

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	NH	20/09/2023
Planning Manager / Team Leader authorisation:	JJ	20/09/2023
Planning Technician final checks and despatch:	JJ	20/09/2023

Application: 23/01051/FULHH **Town / Parish:** Ardleigh Parish Council

Applicant: Mr George Mitchell

Address: Blue Barns Farm Old Ipswich Road Ardleigh

Development: Retention of outbuilding (retrospective).

1. Town / Parish Council

Ardleigh Parish Council

The application is described as an outbuilding, but has the appearance and hallmarks of a residential development. Had permission been sought prior to erection, the Local Plan and Emerging Ardleigh Neighbourhood Plan would have been used to judge the suitability of the site for development and the design and use of the building/dwelling. The site is outside the settlement development boundary and conflicts with policies in the Local Plan and with design guidance in the Ardleigh Neighbourhood Plan. There should be no question that this building would not have been permitted had it been requested in the appropriate manner and retrospective permission should therefore NOT be granted. The development is totally out of keeping with the listed farmhouse nearby and have a large footprint. We understand that fully grown trees were felled to allow light into the site from the south and a bund erected to keep the building hidden from surrounding areas. This application has the appearance of a flagrant attempt to circumvent planning laws and should not be permitted

2. Consultation Responses

Essex County Council
Heritage
22.08.2023

The application is for retention of outbuilding (retrospective).

The proposal site is within the curtilage of 18th century Grade II Listed Blue Barns Farmhouse (List Entry Number: 1112094).

There is no objection in principle to the construction of an outbuilding or annex to Blue Barn Farm in this location. However, the footprint of the proposed development, which is comparable in size to the main house, is considerably out of scale and not subservient to the identified heritage asset.

Moreover, the proposed annex is very residential in character and the use of non-traditional materials as uPVC windows and soffits and fibre-cement cladding makes it unsuitable for construction within historic contexts.

As per Historic England's Guidance The Setting of Heritage Assets, Planning Note 3, when assessing the degree to which the setting makes a contribution to the significance of an heritage asset or allows this significance to be appreciated, the asset's physical surroundings, including scale, design, hierarchy and functional relationships with other built forms should be taken into account. As such, the proposed outbuilding is not considered to preserve those elements of the setting that make a positive contribution to the identified heritage asset and which better reveal its significance (Paragraph 206 of the NPPF is relevant here).

With regards to the National Planning Policy Framework (2021), the level of harm to Blue Barn Farmhouse as a designated heritage asset is considered to be at the low end of 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202.

Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

Furthermore, the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

There might be the potential here for the construction of a smaller residential annex to be subservient in scale and design to the designated heritage asset and rural and ancillary in character, to be permanently retained in ancillary use to the main house.

ECC Highways Dept
18.08.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that this is a retrospective application, involving the retention of a pre-existing static home within the curtilage of the listed building to be used as an annexe/ancillary living accommodation. The proposal is set well back from the highway and no new or altered means of access is proposed as part of this application. The proposal provides two car parking spaces with adequate room for visitor parking, considering these factors:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees,

and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape
Officer
10.08.2023

The single storey structure is not a prominent feature in its setting and its retention will not have a significant adverse impact on the local landscape character.

No trees or other vegetation will be affected by the retention of the existing building.

Taking into account the location of the application site and the impact of adjacent structures there is little public benefit to be gained by new soft landscaping associated with the development.

3. Planning History

00/01970/FUL	Change of use of former farm buildings to nursing home	Withdrawn	26.03.2001
TRE/19/87	Storm damage	Current	
01/01279/FUL	Change of use of redundant piggery and associated land to B1 use. Extension of driveway and new parking area.	Approved	05.10.2001
01/01282/LBC	Retention of alterations to former piggery - proposed floor alteration new driveway and associated works	Approved	04.10.2001
02/00531/LBC	General refurbishment and repair. Replacement of 3 no. windows. Minor Internal modifications.	Approved	22.04.2002
02/00741/LUEX	Residential building ancillary to main house		01.08.2002
93/00899/FUL	Continued use of former agricultural buildings for the construction and storage of exhibition stand and display materials	Approved	12.10.1993
96/00929/FUL	Renewal of TEN/93/0899. Continued use of former agricultural buildings for the construction and storage of	Approved	10.09.1996

	exhibition stand and display materials		
86/00619/LBC	Continued use of former agricultural building for construction and storage of exhibition stand and display material	Approved	18.06.1986
89/01060/LBC	Continued use of former agricultural buildings for the construction and storage of exhibition stand and display materials (renewal of TEN/619/86)	Approved	04.08.1989
07/00653/LBC	Removal of two non load bearing beams.	Withdrawn	11.10.2007
07/02024/FUL	Demolition of existing B1 units (former piggery buildings) and erection of 6 No. B1 units.	Refused	03.03.2008
08/00521/FUL	Demolition of existing B1 units (former piggery buildings) and erection of 6 no. B1 units.	Approved	23.05.2008
08/00674/LBC	Proposed demolition of dis-used agricultural storage shed.	Approved	15.07.2008
10/00648/FUL	Part demolition. Conversion of existing building and construction of a new building to form a total of 14no. B1(a) office units together with ancillary car parking and landscaping.	Approved	24.08.2010
10/00656/LBC	Part demolition. Conversion of existing building and construction of a new building to form a total of 14no. B1(a) office units together with ancillary car parking and landscaping.	Approved	24.08.2010
10/01210/LUEX	Residential use of caravan.		16.12.2010
11/00052/FUL	Demolition of existing building and construction of new building to form a total of 8no. B1(a) office units together with ancillary car parking and landscaping (resubmission of 10/00648/FUL).	Approved	28.03.2011
11/00082/LBC	Demolition of curtilage listed building (to enable redevelopment proposed under 11/00052/FUL).	Approved	28.03.2011
11/01020/NMA	To add 60m2 of photovoltaic panels to the south facing roof plots 1-5 to meet SBEM requirements.		30.08.2011

11/01066/FUL	To add 60m2 of photovoltaic panels to the south facing plots 1 - 4 to meet SBEM requirements.	Approved	16.11.2011
12/60507/HOUEN Q	Use of property for accountancy and financial services firm.		21.11.2012
15/00154/FUL	Retention of cart lodge.	Approved	17.03.2015
15/00546/FUL	Demolition of outbuilding and external alterations to barn.	Refused	11.06.2015
15/00549/LBC	Demolition of outbuilding and external alterations to barn.	Refused	11.06.2015

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (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

SP3 Spatial Strategy for North Essex

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

5. 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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.

6. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

7. Ardleigh Neighbourhood Plan – Examination Stage

On the 14th of June Mrs Ann Skippers was appointed as the Examiner for the Ardleigh Neighbourhood Plan. The Examination for the Ardleigh Neighbourhood Plan formally opened on Wednesday 12th July 2023. On the 18th of August, the Examiner sent the Council an Interim Note of Findings which detailed several questions and matters of clarification. Therefore, the Ardleigh Neighbourhood Plan, and any relevant policies therein, can be attributed limited weight in the decision-making process.

8. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site lies within the boundary of the property known as Blue Barns Farm, a Grade II Listed building significantly set back from Old Ipswich Road. The application site itself comprises of a long driveway and various outbuildings. The area is rural in character with open fields to the rear of the application site and opposite with a commercial unit to the south. The outbuilding for which retrospective planning permission is being sought, lies to the south east and is approximately 50 metres away from the main dwelling.

The site lies outside of the Ardleigh Settlement Development Boundaries as defined in the Local Plan.

Proposal

This application seeks retrospective planning permission for the retention of an outbuilding.

Following a site visit and review of the documents provided, the officer queried the title/use of the building. The planning statement provided explained that the building was to be used as a static home/annex and an outbuilding – it is therefore not clear from the planning statement what the actual use of the building is because three different uses are put down (static home, annex and an outbuilding), elsewhere in the planning statement the applicant states ‘the proposal would involve the retention of a preexisting static home within the curtilage of the listed building to be used as an annexe/ancillary living accommodation’. From the officers site visit, the building appeared to be set out as a separate dwelling currently housing dogs with a separate kitchen, utility, bathroom, open living room with two separate rooms which could be considered to be bedrooms. The building also comprises of its own fenced off garden and gated entrance. Requests by the planning officer to the agent, to agree an amendment to the description to accurately reflect the proposal for a residential annex, was refused.

This application is subject of an enforcement complaint.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, layout, appearance and heritage impact
- Impact upon neighbouring amenities
- Highway provision and parking arrangements
- Trees and Landscaping
- Renewable Energy
- Other Considerations

1. Principle of development

The outbuilding is described as mentioned above as an annexe/static caravan and outbuilding. The planning statement states ‘the proposal would involve the retention of a preexisting static home within the curtilage of the listed building to be used as an annexe/ancillary living accommodation’. The application has been assessed on this basis. The outbuilding, given its size and extent of accommodation it offers with its own front door, is considered to be capable as operating as a separate unit of accommodation. The formation of annexe habitable accommodation that is occupied in an ancillary nature to the main residential dwelling is considered acceptable in principle, providing that the annexe remains ancillary to the main dwelling i.e. it does not form a separate planning unit operating independently from the main house. Therefore, a condition can be imposed to any grant of planning permission, in order to ensure the

annexe is not occupied at any time other than for purposes incidental/ancillary to the residential use of the main dwelling.

2. Scale, Layout, Appearance and Heritage Impact

Paragraph 126 of the National Planning Policy Framework 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 199 of the National Planning Policy Framework states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the National Planning Policy Framework states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. 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 height, scale, massing, form, design and materials.

Policy PPL9 states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric'.

The building is located approximately 50 metres from the listed building Blue Barns Farm. The building measures 8.6 metres in depth, 14.7 metres in width with an overall height of 3.4 metres. The siting of the building within the application site will not be visible from Old Ipswich Road and therefore will not cause any visual harm to the streetscene. The building is constructed from stained shiplap timber cladding, grey single ply membrane roof with UPVC windows and doors.

Essex County Council Place Services Heritage Team have been consulted on this application and have stated that there is no objection in principle (to a building in this location) however the footprint of the proposed dwelling, which is comparable in size to the main house is considerably out of scale and not subservient to Blue Barns Farm dwelling. The team refer to the building as an annexe and have stated that it is very residential in character and the use of non traditional materials such as uPVC windows and soffits and fibre cement cladding makes it unsuitable for construction within historic contexts.

As per Historic England's Guidance The Setting of Heritage Assets, Planning Note 3, when assessing the degree to which the setting makes a contribution to the significance of an heritage asset or allows this significance to be appreciated, the asset's physical surroundings, including scale, design, hierarchy and functional relationships with other built forms should be taken into account. As such, for the reasons set out above the proposed outbuilding is not considered to preserve those elements of the setting that make a positive contribution to the identified heritage asset and which better reveal its significance (Paragraph 206 of the NPPF is relevant here).

With regards to the National Planning Policy Framework (2021), the level of harm to Blue Barn Farmhouse as a designated heritage asset is considered to be at the low end of 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200). The provision of an outbuilding to be used as an annex carries very limited public benefit, if any at all, and any benefit

that will stem from this proposal will be mainly private in nature, and would not outweigh the identified heritage harm.

For the reasons set out above, it is considered that the proposed works would cause harm to the setting of the Listed Building and there is insufficient public benefit to outweigh this harm. The proposal is therefore contrary to local and national policy.

3. Impact upon neighbouring amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions 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.

Due to the location of the building to the south east of the application site, the building will not have any impact upon Blue Barns Cottages. Although there may be some views of the building from Blue Barns Business Park, due to the single storey nature of the building, it is not considered to cause any impact upon the neighbouring commercial building.

4. Highway Provision and Parking Arrangements

Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

Essex Highway Authority have been consulted on this application and have noted that this is a retrospective application, involving the retention of a pre-existing static home within the curtilage of the listed building to be used as an annexe/ancillary living accommodation. The proposal is set well back from the highway and no new or altered means of access is proposed as part of this application. The proposal provides two car parking spaces with adequate room for visitor parking, considering these factors the Highway Authority does not object to the proposals as submitted.

The site would be accessed via the existing driveway of Blue Barns Farm. The traffic movements associated with one annex would not be excessive. There is ample space on site for parking and turning to serve the unit and the existing property of Blue Barns Farm.

5. Trees and Landscaping

The single storey structure is not a prominent feature in its setting and its retention will not have a significant adverse impact on the local landscape character.

No trees or other vegetation will be affected by the retention of the existing building.

Taking into account the location of the application site and the impact of adjacent structures there is little public benefit to be gained by new soft landscaping associated with the development.

6. Renewable Energy

Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. Any formal planning application would need to include details of this or would be subject to a condition to secure such details, if approved.

7. Other considerations

Ardleigh Parish Council have commented on this application and have stated that:

The application is described as an outbuilding, but has the appearance and hallmarks of a residential development. Had permission been sought prior to erection, the Local Plan and Emerging Ardleigh Neighbourhood Plan would have been used to judge the suitability of the site for development and the design and use of the building/dwelling. The site is outside the settlement development boundary and conflicts with policies in the Local Plan and with design guidance in the Ardleigh Neighbourhood Plan. There should be no question that this building would not have been permitted had it been requested in the appropriate manner and retrospective permission should therefore NOT be granted. The development is totally out of keeping with the listed farmhouse nearby and have a large footprint. We understand that fully grown trees were felled to allow light into the site from the south and a bund erected to keep the building hidden from surrounding areas. This application has the appearance of a flagrant attempt to circumvent planning laws and should not be permitted

The concerns raised above have been addressed within the report.

No letters of representation have been received.

9. Recommendation

Refusal - Full

10. Reasons for Refusal

- 1 Paragraph 199 of the National Planning Policy Framework (NPPF) states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Policy SP7 of the Local Plan 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 of the Local Plan 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 height, scale, massing, form, design and materials.

Policy PPL9 of the Local Plan states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric'.

The outbuilding, by reason of its excessive footprint and use of non-tradition materials such as uPVC windows, soffits and fibre cement cladding results in a building considerably out of scale with, and not subservient to the Grade II Listed Blue barns Farm dwelling, appearing out of context within the historic setting. As such, the outbuilding is not considered to preserve those elements of the setting (of the Listed Building) that make a positive contribution to the identified heritage asset and which better reveal its significance

The level of harm to Blue Barn Farmhouse as a designated heritage asset is considered to be at the low end of 'less than substantial'. Great weight should be given to the heritage asset's conservation (Paragraph 199 of the NPPF) and clear and convincing justification provided for any level of harm (Paragraph 200 of the NPPF). There is insufficient public benefit to outweigh the identified heritage harm and the proposal is therefore contrary to above mentioned local and national policies.

11. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues 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 reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing nr 2318-1101
Drawing nr 2318-1102-P1
Drawing nr 2318-1201-P1

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