

## /DELEGATED DECISION OFFICER REPORT/

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	09.10.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	09/10/2024
Assistant Planner final checks and despatch:		JJ	10/10/2024

**Application:** 24/01046/FULHH **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Dale Higginbottom

**Address:** Appletree Cottage Hunters Chase Ardleigh

**Development:** Householder Planning Application - Proposed detached games room outbuilding with flue to multifuel heating device.

### 1. Town / Parish Council

Ms Clerk to Ardleigh Parish Council does not object to the proposed detached games room outbuilding.

The Council requests that a condition be placed stating the building is to be used only for the purpose stated on the application form for purposes incidental and ancillary to the existing dwelling and may not be used for current or future conversion to residential or dwelling purposes.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

01/00740/FUL	UPVC Conservatory in white with dwarf wall to be rendered to match existing property and internal red brick fireplace	Approved	18.06.2001
94/00666/FUL	(St Olaves, Hunters Chase, Ardleigh) New side and rear extension- two storey	Approved	19.07.1994
96/00871/FUL	(St Olaves, Hunters Chase, Ardleigh) Retrospective application to move dormer to bedroom 1 from rear elevation to front elevation	Approved	06.08.1996
97/00524/FUL	(St Olaves, Hunters Chase, Ardleigh) Detached garage and store	Approved	02.06.1997
86/01081/FUL	Addition to lounge	Approved	01.09.1986

89/01322/FUL	Formation of rear dormer, erection and chimney and porch	Approved	25.08.1989
16/01246/OUT	Construction of single dwelling with garage.	Refused	30.09.2016
23/00777/FULHH	Proposed erection of a single storey extension to cottage, first floor balcony, detached garage and recreational outbuilding.	Approved	09.08.2023
24/01046/FULHH	Householder Planning Application - Proposed detached games room outbuilding with flue to multifuel heating device.	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.

#### 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>

##### Ardleigh Neighbourhood Plan (May 2024)

Ardleigh Neighbourhood Plan went to poll on September 12<sup>th</sup> 2024 and was voted yes for adoption. The result of the referendum will need to be formally adopted at cabinet on 21<sup>st</sup> October 2024. Whilst the plan now has 'significant weight' it can not yet be given 'full weight' until adoption. The following policies below are of most relevance to this application:

GDP: General Approach to Development  
 HP: Housing  
 EP: Natural, Built & Historic Environment  
 TP: Transport & Parking

## 6. Relevant Policies / Government Guidance

### **National:**

National Planning Policy Framework December 2023 ([NPPF](#))  
National Planning Practice Guidance ([NPPG](#))

### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development  
SP3 Spatial Strategy for North Essex  
SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
PPL4 Biodiversity and Geodiversity  
PPL9 Listed Buildings

### Supplementary Planning Documents

[Essex Design Guide](#)

## 7. Officer Appraisal

### Application Site

The application site serves a detached dwelling located towards the north of Hunters Chase, outside of any defined settlement development boundaries. The application site benefits from a large plot of land with the two-storey host dwelling set back from the highway and two detached outbuildings located to the rear of the dwelling. The site is well-shielded by the existing hedgerow along the site boundary.

There is a Grade II listed building located south-east of the site, known as Hunters Lodge. However, this building is located an adequate enough distance from the site so that the proposed development is not considered to have any impact on its setting.

### Proposal

This application seeks permission for a detached games room outbuilding with a flue multifuel heating device it would measure approximately 5.63m in height with eaves height of 2.4m. Proposed width is approximately 12.86m with a depth of 6.76m. The proposed materials would consist of walls constructed of timber effect fibre cement cladding and a pantile roof to match the existing dwelling. Windows and doors will be white Upvc.

The outbuilding is proposed to be sited along the northern boundary of the site adjacent to three existing outbuildings. To the north of the application site are open agricultural fields. To the east of the site beyond the residential curtilage are grazing paddocks. To the south and opposite Hunters chase are further agricultural fields and to the west beyond a Public Right of Way is the dwelling known as Hunters Oak with residential curtilage.

### Assessment

#### Design and Appearance

Paragraph 135 of the National Planning Policy Framework (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. Policy SP7 of the Tendring District Local Plan seeks high

standards of urban and architectural design, which responds positively to local character and context.

The proposed games room is located to the north of the dwelling and is set-back from the highway and will not appear overly dominant within the area.

The proposed recreational room is located towards the east of the existing outbuildings. This is of a single storey nature with pitched roof design finished in pantiles to blend with the existing site. Materials are considered acceptable in accordance with above national and local design policies and the application site benefits from a large plot of land and can easily accommodate for the proposed outbuilding whilst retaining adequate private amenity space. They are therefore deemed to be of an acceptable size and scale and not so harmful as to warrant the refusal of planning permission.

### Impact on Neighbouring Amenities

Paragraph 135 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 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 proposed outbuilding is of a single storey nature and therefore pose no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings. The outbuilding is not located within close proximity to any neighbouring dwelling and so have no impact on the loss of light. A condition is considered reasonable and necessary to ensure the outbuilding is used for its intended purposes as set out on the plans and application form. The proposals are therefore considered to be in accordance with both national and local policy with regards to neighbouring amenity.

### Highway Safety

There are no proposed alterations to the access as part of the proposals and there is not considered to be a significant increase in vehicle movement by the creation of an ancillary building, the proposals, subject to a condition to ensure it remains ancillary to the main residential dwelling/use, therefore comply with national and local policy with regards to highway safety.

### Ecology and Biodiversity

#### General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

#### Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is a householder development and is not therefore applicable for Biodiversity Net Gain.

### Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Other Considerations

Ardleigh Parish Council have been consulted on the application and have not objected but request that a condition be placed stating the building is to be used only for the purpose stated on the application form for purposes incidental and ancillary to the existing dwelling and may not be used for current or future conversion to residential or dwelling purposes.

Officer Response – A condition will be included on the subsequent approval to ensure the use of the outbuildings remain ancillary to the host dwelling.

No other letters of representation have been received.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

### **1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### **2 APPROVED PLANS & DOCUMENTS**

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be

approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No. 2022076/21 A - Site Plan & Block Plan – Received 15.08.24

Drawing No. 2022076/22 – Floor Plans & Elevations – Received 11.07.24

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

**NOTE/S FOR CONDITION:**

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

**3 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION**

CONDITION: This permission shall only authorise the use and occupation of the detached games room as shown on Drawing No. 2022076/21 and Drawing No. 2022076/22, hereby approved for purposes incidental and ancillary to the principal dwelling known as Appletree Cottage (or as may be renamed in the future) and does not permit the use of the approved building as a separate use unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

**NOTE/S FOR CONDITION**

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include

change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

## 10. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## 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 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

**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Has there been a declaration of interest made on this application?</b>  <b>Please use the below options as required.</b>  <b>No Declarations Of Interest Made / Declaration of Interest Made by...(specify who and why).</b>	<b>YES</b>	<b>NO</b>