

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Planning Officer recommendation:	MP	19/02/24
Team Leader authorisation / sign off:	AN	19/02/24
Assistant Planner final checks and despatch:	ER	21/02/2024

**Application:** 22/00969/FUL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mr and Mrs Cole

**Address:** Acorn Cottage Farm Road Great Oakley

**Development:** Proposed erection of one dwelling.

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

Great Oakley Parish Council      No comments received.

### **2. Consultation Responses**

Essex County Council Heritage  
16.05.2023 (second set of comments following amended plans)

The application is for proposed erection of one dwelling. This follows my previous advice dated 6th July 2022.

The proposal site outside the boundary of the Great Oakley Conservation Area and within the setting of a number of designated and non-designated heritage assets.

The proposed dwelling has been simplified in a more holistic design and using traditional materials which are considered in keeping with the local character. The overall mass of the proposed development has also been slightly reduced by reducing the height of the carport and removing the link between this and the front elevation. The revised scheme, overall, has less cluttered and more subtle appearance.

There are concerns regarding the use of apex glazing to the first floor windows, particularly to the front elevation, which makes them prominent within the setting of the Conservation Area.

Should these been removed, then there would be no objection to this application.

ECC Highways Dept  
12.07.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A site visit was undertaken in conjunction with a previous planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that outline approval was granted in 2019, the site is at the end of a private road (existing access to Maltings Farm) off Farm Road and as such the Highway Authority would not normally comment. The private road currently serves 5 existing dwellings including Acorn Cottage. The proposal retains adequate room and provision for off-street parking and turning, for the host and proposed dwelling, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the occupation of any of the proposed dwelling the internal access and layout shall be provided in principle and accord with Drawing numbers:

- Fpa.003 F:- Proposed site plan and block plan.
- Fpa.011 D:- Carport - proposed side and rear elevations

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. The proposed dwelling shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been surfaced, and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway.

Reason: In the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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](mailto:development.management@essexhighways.org)

2: As the site is at the end of a private road, (existing access to Maltings Farm), the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to make a vehicular connection to the private road.

3: On the completion of the Development, all roads, footways/paths, 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.

4: 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  
21.06.2022

The application site set to grass with early mature trees. It has a pleasant parkland feel however the trees on the land have low visual amenity value as the site is not visible from the public realm.

None of the trees on the application site have sufficient amenity value to merit retention or formal legal protection by means of a tree preservation order.

In terms of soft landscaping the applicant has submitted details of new tree planting and associated new planting that will adequately compensate for the removal of existing trees and help to soften the appearance of the development.

UU Open Spaces  
12.07.2022

Response from Public Realm  
Open Space & Play

Application Details

Application No: 22/00969/FUL

Site Address: Acorn Cottage Farm Road Great Oakley Harwich

Description of Development: Proposed erection of one dwelling.  
Current Position

There is currently a deficit of -0.76 hectares of equipped play in Great Oakley.

Recommendation

No contribution is being requested on this occasion, however should the development increase in size a contribution may be required.

Essex County Council  
Heritage  
07.07.2022 (initial  
comments)

The application is for proposed erection of one dwelling. A similar proposal has been submitted for pre-planning with reference 22/30104/PREAPP, therefore my previous comments issued on 22nd June 2022 are still relevant, as follows.

The proposal site lies just out of the boundary of the Great Oakley Conservation Area and within the setting of a number of designated and non-designated heritage assets, including Grade II Listed Mill House, an 18th Century vernacular building of two-storeys, with sash windows in timber surrounds within smooth rendered walls under a clay tiled roof.

The southern boundary of the Conservation Area, where the proposal site is located, is formed by mature hedgerows bounded by a footpath with agricultural fields beyond. While there has been some modern development, including the Maltings Grange development in the land historically associated with Maltings Farm, the historic boundary of the

village is clearly legible. The open and undeveloped nature of the landscape makes an important contribution to the historic significance of the Great Oakley Conservation Area and to its rural setting which is still mostly unaltered. The rural, agrarian landscape is a defining feature of the Conservation Area's setting, enabling Great Oakley to be understood and appreciated as an isolated agricultural settlement which remained largely unchanged until the mid-twentieth century.

The proposal is considered to affect the setting of the Conservation Area by changing the existing rural setting into a residential with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area. The proposal is not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

However, it is also noted that an outline application for the erection a new dwelling in this site has already been approved with reference 18/02084/OUT, therefore the following comments would only pertain the design of the current proposal.

While generally the proposed design and the use of traditional materials are considered to be in keeping with the local character, I would not support the scale of the proposed development which, together with the prominent position within the undeveloped landscape, would be out of character with the neighbouring properties within Maltings Grange (which are included within the boundary of the Conservation Area).

Buildings within the Great Oakley Conservation Area are predominantly one and a half or two storeys in height. Due to the elevated topographic position, a one and a half storey dwelling would be considered more acceptable on this site. The footprint of the proposed dwelling and its annex is also considerably larger than most of the adjoining properties. The current proposal would result in an incongruous element which would obstruct the now uninterrupted view of the countryside from the Conservation Area.

I would not support the use of rooflights within the setting of a designated asset; rooflights are a non-traditional type of fenestration not generally in use within the Great Oakley Conservation Area and they would introduce an incongruous feature which will not be in keeping with the local character. Their use shall be limited and would not be considered acceptable on the North elevation, which is facing the Conservation Area. Where necessary, conservation rooflight should preferably be specified.

In this current iteration, the proposal would fail to make a positive contribution to local character and distinctiveness, a requirement set out in Paragraph 197c of the NPPF. Also, as per Paragraph 206, Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Essex County Council  
Heritage

The proposal site lies along the boundary of the Great Oakley Conservation Area and within the setting of a number of designated

13.02.2024 (final set of comments following amended plans)

and non-designated heritage assets, including Grade II Listed Mill House. The southern boundary of the Conservation Area, where the proposal site is located, is formed by mature hedgerows bounded by a footpath with agricultural fields beyond. While there has been some modern development, including the Maltings Grange development in the land historically associated with Maltings Farm, the historic boundary of the village is clearly legible. The open and undeveloped nature of the landscape makes an important contribution to the historic significance of the Great Oakley Conservation Area and to its rural setting which is still mostly unaltered. The rural, agrarian landscape is a defining feature of the Conservation Area's setting, enabling Great Oakley to be understood and appreciated as an isolated agricultural settlement which remained largely unchanged until the mid-twentieth century.

The site has a long planning history which should be taken into account when assessing this application.

There are overall in principle concerns regarding the principle of development of this site. As previously advised, the proposal is considered to affect the setting of the Conservation Area by changing the existing rural setting into residential with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area. The harm to the significance of the Conservation Area is considered to be 'less than substantial' and paragraph 208 of the NPPF (December 2023) is relevant.

In terms of scale and design, the scale of the proposed development, although reduced from the initial proposal, is still out of character with the neighbouring properties within Maltings Grange (which are included within the boundary of the Conservation Area), with the footprint of the proposed dwelling still being considerably larger than most of the adjoining properties.

The design has also been simplified, however still presents a number of non-traditional features, including rooflights, PV panels, the first floor loggia and the prominent front porch, which, all together, contribute to a cluttered appearance of the proposed dwelling and fail to make a positive contribution to local character and distinctiveness, a requirement set out in Paragraph 203c of the NPPF.

ECC Highways Dept  
16.02.2024

The Highway Authority has no further comments to make regarding amended proposal. Please refer to recommendation dated 12 July 2022.

Essex County Council  
Heritage  
31.08.2023 (second set of comments following initial amended drawings)

The application is for proposed erection of one dwelling. The following advise should be read as an addendum to my previous letter issued on 16th May 2023.

It should be noted that, while the revised proposal is considered more acceptable in terms of design and has been reduced in scale and overall mass, this does not overcome the main concern that the introduction of a built development on this historically undeveloped site, as initially noted, is considered to affect the setting of the Conservation Area and would permanently change the historic rural character of the setting into residential. The harm to the significance of the Conservation Area is considered to be 'less than substantial' and paragraph 202 of the NPPF is relevant.

### 3. Planning History

00/00409/FUL	To site touring caravan to complete self build - dimension 4.5m x 2m	Approved	11.05.2000
01/00713/FUL	Variation of condition 1 of 00/00409/FUL for extended period for caravan until 31st January 2002	Approved	18.06.2001
02/01046/FUL	Renewal of temporary consent to site touring caravan	Approved	19.07.2002
92/01365/OUT	(Land to rear of Malting Farm Restaurant, Farm Road, Great Oakley) Proposed demolition of existing general industrial units and outline application for residential use	Approved	23.08.1994
97/00454/DETAIL	(Land at Maltings Farm, Farm Road, Great Oakley) Access road and sewers (to serve residential developments part of submission of detail under outline permission TEN/92/1365)	Approved	19.08.1997
97/01046/OUT	(Land rear of former Maltings Farm Restaurant, Farm Road,) Demolition of existing industrial units and redevelopment for residential use (Renewal of TEN/92/1365)	Approved	01.10.1997
98/00862/CON	Total demolition of barn/outbuildings	Approved	25.08.1998
98/01047/FUL	Erection of one detached dwelling and garages	Approved	08.09.1998
99/01179/FUL	Variation of design of house approved under TEN/98/1047	Approved	24.11.1999
10/00273/FUL	Erection of dwelling (extension of time on previously approved 06/02064/FUL).	Withdrawn	31.03.2010
18/00881/OUT	Erection of one dwelling.	Refused	27.07.2018
18/02084/OUT	Erection of one dwelling.	Approved	18.06.2019
21/01963/DETAIL	Proposed approval for the following reserved matters: Access, Appearance, Landscaping, Layout and Scale for one dwelling.	Withdrawn	18.02.2022

### 4. 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.

## 5. **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>

## 6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 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  
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)  
SP3 Spatial Strategy for North Essex  
SP4 Meeting Housing Needs  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):  
SPL1 Managing Growth  
SPL3 Sustainable Design  
HP5 Open Space, Sports & Recreation Facilities  
DI1 Infrastructure Delivery and Impact Mitigation  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
LP8 Backland Residential Development  
PPL2 Coastal Protection Belt  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
PPL10 Renewable Energy Generation  
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:  
Essex County Council Car Parking Standards - Design and Good Practice  
Essex Design Guide

## 7. **Officer Appraisal**

### Site Description

The application relates to land adjacent to the north-east of Acorn Cottage, Farm Road, Great Oakley. The site measures approximately 0.17 hectares in size and currently forms part of land adjoined to the garden area of Acorn Cottage. The character of the surrounding area is semi-rural;

to the south and south-west are a number of residential properties, and to the north and east are large areas of grassed and agricultural land.

The site is adjacent to, but outside of, the Settlement Development Boundary for Great Oakley within the adopted Local Plan 2013-2033. In addition, it falls within a Coastal Protection Belt, and adjacent to the west is the Great Oakley Conservation area. There are also two Grade II Listed Buildings to the south-west, and another Grade II Listed Building to the north-west.

#### Description of Proposal

This application seeks planning permission for the erection of one dwelling, which is to be sited to the rear of Acorn Cottage.

The dwelling is to be two storeys and served by four bedrooms, with a double cartlodge building sited to the front of the dwelling.

During the determination of the application, Officers raised concerns with the design of the dwelling and its impact to neighbouring amenities, and as such the applicant has provided a series of amended drawings which have seen the following alterations:

- Re-location of the dwelling further east away from the boundaries of the five properties recently granted consent under 23/00255/DETAIL;
- Reduction in the depth of the dwelling;
- The cartlodge building has a reduced width and has been re-located further south away from the proposed dwelling; and
- Minor amendments to the overall design of the house and cartlodge.

#### Site History

Under planning reference 18/00881/OUT, planning permission was refused for the erection of one dwelling on this site. The reasons for this refusal were that the site fell outside of a recognised settlement boundary and that the proposed development was to be sited to the north of this pattern of development. This would result in a strong physical change in the landscape, introducing built form into the undeveloped countryside which would also set a harmful precedent for future similar applications to the remainder of the land to the north-west, north and south-east.

However, following an appeal decision on the land adjacent for five dwellings (reference APP/P1560/W/18/3196781) that considered the site an acceptable location for new residential development, planning permission was then allowed on the application site for one dwelling (reference 18/02084/OUT, dated 18th June 2019). Importantly, Condition 2 of this planning permission stated that an application for the approval of reserved matters must be made within three years of the date of the permission (18th June 2022).

Following this, under reference 21/01963/DETAIL an application for reserved matters for the one dwelling was submitted in November 2021. However, prior to the applications determination, the agent for the application requested it be withdrawn in February 2022.

#### Assessment

##### 1. Principle of Development

Officers acknowledge that under reference 18/02084/OUT, planning permission was previously granted on the application site for one dwelling. However, whilst a reserved matters application was submitted in November 2021 it was later withdrawn, with no further reserved matters planning application being submitted prior to the expiration of the three-year time limit condition (dated 18th June 2022). While this current application was submitted within the three-year time limit, it is not a reserved matters application and in addition the red line within the current application is of a larger size to that in 18/02084/OUT. Taking all of the above into consideration, Officers do not therefore consider there to be a lawful extant planning permission for a residential dwelling on this site, and



therefore the application must be treated as a new dwelling outside of a recognised Settlement Development Boundary.

Adopted 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, although adds that development will be accommodated at sites adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. The application site falls adjacent to, but outside of, the Settlement Development Boundary for Great Oakley within the adopted 2013-2033 Local Plan. As such, the proposal by reason of the site's location is contrary to Policies SP1, SP3, SPL1 and SPL2 of the adopted Local Plan whereby the proposal fails to meet the sustainability aims and objectives of these policies in terms of achieving sustainable development by directing future housing growth to within the existing settlements. The Council presently has a healthy five-year housing land supply resulting from the implementation of larger housing schemes approved for the district prior to the adoption of the current Local Plan whereby the plan policies contained within the current plan relating to housing growth and allocations are up to date.

## 2. Design and Visual Impacts (including backland development)

Paragraph 135 of the National Planning Policy Framework 2023 (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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Furthermore, Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The development will result in the creation of one detached dwelling located to the rear of the property known as 'Acorn Cottage' along Farm Road, and therefore Officers consider that it constitutes a form of backland development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings. There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

Of particular relevance in this instance is also Policy LP8 of the adopted Local Plan, which states that proposals for the residential development of backland sites must comply with the following criteria (officer assessment in italics):

a) where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;

*As stated above, to comply with adopted Policy LP4, the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and*

character of the area. The proposed dwelling, as well as 'Acorn Cottage', will provide for sufficient private amenity space that will be appropriately sized, and therefore comply with this criterion (and Policy LP4).

b) a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

*The proposal would see the extension of an existing access point via Farm Road to the south-west of the site, in between Acorn Cottage and Holly Cottage. While such an access will be prominent, it is not considered to result in a significant level of visual harm. There will be a degree of harm to the occupants of the two adjacent properties, however the noise associated with the vehicular movements of one dwelling would not be excessive and justify recommending a reason for refusal. This criterion is therefore met.*

c) the proposal must avoid "tandem" development using a shared access;

*The layout shows that the access will be shared with Acorn Cottage, however the proposal is not an example of tandem development. This criterion is met.*

d) the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

*The site is not considered to comprise an irregular and awkward shape, and will not prejudice a more appropriate comprehensive development solution, and therefore this criterion is met.*

e) the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

*The application site is located adjacent to the defined settlement for Great Oakley. Officers acknowledge there is residential development to the south and west (including five dwellings recently granted reserved matters permission under reference 23/00255/DETAIL adjacent to the west). In addition, the appeal decision granted for the five dwellings adjacent to the west for a site behind the established building line (reference APP/P1560/W/18/3196781) is also acknowledged, where the Inspector stated that "given the proximity of similar recent development such as Maltings Grange, this would not look particularly out of keeping or set a harmful precedent." The appeal decision was issued in October 2018 and there have been material alterations in that time, notably with the adoption of the Local Plan and the Council now being able to demonstrate a five year housing land supply, which overall reduces the level of weight Officers are able to attach to this. The proposed dwelling does not extend any further into the countryside than this development, so longer-range views from the east will see it assimilate with the existing and future dwellings in the immediate surrounding area. However, the scale and siting of the dwelling is not in-keeping with the existing built form or overall character of development in this location. Given this, and that by its very nature the dwelling would result in a degree of a hard urban edge, Officers conclude that the development would be out of character within its particular setting. This criterion is therefore not met.*

f) the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

*While Officers note that following the recent approval of 23/00255/DETAIL for five dwellings adjacent to the west there is precedent for similar forms of development in this location, the scale and siting of the proposed dwelling appears detached, disconnected and incongruous in relation to the dwellings to the south-west and those approved adjacent to the north-west, and is therefore out of character with the area. This criterion is not met.*

### 3. Coastal Protection Belt

Adopted Policy PPL2 (Coastal Protection Belt) of the Tendring District Local Plan 2013-2033 seeks to protect the open character of the undeveloped coastline and refuse planning permission for

development which does not have a compelling functional or operational requirement to be located there. Where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its context and applicants will be required to demonstrate that any development proposals will be safe over their planned lifetime.

The application site falls within a Coastal Protection Belt, and proposes one dwelling. However, Officers also acknowledge that there is residential development immediately adjacent to the north-west and south-west along High Street and Farm Road respectively.

Within appeal decision APP/P1560/W/18/3196781 for the site adjacent to the north-west (for a total of five dwellings), the Inspector concluded that with sufficient screening, along with adjoining residential properties and gardens, that the development would have little negative effect on the openness of the countryside or the qualities of the Coastal Protection Belt. That being said, Officers also note that this is a different site (albeit adjacent) and the Inspector had previously referred to the site being 'very overgrown and surrounded by dense boundary vegetation' which provided for a secluded site.

Officers consider that the current application site is similarly bounded by mature vegetation that aids in providing for a well screened site. In addition, the Inspector was previously clear that the impact to the Coastal Protection Belt is reduced given the existing residential properties and gardens, which has since been amplified with the granting of permission for five dwellings adjacent to the north-west. Given this, and that any longer-range views from the east and south into the site will see the dwelling in association with the existing residential development, Officers conclude, on balance, that the proposal for one dwelling will not result in a negative impact to the openness of the countryside.

#### 4. Scale, Design and Appearance

Paragraph 135 of the National Planning Policy Framework (2023) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposal would see the erection of one dwelling that would be located to the rear of the existing properties along Farm Road to the south-west and is accompanied by a cart lodge building to the front of the dwelling. The initial plans included a first floor for the cart lodge building, which also had a link to the dwelling, however amended plans have removed both of these elements, reduced its overall width and located it further south towards Farm Road. Amended drawings have also been provided to amend the design of the dwelling during the determination of the application, following concerns raised by Officers.

In terms of the scale of the building, it will measure 7.1 metres in height across two storeys and will also include a cartlodge building to the front. While there are other examples of two storey dwellings in the surrounding area, these are typically of a smaller scale and overall footprint to that being proposed. Given this, and that the siting of the dwelling appears detached, disconnected and incongruous in relation to the dwellings to the south-west and those approved adjacent to the north-west, it is considered that the proposal is not in-keeping with the character and appearance of the area, contrary to the aspirations of the above local and national planning policies.

With respect to the proposed design, notwithstanding the comments above, Officers consider that it includes key features that help break up the overall bulk, including front gables, bay windows, a chimney and canopy area. However, as outlined in more detail within the Heritage section below, the design includes a host of non-traditional features that together combine to provide for a cluttered appearance that further harms the character of the area.

## 5. Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

While the proposed dwelling is of a large design, it is noted that it is well set back from the existing residential properties to the south-west along Farm Road. Given this, the dwelling will not result in any significant loss of daylight/sunlight and will also not appear oppressive. In addition, while there will be some views to the rear garden area of Acorn Cottage in particular, due to its open nature, there is a significant separation distance that greatly reduces this harm.

In addition, it is noted that five dwellings have recently received planning consent adjacent to the north-west, with Plots 3, 4 and 5 of that development being most closely related. Within the initial plans, concerns were raised by Officers that the dwelling was located in close proximity to the rear boundary of the three plots, and would appear oppressive to Plots 4 and 5, and also result in a loss of sunlight towards morning/early afternoon. However, the amended set of drawings provided have re-located the dwelling further east away from these dwellings; there is now an approximate separation distance of 15 metres to the rear boundaries and between 30-35 metres to the properties themselves. Given such significant separation distances it is now considered that the previously identified harm has been sufficiently addressed and no objections are raised in this regard.

## 6. Heritage Impacts

Paragraph 205 of the NPPF (2023) states that when 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 Paragraph 208 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

Adopted 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 application site lies adjacent to, but outside of, the Great Oakley Conservation Area and also within the setting of Grade II Listed Buildings. Accordingly, ECC Place Services (Heritage) have been consulted, and initially provided the following comments:

*"The proposal site lies just out of the boundary of the Great Oakley Conservation Area and within the setting of a number of designated and non-designated heritage assets, including Grade II Listed Mill House, an 18th Century vernacular building of two-storeys, with sash windows in timber surrounds within smooth rendered walls under a clay tiled roof.*

*The southern boundary of the Conservation Area, where the proposal site is located, is formed by mature hedgerows bounded by a footpath with agricultural fields beyond. While there has been some modern development, including the Maltings Grange development in the land historically associated with Maltings Farm, the historic boundary of the village is clearly legible. The open and undeveloped nature of the landscape makes an important contribution to the historic significance of the Great Oakley Conservation Area and to its rural setting which is still mostly unaltered. The rural, agrarian landscape is a defining feature of the Conservation Area's setting, enabling Great Oakley to be*

*understood and appreciated as an isolated agricultural settlement which remained largely unchanged until the mid-twentieth century.*

*The proposal is considered to affect the setting of the Conservation Area by changing the existing rural setting into a residential with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area. The proposal is not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.*

*However, it is also noted that an outline application for the erection a new dwelling in this site has already been approved with reference 18/02084/OUT, therefore the following comments would only pertain the design of the current proposal.*

*While generally the proposed design and the use of traditional materials are considered to be in keeping with the local character, I would not support the scale of the proposed development which, together with the prominent position within the undeveloped landscape, would be out of character with the neighbouring properties within Maltings Grange (which are included within the boundary of the Conservation Area).*

*Buildings within the Great Oakley Conservation Area are predominantly one and a half or two storeys in height. Due to the elevated topographic position, a one and a half storey dwelling would be considered more acceptable on this site. The footprint of the proposed dwelling and its annex is also considerably larger than most of the adjoining properties. The current proposal would result in an incongruous element which would obstruct the now uninterrupted view of the countryside from the Conservation Area.*

*I would not support the use of rooflights within the setting of a designated asset; rooflights are a non-traditional type of fenestration not generally in use within the Great Oakley Conservation Area and they would introduce an incongruous feature which will not be in keeping with the local character. Their use shall be limited and would not be considered acceptable on the North elevation, which is facing the Conservation Area. Where necessary, conservation rooflight should preferably be specified.*

*In this current iteration, the proposal would fail to make a positive contribution to local character and distinctiveness, a requirement set out in Paragraph 197c of the NPPF. Also, as per Paragraph 206, Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

Following these comments, the agent for the application provided a set of amended drawings that sought to overcome the concerns raised previously. Upon re-consultation, ECC Place Services (Heritage) provided the following comments:

*"The proposed dwelling has been simplified in a more holistic design and using traditional materials which are considered in keeping with the local character. The overall mass of the proposed development has also been slightly reduced by reducing the height of the carport and removing the link between this and the front elevation. The revised scheme, overall, has less cluttered and more subtle appearance.*

*There are concerns regarding the use of apex glazing to the first floor windows, particularly to the front elevation, which makes them prominent within the setting of the Conservation Area. Should these been removed, then there would be no objection to this application.*

*It should be noted that, while the revised proposal is considered more acceptable in terms of design and has been reduced in scale and overall mass, this does not overcome the main concern that the introduction of a built development on this historically undeveloped site, as initially noted, is considered to affect the setting of the Conservation Area and would permanently change the historic*

*rural character of the setting into residential. The harm to the significance of the Conservation Area is considered to be 'less than substantial' and paragraph 202 of the NPPF is relevant."*

Following this, a further revised set of plans were provided in an attempt to address concerns raised by Officers and ECC Place Services, and following this a final set of comments have been received by ECC Place Services (Heritage) as follows:

*"The proposal site lies along the boundary of the Great Oakley Conservation Area and within the setting of a number of designated and non-designated heritage assets, including Grade II Listed Mill House. The southern boundary of the Conservation Area, where the proposal site is located, is formed by mature hedgerows bounded by a footpath with agricultural fields beyond. While there has been some modern development, including the Maltings Grange development in the land historically associated with Maltings Farm, the historic boundary of the village is clearly legible. The open and undeveloped nature of the landscape makes an important contribution to the historic significance of the Great Oakley Conservation Area and to its rural setting which is still mostly unaltered. The rural, agrarian landscape is a defining feature of the Conservation Area's setting, enabling Great Oakley to be understood and appreciated as an isolated agricultural settlement which remained largely unchanged until the mid-twentieth century.*

*The site has a long planning history which should be taken into account when assessing this application.*

*There are overall in principle concerns regarding the principle of development of this site. As previously advised, the proposal is considered to affect the setting of the Conservation Area by changing the existing rural setting into residential with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area. The harm to the significance of the Conservation Area is considered to be 'less than substantial' and paragraph 208 of the NPPF (December 2023) is relevant.*

*In terms of scale and design, the scale of the proposed development, although reduced from the initial proposal, is still out of character with the neighbouring properties within Maltings Grange (which are included within the boundary of the Conservation Area), with the footprint of the proposed dwelling still being considerably larger than most of the adjoining properties.*

*The design has also been simplified, however still presents a number of non-traditional features, including rooflights, PV panels, the first floor loggia and the prominent front porch, which, all together, contribute to a cluttered appearance of the proposed dwelling and fail to make a positive contribution to local character and distinctiveness, a requirement set out in Paragraph 203c of the NPPF."*

Taking the above into consideration, while revised plans have overcome some of the initial concerns relating to the design of the dwelling, there are still concerns that a number of non-traditional features contribute to a cluttered appearance, and the overall scale is still out of character with neighbouring development. Furthermore, an objection has been raised with regards to the impact of a dwelling in this location, given that it would change the rural setting into residential through the introduction of built form within a mostly undeveloped landscape which contributes to the significance of the Conservation Area. While Officers recognise that there is residential development immediately to the south-west and also recently approved directly adjacent to the north-west, as discussed above the scale and siting of the dwelling and accompanying cart lodge do not accord with the character of the area.

The level of harm identified is less than substantial, and in accordance with the NPPF, this identified harm must be weighed against any public benefits of the development. On this occasion given that the Council is in a position where it can demonstrate a comfortable five-year housing land supply and that one dwelling sited outside of a recognised Settlement Development Boundary would not generate significant economic benefits to the local area, there are only very minor public benefits that would not outweigh this level of identified harm.

## 7. Tree and Landscaping Impacts

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

*"The application site set to grass with early mature trees. It has a pleasant parkland feel however the trees on the land have low visual amenity value as the site is not visible from the public realm.*

*None of the trees on the application site have sufficient amenity value to merit retention or formal legal protection by means of a tree preservation order.*

*In terms of soft landscaping the applicant has submitted details of new tree planting and associated new planting that will adequately compensate for the removal of existing trees and help to soften the appearance of the development."*

Given the above comments, Officers raise no objections in this regard. Following the submission of amended drawings, the Tree and Landscape Officer has confirmed they have no additional comments to make beyond those listed above.

#### 8. Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond 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.

ECC Highways have been consulted and within their initial comments they stated that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions relating to the vehicle parking area and the gates being inward opening. Following the submission of amended plans, ECC Highways have confirmed they have no additional comments to make to those provided within the initial set of drawings.

In addition, Essex Parking Standards (2009) state that for dwellings with two or more bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans show that this would be comfortably achievable for the new dwelling.

#### 9. Drainage

Paragraph 180 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.

Policy PPL5 of 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.

The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

#### 10. Financial Contributions - Open Space and RAMS

##### (i) Open Space

Paragraph 55 of the National Planning Policy Framework (2023) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 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.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.

The Council's Public Realm consultee identifies that there is currently a deficit of 0.76 hectares of equipped play in Great Oakley, however no contribution is requested on this occasion.

#### (ii) Habitat Regulations Assessment

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.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) being approximately 1,625 metres from the Hamford Water SPA, SAC and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites 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.

A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### 11. Renewable Energy

Paragraph 111 of the Framework (2023) 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.

Policies PPL10 and SPL3, 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.

The proposal includes for a development that has the potential to incorporate renewable energy features. No details, however, are provided within the application submission. Therefore, it would be considered reasonable and necessary to include a planning condition, were planning permission being granted, requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures.

#### Other Considerations

Great Oakley Parish Council have not commented on the application.

There have been a total of 17 letters of objection raising the following concerns:

1. Applicant does not have permission to use the proposed access route;
2. Highway safety concerns;



3. Not in-keeping with character of the area;
4. Harm to Coastal Protection Belt;
5. Harm to Conservation Area;
6. Harm to setting of Grade II Listed Building;
7. Noise disturbances;
8. Previous pond has now been infilled;
9. Flooding issues;
10. Site is outside of a Settlement Development Boundary; and
11. Insufficient parking provision.

In answer to this, points 2, 3, 4, 5, 6, 7, 10 and 11 are addressed within the main body of the report above. Point 1 is not a material planning consideration this is a private matter, and point 8 is referring to works carried out prior to the applications submission and would not require planning consent so cannot be taken into consideration. To address the flooding concerns raised in Point 9, the site is not within Flood Zones 2 or 3 as determined by the Environment Agency, and while the area to the south is at a low risk of flooding from surface water, the proposed dwelling's location is just outside of this area thereby not raising any concerns on flood risk grounds.

#### Conclusion

The application site is located adjacent to, but outside of the Settlement Development Boundary for Great Oakley. While there was previously an outline planning permission granted on this site, this has since lapsed so does not represent a legitimate fallback position. In addition, the dwelling represents a form of backland development that through its scale, detailed design and siting is not in-keeping with the character of the surrounding area, and would also be harmful to the setting of the Great Oakley Conservation Area. Accordingly, the application does not accord with local and national planning policies and is therefore recommended for refusal.

#### **8. Recommendation**

Refusal.

#### **9. Reason for Refusal**

- 1 Paragraph 135 of the National Planning Policy Framework 2023 (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.

Paragraph 205 of the NPPF states that when 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 Paragraph 208 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted 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, although adds that development will be accommodated at sites adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Policy LP8 (e) and (f) of the Adopted Local Plan, states that proposals for the residential development of backland sites must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in

its particular setting, or be out of character with the area or set a harmful precedent for other similar forms of development.

Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The site falls adjacent to, but outside of, the Settlement Development Boundary for Great Oakley. The proposed development would therefore extend beyond the area planned to provide growth for this settlement. The dwelling, which would result in a hard urban edge to a defined settlement, will measure 7.1 metres in height across two storeys and will include a cartlodge building to the front, which overall is of a larger scale and footprint to neighbouring properties. As such the proposal has a scale and siting that appears detached, disconnected, and incongruous in relation to the dwellings to the south-west and those approved adjacent to the north-west and, therefore, is not in-keeping with the existing built form or overall character of development in this location.

Commented [ML1]: We need to mention the detailed design concerns in here too.

Furthermore, the dwelling would result in a level of less than substantial harm to the setting of the Great Oakley Conservation Area by changing the existing rural setting with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area, whilst also including a range of non-traditional features such as rooflights, PV panels, first-floor loggia and a prominent front porch. Given the Council can demonstrate a comfortable five year housing land supply and that one dwelling outside of a recognised Settlement Development Boundary would not generate significant economic benefits to the local area, the very minor level of public benefits do not outweigh this level of identified harm. The proposal therefore fails to accord with the aforementioned local and national planning policies.

## 10. 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 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(s) 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 Numbers FPA.001 Revision D, FPA.002 Revision A, FPA.003 Revision G, FPA.004 Revision I, FPA.005 Revision F, FPA.006 Revision F, FPA.007 Revision E, FPA.008 Revision E, FPA.009 Revision E, FPA.010 Revision E, FPA.011 Revision E, and the documents titled 'Planning Statement' received 10th January 2024, 'Proposed Site Location Plan', 'Construction Method Statement', 'Electric Vehicle Charging', 'Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment', and 'Factual Report of Investigation'.

## 11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include 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\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral