requires the Council to consider the ‘fallback position’, i.e. what development alternatives a local planning authority is bound to consider relevant where it is for the decision-maker to make a comparison between the development already approved (in this case the extant 2021 prior approval determination made under 21/00460/COUNOT forming the notion of Class Q providing a lawful fall-back position) versus the development proposed under current re-submission application 22/01937/FUL) whereby this judgement concluded that a realistic fall-back position in regard to Class Q would amount to a material consideration in the determining of an application.

- 6.15 In paragraph 22 of the Mansell v Tonbridge and Malling Borough Council judgement, it is stated that *“It was not a precondition to the council's consideration of the fallback option that the interested party had made an application indicating an intention to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect.”* In direct comparison to the application under consideration, there is a formulated Class Q application.
- 6.16 The relevant legal principles relating to the fall-back position and how to interpret the weight attributed to such a position were set out in R v Secretary of State for the Environment and Havering BC (1998) EnvLR189. In that case, Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fall-back test:
- “First whether there is a fall-back use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is “yes”, a comparison must be made between the proposed development and the fall-back use.”*
- 6.17 The lawful ability to carry out the conversion of the existing livestock building exists through the prior approval of application 21/00460/COUNOT (22nd April 2021) whereby that prior approval still remains extant (3 year time limit for completion). However, a detailed inspection of the existing livestock building in April 2023 in consideration of the planning merits of the current planning application has shown that the southern half section of the metal framed former piggery building has collapsed to the ground in concertina fashion leaving just the northern half of the building with partial profiled-sheet roof standing, whereby this surviving section is currently being stabilised by guy ropes secured to the ground. A surviving 0.8m high blockwork wall to the outside perimeter of the building unaffected by this partial collapse runs along the western flank of the remaining structure, although no other meaningful elements of the perimeter blockwork were seen to be surviving upon the site visit.
- 6.18 It is understood that both prefabricated sections of the building were still existing when planning application 22/01052/FUL for the proposed demolition of this former livestock building and its replacement with a two bedroomed bungalow in lieu of previous Prior Approval notification 21/00460/COUNOT for the conversion of the building to a dwelling was submitted to the Council for determination. However, it is understood that the southern section of the A frame building subsequently blew down in a storm in December 2022 following the determination of that application.
- 6.19 Giving the prevailing position at the site, it is your Officers' view that any works to restore the building back to its former structural state to that as considered by the Council for the 2021 Prior Approval notification would now constitute a substantial rebuild rather than a conversion by reason of fact and degree whereby it is contended that any possibility of the collapsed section being lifted back into place would be at considerable expense to the applicant even if this were a practical proposition. Moreover, there is no indication that there is a likelihood or real prospect of such a possibility occurring based on the present facts.
- 6.20 As such, it is your Officer's considered view that a lawful ability to undertake the extant Prior Approval conversion scheme under 21/00460/COUNOT is highly unlikely and the weight that can be attributed to this element is much further reduced. The proposal is therefore considered to fail the first element of the legal fall-back position test as cited above whereby the further deteriorated condition of the building as seen on site for the current resubmission application is such that the possibility of compliance with the General Permitted Development Order (as also already previously cited for refusal reason No.1 for refused planning application 22/1052/FUL) is highly unlikely also. For

this reason, the proposal is also considered to fail the second element of the legal fallback position.

Principle of Development

- 6.21 Policy SP3, Section 1 of the Tendring District Local Plan 2013-2033 and Beyond sets out the spatial strategy for North Essex and directs growth towards existing settlements, whilst Policy SP7 sets out place shaping principles. The application site lies outside of the defined Settlement Development Boundary of Great Holland as shown on the inset maps within the adopted Local Plan. The proposed development would therefore extend outside the area planned to provide future housing growth for this settlement and the proposal would conflict with these spatial strategy policies.
- 6.22 Policy SPL2, Section 2 of the 2013-2033 Local Plan supports new development within defined Settlement Development Boundary's (SDB's) which would encourage sustainable patterns of growth and carefully control urban sprawl. Within a defined SDB, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans (there is currently no Neighbourhood Plan made for Great Holland). The proposed development would similarly result in policy conflict with this detailed growth policy for Tendring District.
- 6.23 The Council currently has a healthy five year housing land supply and a good housing delivery rate, whilst its housing planning policies are up to date within a new Local Plan. Accordingly, the Council does not need to look beyond identified settlements to meet its housing requirement. As such, the 'tilted' balance does not apply and there is not therefore a presumption in favour of sustainable development for the purposes of paragraph 11 of the NPPF.
- 6.24 Accordingly, the proposal gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. In view of this, the proposal's conflict with policy gives rise to a significant degree of harm whereby the spatial strategy of Policy SP3 reflects the sustainable development objectives of the National Planning Policy Framework (2021). As such, the proposal's conflict with this policy is thus given full weight and the principle of development is therefore not acceptable in this location.
- 6.25 It is noted in the submitted planning supporting statement that the proposal would be a self-build scheme. Policy LP7 of the adopted Local Plan makes provision for small self-build / custom build housing schemes, including individual dwellings, on land outside of, but within a reasonable proximity to Settlement Development Boundaries (SDB's) as part of the mix of housing choice within Tendring District. However, the acceptance of such housing outside the SDB's is subject to distance criteria and whether the nearest settlement is either a 'strategic urban settlement', a 'smaller urban settlement', a 'rural service centre' or involving the redevelopment of vacant or previously developed land (PDL) whereby the latter can be shown, with evidence, to be unviable for employment use. Great Holland is classified for the purposes of Policy SPL1 as a 'Smaller Rural Settlement' and therefore does not qualify under this Settlement Hierarchy criteria, whilst agricultural land is not defined as PDL. Minimal weight can therefore be afforded to this policy for the submitted proposal.
- 6.26 As identified in refusal reason 1 for refused application 22/01052/FUL, the availability of a building subject to Prior Approval for Class Q is acknowledged and given due weight. However, the already poor condition of the livestock building as seen on site by Members of the Planning Committee in consideration of the planning merits of that application and subsequently and more recently as seen by the planning officer for the current re-submission application (22/01937/FUL) in its further deteriorated state is such

that the weight that can be attributed to the fall-back position is even further reduced and not sufficient to set aside the Development Plan. The proposal is therefore not acceptable in principle.

Scale, Layout and Appearance

- 6.27 Paragraph 126 of the NPPF states that 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. Paragraph 130 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 6.28 Policy SP7, Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3, Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy LP4, Section 2 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place.
- 6.29 The proposed dwelling would be of simple rectangular form with a semi-rustic external appearance. The external appearance of the dwelling would have a simple building profile clad in horizontal weatherboarding and would have a slate roof. The walls would reflect the same material as proposed through the prior approval scheme under 21/00460/COUNOT whereby the only change to external materials would be the roof having slate tiles rather than profile sheeting which represents a visual enhancement and would be the same external specification as that shown for refused planning application 22/01052/FUL.
- 6.30 Slight design modifications, however, have been made to the proposed dwelling for the current re-submission scheme to that shown for refused application 22/01052/FUL in an attempt to overcome refusal reason no.2 for application 22/01052/FUL whereby the ridge height of the dwelling has now been lowered by 1.6m from 6.3m to 4.7m resulting in less glazing into the north flank gable end elevation of the dwelling. The footprint of the proposed dwelling would remain the same as application 22/01052/FUL. The external appearance of the dwelling would remain the same apart from the aforementioned gable end glazing change as would the internal layout and the indicated rear garden amenity space/sitting out area.
- 6.31 The proposed dwelling would have height parameters which would closely match those of Holly Tree Cottage situated approximately 63m to the south and The Willows situated approximately 80m to the west whereby both of these dwellings have greater footprints. The dwelling would, however, have a greater footprint than the semi-detached properties at Nos.1-6 Little Clacton Road but a lower ridge height. As such, the new dwelling would be consistent in scale with the broad range of scale of built form found in the immediate locality.
- 6.32 There is no locally-established palette of materials for dwellings and buildings found in the immediate locality whereby these are constructed in a range of finishes, which include self-coloured render and render/brick combinations.

- 6.33 The proposed dwelling would considerably exceed the minimum nationally described space internal space standards for a two bedroom, four person single storey occupancy having a floorspace of 143sqm compared to the minimum national standard of 70sqm. It is noted that whilst the indicated residential amenity space for the dwelling is smaller than those typical of properties found in the immediate locality at around 132sqm, it is nonetheless comparable with the five dwellings to the south-east at under 200sqm within a 200 linear metre distance. Further, the proposed dwelling is likely to benefit from uninterrupted views across farmland to the north as an additional private amenity. Overall, therefore, the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling.
- 6.34 Accordingly, no design objections are raised to the submitted scheme in terms of Scale, Layout and Appearance under Policies SP7, SPL3 and LP4 of the adopted Local Plan and under Paragraph 130 of the Framework.

Impact on rural amenity

- 6.35 Policy PPL3, Section 2 of the adopted Local Plan states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Further protection of the landscape is afforded by Policy SPL3, Section 2 of the Local Plan which states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character and relates well to the site and its surroundings.
- 6.36 In refusing previous application 22/1052/FUL, Members resolved that the dwelling proposal shown would by reason of its increased height and size with an indicated ridge height of 6.3m compared to the livestock structure it would replace have a detrimental visual impact on the rural landscape at this field location. Refusal reason no.2 for application 22/1052/FUL reflecting Members' concerns in this regard stated that the material consideration of the Prior Approval Class Q proposal on the site was a material consideration, but that the impact and harm of the proposed development was considered to be in excess of the Prior Approval development by reason of its design.
- 6.37 The current resubmission proposal in recognition of this reason for refusal has reduced the ridge height of the proposed dwelling from 6.3m to 4.7m with the effect of making the dwelling appear more subdued in the local landscape and comparable in size to the livestock building it would replace. It is considered from the changes made to the design of the dwelling in this respect that the proposed dwelling in its revised form would have a neutral impact on the character of the landscape at this location which, according to The 2001 Landscape Character Assessment carried out for Tendring District, is considered to have a weak landscape character overall and could even be considered to be poor in some urban fringe locations, particularly compared to the unsightly and dilapidated building it would replace. It is therefore considered that no rural amenity objections can be reasonably sustained under Policies PPL3 and SPL3 taking these factors into account

Highway Safety, Access and Parking

- 6.38 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.39 Policy SPL3 (Part B), Section 2 of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2, Section 2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe echoing the NPPF.
- 6.40 The proposed dwelling scheme as resubmitted for the current application follows the same proposed access arrangement as shown for refused application 22/1052/FUL and the Prior Approval scheme, namely that vehicular access would be taken from the existing entrance into The Willows situated adjacent to the site from Little Clacton Road. The only change to the indicated parking arrangements is that the 2 no. proposed parallel parking spaces shown for the new dwelling for the current re-submission application are now shown along the existing vehicular access into The Willows itself rather than being positioned at the rear end of the access to avoid the parking spaces possibly compromising the root systems of two mature trees, including a Willow, whereby Members had expressed concerns about their previously indicated rear siting for application 22/1052/FUL and as the exact location of the trees relative to the spaces had not been indicated on the submitted plans as reflected in refusal reason no.2 for application 22/1052/FUL with a linking footpath now extending to the new dwelling from this revised parking position.
- 6.41 Essex Highways Authority have been re-consulted for this resubmission application advising once again that they raise no highway objections to the proposal as the new dwelling would share the established vehicular access with the host dwelling (The Willows) and, when compared with the former agricultural use, the level of vehicular activity associated with the residential use would be on a par or possibly reduced, subject to conditions relating to visibility splays, 6 metres being retained behind each parking space, cycle parking provision, the submission of a Residential Travel Information Pack, and storage of building materials being clear of the highway.
- 6.42 The Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required and that parking spaces should measure 5.5m x 2.9 metres. The submitted plans show that there is sufficient space within the site to provide the necessary parking for the dwelling relative to the size of the dwelling. No policy objections are therefore raise under Policies SPL3 and CP2 relating to highway safety and parking.

Impact on neighbouring amenity

- 6.43 The NPPF, at paragraph 130 states that development should create 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 SP7, Section 1 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3, Section 2 has a similar requirement.
- 6.44 The site and proposed dwelling is sited a sufficient distance from the nearest neighbouring properties to the south (Holly Tree Cottage) and west (The Willows) so as not to result in any tangible loss of residential amenity to these nearby properties, particularly given the single storey nature of the proposed dwelling. As such, the proposed development would not result in any material harm to the living conditions of the occupants of these neighbouring dwellings. No objections are therefore raised under Policies SP7 and SPL3.

Water Conservation, Drainage and Sewerage

- 6.45 Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 6.46 Paragraph: 020 of the National Planning Policy Guidance states that where a connection to a public sewage treatment plant is not feasible a package sewage treatment plant can be considered. The package sewage treatment plant must comply with the Small sewage discharges in England: general binding rules 2015 (GBR), or a permit will be required. Package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. A completed Foul Drainage Assessment Form 1 (FDA1) form, or equivalent information, should accompany all planning applications where use of a non-mains system is proposed for foul drainage. The operation of small sewerage discharges, such as those from septic tanks or package treatment plants, is regulated under the Environmental Permitting Regulations 2016 (EPR).
- 6.47 Policy PPL5, Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.
- 6.48 In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. This requires ensuring that both those environmental risks outside of the control of the permit and the relevant considerations in the PPG are addressed. The LPA should also be mindful that the developer will need to address foul drainage matters to get their environmental permit and meet building control regulations. Therefore, they should be confident that it is likely that any necessary permits and approvals can be successfully obtained.
- 6.49 Question 11 of the application form states that it is not intended to connect to a mains sewer. Instead, it is stated that foul sewage will be disposed of by way of a package treatment plant. Details of the proposed treatment plant have subsequently been received which show that the system to be installed would be a Kingspan Klargestar biodisc commercial sewage treatment plant.
- 6.50 In considering the acceptability of the proposed non-mains drainage, the site is not located in close proximity to any dwelling and in an area where it is unlikely that mains drainage exists for any of the properties, the site is not close to any designated site of importance to biodiversity, is not located within a Drinking Water Safeguard Zone or a Source Protection Zone, and the site is sufficiently large enough to accommodate a soakaway. Furthermore, there is no evidence ground conditions would preclude such a solution. Access for maintenance would be achievable from the existing access. Taking all these factors into account, the use of the package treatment plant is considered to be the only feasible option available.

Renewable and Energy Conservation Measures

- 6.51 Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.
- 6.52 Policies PPL10 and SPL3, Section 2 of the adopted Local Plan together require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.
- 6.53 The proposal would include provision for an electric charging point for an electric car which would be provided to an external wall. However, whilst this energy efficiency measure is welcomed, this measure is not sufficient to address the full requirements of PPL10. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Financial Contributions - Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 6.54 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. Policy SP2, Section 1 of the adopted Local Plan states that financial contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-20238 (RAMS), whilst Policy PPL4, Section 2 has a similar contributions requirement.
- 6.55 The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 4,152 metres from the Hamford Water SAC and Ramsar. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.56 The RAMS contribution is to be secured by way of unilateral undertaking to be completed prior to determination of an application and for the contribution to be paid prior to commencement of development ensuring there will be certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with PPL4, Section 1 of the adopted Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. A Unilateral Undertaking has been submitted for the current development proposal. However, the undertaking has yet to be finalised at the time of writing of this report due to an identified Title dispute. Hence, as it stands, a RAMS policy objection is triggered whereby compliance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy and Policies SP2 and PPL4 has yet to be achieved.

Financial Contributions – Open Space and Play Space

- 6.57 Paragraph 55 of the National Planning Policy Framework (2021) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.
- 6.58 Policy DI1, Section of the adopted Local Plan states that all new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards Open Space.
- 6.59 In line with the requirements of Policy HP5, Section 2, the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland, but that no financial contribution is requested on this occasion.

7.0 Conclusion and Planning Balance

- 7.1 It is considered that the likelihood to undertake the extant prior approval conversion scheme determined under 21/00460/COUNOT for the conversion of the existing livestock building at this former piggery site is further reduced due to the poor condition of the building as noted for refused application 22/1052/FUL and as subsequently noted for the current re-submission application whereby the building has deteriorated further resulting in its partial collapse as such that it is considered highly unlikely that compliance with the General Permitted Development Order can now be achieved by reason of fact and degree under the 'fall-back' position.
- 7.2 The proposal gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing by being located outside the Settlement Development Boundary (SDB) for Great Holland whereby the spatial strategy of Policy SP3 and detailed Policy SPL2 reflects the sustainable development objectives of the National Planning Policy Framework (2021) by directing new housing growth to the settlements. As such, the proposal's conflict with Policies SP3 and SPL2 is given full weight and the principle of development is therefore not acceptable in this location. The stated intention of the new dwelling being a self-build dwelling for the applicant is noted. However, the proposal fails the eligibility criteria of Policy LP7 relating to self-build / custom build schemes for sites located outside SDB's and this matter is therefore given only limited weight in the planning balance.
- 7.3 It is considered by the changes made to the design of the dwelling to reduce its roof height to overcome refusal reason no.2 of refused application 22/01052/FUL that the proposed dwelling in its indicated revised form would have a neutral impact on the character of the landscape at this rural location in the planning balance.

7.4 The submitted Unilateral Undertaking to offset recreational disturbance (RAMS) has yet to be finalised at the writing of this report due to an identified Title dispute. Hence, as it stands, a RAMS policy objection is triggered whereby compliance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD and Policies SP2 and PPL4 has yet to be achieved.

7.5 The application is therefore recommended for refusal.

8. Recommendation

8.1 The Planning Committee is recommended to refuse planning permission for the following reasons:

- 1 Policy SP3, Section 1 of the Tendring District Local Plan 2013-2033 and Beyond sets out the spatial strategy for North Essex and directs growth towards existing settlements, whilst Policy SPL2, Section 2 of the Local Plan has similar aims and objectives specifically to Tendring District. The application site lies outside of any defined Settlement Development Boundary in the 2013-2033 Local Plan. The proposed development would therefore extend beyond the area planned to provide growth.

In view of its favourable housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. In view of this, the proposal's conflict with local plan policy gives rise to a significant degree of harm. The spatial strategy of Policy SP3, Section 1 also reflects the National Planning Policy Framework (2021) sustainable development objectives and the proposal's policy conflict with this policy in this context is given full weight. The principle of development is therefore not acceptable in this location. Consideration has been given to the proposed scheme as a self-build proposal, although limited weight is afforded to this possibility due to the scheme being contrary to the self-build eligibility criteria of Policy LP7 of the Tendring District Local Plan 2013-2033 and Beyond relating to self-build schemes proposed beyond the Settlement Development Boundaries.

The availability of a building subject to an approved Prior Approval for Class Q is acknowledged and given weight (21/00460/COUNOT), but given the poor condition of the building and its subsequently further deteriorated state since the determination of planning application 22/01052/FUL resulting in its partial collapse, it is the Council's assertion that the lawful ability to undertake the extant Prior Approval conversion scheme under 21/00460/COUNOT is now highly unlikely and that the weight that can be attributed to the so called 'fall-back position' (R v Secretary of State for the Environment and Havering BC (1998) EnvLR189) is much further reduced as such that the possibility of compliance with the General Permitted Development Order (as also already previously cited for refusal reason No.1 for refused planning application 22/1052/FUL) is highly unlikely also. For this reason, the proposal is considered to fail the second element of the legal fallback test where it is considered that there is no likelihood or real prospect of such a lawful event from occurring.

- 2 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means

that all residential development must provide mitigation. Policy SP2, Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states that financial contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-20238 (RAMS), whilst Policy PPL4, Section 2 of the Tendring District Local Plan 2013-2033 and Beyond has a similar contributions requirement.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 4,152 metres from the Hamford Water SAC and Ramsar. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and, in combination with other developments, it is likely that the proposal would have significant effects on this designated site. Mitigation measures must therefore be secured prior to occupation.

The RAMS contribution is to be secured by way of Unilateral Undertaking to be completed prior to determination of an application and for the contribution to be paid prior to commencement of development ensuring there will be certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with Policies SP2 a PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. A Unilateral Undertaking has been submitted for the application proposal. However, this has yet to be finalised at the issue date of this decision notice and as such the proposal fails to comply with the aforementioned policy requirements of Policy SP2, Section 1 and PPL4, Section 2 of the Tendring District Local Plan 2013-2033 and Beyond.

8.2 Informatives

The Local Planning Authority considers that the identified issues raised are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and, due to the harm which has been clearly identified within the cited reason(s) for refusal, that approval of the application has not been possible.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to refuse to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to refuse to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to refuse to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

10. Finance Implications

- 10.1 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 10.2 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

11. Background Papers

- 11.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.