

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	17/06/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	20/06/2024
Assistant Planner final checks and despatch:		JJ	20/06/2024

**Application:** 24/00626/VOC **Town / Parish:** Bradfield Parish Council

**Applicant:** S Hedges

**Address:** Land to The East of Straight Road Bradfield

**Development:** Application under Section 73 of the Town and Country Planning Act for the Variation of Condition 1 (development for dayrooms hereby permitted shall be carried out in accordance with the following approved plans: T1049-001 C, RA1621/02) of appeal decision reference APP/P1560/W/23/3326308 (23/00034/REFUSE) to vary the size, siting and design of the proposed dayrooms on each pitch.

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

Bradfield Parish Council:

The proposal to increase the floor space and design of four Day Rooms appears to be an overdevelopment of those buildings which were designed and approved to be purely ancillary to the living arrangements of the Traveller Site.

The sizes of the Day Rooms submitted in the original Planning Application plans and approved in the appeal, appear to provide all the amenities detailed in the Communities and Local Government Designing Gypsy and Traveller Sites (Section 7.17) without any increase in size or design. The Day Rooms are not shared but are to be built and dedicated separately to each of the four individual plots.

This application seeks (according to the applicant's 'Summary of Changes' document in the application) to increase the interior floor space size of each of the Day Rooms, from 25.6 Square Meters to approximately 143 Square Meters. This represents an increase in size of approximately 460%. The considerable increase in size, the increase in windows from two to nine in each building, the installation of Patio Doors and the construction of a large Gable Front entirely changes the appearance and dynamics from Day Rooms to Permanent Bungalow Dwellings.

The application also seeks to re-position the 'Day Rooms' 15 meters, to be relocated at the front of the plot, aligning to the general building line of Straight Road. This gives the obvious appearance of four additional and substantial detached dwellings, and not Day Rooms ancillary to the approved Traveller accommodations.

There are some local comparisons in relation to building sizes to assist in assessing and understanding the proposed increase in size of the 'Day Rooms'. The amendment proposal is for four 'Day Rooms' each constructed with an individual Floor Space of 143 Square Meters. A short Internet search for new built dwellings currently offered for sale locally reveals:

Manningtree Park (Mistley):

New One Bedroom two storey dwelling (called The Furze) = 48.3 Square Meters.

New Two Bedroom two storey dwelling with en-suite (called The Westley) = 100.3 Square Meters.

River Reach (Mistley):

New Four Bedroom Detached two storey dwelling (called The Heacham) = 144 Square Meters.

The proposal, if approved, would result in four new dwellings on the site, containing full facilities and being larger than many existing dwellings already constructed or under construction locally. Bradfield Parish Council therefore wishes to object to this application for variation.

## 2. Consultation Responses

Tree & Landscape Officer 21.05.2024 The proposed increase in the sizes of the day rooms does not appear to adversely affect or alter soft landscaping proposals set out in the discharge of condition application 24/00645/DISCON.

No other comments.

## 3. Planning History

18/00480/FUL	Change of use from agricultural land to horse paddock.	Approved	31.05.2018
22/00239/OUT	Outline application for the erection of three dwellings with all matters reserved.	Refused (dismissed at appeal)	26.05.2022
23/00525/FUL	Proposed part retrospective application to create 4no. plots for residential use by Gypsy and Traveller family with associated works including new access, package treatment plant, dayroom and hardstanding.	Refused	13.06.2023
23/01028/FUL	Proposed part retrospective application to create 4no. plots for residential use by Gypsy and Traveller family with associated works including new access, package treatment plant, dayroom and hardstanding.	Refused (allowed at appeal)	27.09.2023
24/00645/DISCON	Discharge of conditions application for APP/P1560/W/23/3326308 (23/00034/REFUSE) - Condition 6 (Site Development Scheme), Condition 7 (Schedule of Maintenance for Proposed Planting), and Condition 9 (Water, Energy and Resource Efficiency Measures)	Current	

## 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## 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>

There are no neighbourhood plans in place for this location.

## 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  
LP9 Traveller Sites  
PPL3 The Rural Landscape  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network

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

## 7. **Officer Appraisal**

### Site Description

The application site relates to a parcel of land located to the north-eastern section of Straight Road, which is within the parish of Bradfield. Upon undertaking a site visit, the site itself was cleared but was bounded by hedgerow along its front (western) elevation with close boarded fencing to the remainder of the perimeter bar the eastern boundary. There is a Public Right of Way running along the southern boundary.

The character of the area is rather mixed; immediately to the south are a row of residential properties connecting to Steam Mill Road, with additional residential development further south-east and further north. To the west the character is more rural, with large areas of grassed land.

The site lies adjacent to, but outside of, the settlement development boundary for Bradfield within the adopted Tendring District Local Plan 2013-2033, which is adjacent to the south.

### Planning History

Under planning reference 18/00480/FUL, planning permission was granted for the change of use of the application site from agricultural land to horse paddock. The Council holds no other information which suggests that this permission has been implemented, and it has therefore now lapsed.

Following this, in May 2022 outline planning permission for the erection of three residential self-build/custom-built dwellings with all matters reserved, was refused by the Council. The reason for refusal was because the application failed to meet criterion a, b or c of Policy LP7 (Self-Build and Custom-Built Homes) and was therefore unacceptable in principle. This application was then dismissed at appeal (reference APP/P1560/W/22/3301013) dated 2nd February 2023, with the Inspector concluding that they agreed with the Council's position that the application failed to meet criterion a, b or c of Policy LP7.

Then, under references 23/00525/FUL and 23/01028/FUL, retrospective planning permission was refused for change of use of the land to enable the creation of four Gypsy/Traveller pitches, comprising the siting of four mobile homes, four touring caravans, and four dayroom facilities buildings. The latter application was refused due to Officers concluding there was not reasonable access to nearby key facilities and the works did not maintain or enhance local distinctiveness and would erode the rural appearance of the site to the significant detriment of the character and appearance of the area.

However, this application was then allowed at appeal in February 2024 (reference APP/P1560/W/23/3326308), with the Inspector confirming that the development would have reasonable access to key facilities and be in a suitable location. In addition, the Inspector confirmed the development does not have a harmful effect on the character and appearance of the area.

### Description of Proposal

This application seeks planning permission for the variation of Condition 1 of appeal decision APP/P1560/W/23/3326308, which stated that the development of the dayrooms needed to be in accordance with the plans submitted.

This application seeks to vary the size, siting and design of the proposed dayrooms on each pitch. The specific changes are as follows:

- Floorspace for each dayroom to increase from 25sqm to 143sqm;
- Addition of a gable roof to facilitate increase in size;
- Additional doors/windows to each dayroom; and
- Re-location of dayrooms approximately 15 metres further to the west towards the front of the site.

## Assessment

### 1. Principle of Development

Following the determination of appeal decision APP/P1560/W/23/3326308, the principle of the change of use of the site into four Gypsy/Traveller pitches has already been established. This application will instead seek to assess the more specific impacts of the changes being proposed, as discussed in more detail below.

### 2. Impact to Character of Area

Paragraph 135 of the 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 the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Adopted Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

Within the determination of the appeal decision on this site, the Inspector considered that the impact of the proposed development would not result in a harmful effect on the character and appearance of the area, however within this did identify that the structures would be set back from the road frontage and would not dominate the site overall. Given this, and the proposed planting, it was concluded that the harm would be adequately mitigated.

Following the appeal decision, this current application seeks significant alterations to the dayrooms. Whilst there will still be a total of four, these are each to increase in size to measure 16 metres x 11 metres, as opposed to approximately 7 metres x 4.5 metres previously, representing a near sixfold increase in footprint. As part of the increased design, each dayroom now also includes a front gable element as well as additional doors/windows. The rooms previously provided a bathroom, utility room and day room, but are now proposed to include a day room, kitchen, store room/gym/school room, bathroom, utility room, WC/shower, and lobby area. Furthermore, each of the four dayrooms are to be re-located approximately 15 metres to the west towards the front of the site.

The proposed changes are considered to result in a significant expansion of the footprint of development previously allowed, and Officers consider this goes far beyond what the Inspector envisaged for the site. The design of the dayrooms has developed from ancillary, minor structures, to large buildings that give the appearance of individual residential dwellings. Furthermore, the dayrooms would all be sited closer to Straight Road, and as such will appear far more prominent

than those allowed at appeal. Given this significant level of built form located in a more prominent location within the site, in addition to the significant level of hardstanding throughout the site, Officers consider that the proposed works would result in a significant urbanisation of the area, and consequently result in the erosion of the existing rural location, which would be to the detriment of the character and appearance of the area.

It is noted that within the document titled 'Designing Gypsy and Traveller Sites: Good Practice Guide' (2008), in discussing amenity buildings it does highlight that it is essential for there to be one on each pitch, and such a building must include a separate toilet, a bath/shower room, and a kitchen and dining area. The inclusion of a day/living room for family meals is recommended and could be combined with the kitchen area. While this guidance is acknowledged, on this occasion Officers consider that the proposed layout of the four dayrooms far exceeds what is envisaged within this practice guide; specifically, the size and number of rooms is considered to be excessive for the needs of each pitch, and no justification has been provided to demonstrate why the buildings need to be of such a large size.

### 3. 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.

The nearest residential properties are situated to the north and south of the application site. The nearest property, 'Cartref', is located approximately 10 metres from the application site to the south (with 'Wayford' to the north being approximately 50 metres apart) and would be screened by close boarded fencing. Therefore, whilst the day rooms are sited more prominently than previously approved, and are of a larger size, Officers do not consider this would generate significant harm in respect of loss of light, outlook or privacy associated with the development.

### 4. Parking

Despite the day rooms being sited further forward within the site and being of a far larger size than that previously allowed, there is still sufficient space to accommodate two parking spaces measuring 5.5m x 2.9m for each of the four plots. No objections are therefore raised in this regard.

### Other Considerations

Bradfield Parish Council object to the application on the following grounds:

1. Significant increase in the size of the day rooms; and
2. Appearance becomes similar to substantial dwellings.

In response to this, these points are discussed within the main body of the report above.

There has been one letter of objection received, due to the following reasons:

1. Considerable enlargement and extension of the previously approved plans; and
2. Bradfield does not have sufficient amenities.

In answer to this, point 1 is addressed in the report above, and in response to point 2 the principle of four Gypsy/Traveller sites was agreed in principle within the earlier appeal decision, so this is not a material planning consideration for this current application.

There has been one letter of support received, outlining that it would provide good quality living accommodation.

### Conclusion

This application seeks planning permission to vary the approved plans condition within the earlier appeal decision, specifically to increase the size of the dayrooms, as well as amend the design and siting. Officers are content that such a proposal would not be harmful to the amenities of neighbouring properties, nor will it result in there being insufficient space for parking provision. However, the size of the dayrooms would significantly increase from approximately 25sqm to 143sqm. Given this, the design being more akin to residential dwellings, the overall level of built form, and how much more prominent they would be, it is concluded that the works would result in a significant urbanisation of the site, to the serious detriment of the character and appearance of the area. The proposal is therefore contrary to local and national planning policies and is recommended for refusal.

### **8. Recommendation**

Refusal.

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

- 1 Paragraph 135 of the 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 the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Adopted Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

This application seeks significant alterations to the previously approved dayrooms. Whilst there will still be a total of four, they are each to increase in size to measure 16 metres x 11 metres, as opposed to approximately 7 metres x 4.5 metres previously, representing a near sixfold increase in footprint, and will each also include a front gable element as well as additional doors and windows. Furthermore, each of the four dayrooms are to be re-located approximately 15 metres to the west towards the front of the site.

The proposed changes are considered to result in a significant expansion of the footprint of development previously allowed, and the design has developed from ancillary, minor structures, to large buildings that give the appearance of individual residential dwellings. Furthermore, the dayrooms would all be sited closer to Straight Road, appearing far more prominent. Given this significant level of built form located in a more prominent location within the site, in addition to the significant level of hardstanding throughout the site, the proposal overall results in a significant urbanisation of the area, and consequently results in the erosion of the existing rural location, which would be to the detriment of the character and appearance of the area. The development is therefore not considered to comply with the above national and local 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(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(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 HH01, HH002, HH03, and document titled 'List of Approved Plans, Proposed Plans and A Summary of Changes'.

## 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.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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
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 relates to amendments to four pitches previously allowed for Gypsy/Traveller use. The amendments do not relate to the principle of development, instead the design of the dayrooms.	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