

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	08/01/25
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	08/01/2025
Assistant Planner final checks and despatch:	ER	09/01/2025

Application: 24/01725/COUNOT **Town / Parish:** Thorrington Parish Council

Applicant: Mr and Mrs Glenn Parker

Address: Stables Serving Windyridge, Windyridge, Brightlingsea Road

Development: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of the stables serving Windyridge to a modest two bedroomed dwelling.

1. Town / Parish Council

Thorrington Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept Whilst the site is located in the countryside, it is not considered that
04.12.2024 the use of the building as a dwelling would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site.

The documents accompanying the planning application have been duly considered. Given the scale of the proposed development and the area to be available for parking within the site, which complies with Tendring District Councils adopted parking standards, the proposal is acceptable to the Highway Authority

1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance.

2. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance.

Informative:

i. 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

Environmental Protection
29.11.2024

The Environmental Protection team have reviewed the application and recommend the following is conditioned:

To minimise potential nuisance to nearby existing residents caused by construction works:

-Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

-No materials produced as a result of the site construction or clearance shall be burned on site.

There is some indication of potential contamination from the Council's contaminated land database within 250m of the site. A watching brief is recommended during any groundwork. Any contamination seen at the time of groundworks should be recorded, remediated and a closure report with photographic evidence sent to the Council's Planning department.

3. Planning History

01/00543/OUT	One detached dwelling and garage	Refused		18.06.2001
17/00728/FUL	Single storey, flat roofed swimming pool building with retractable roof. Incorporating changing room, plant room and cloakroom.	Approved		27.06.2017
19/01313/OUT	Proposed conversion and extension of existing masonry storage building to form 3 bedroom detached bungalow with new cartlodge and garage (all matters reserved).	Approved		09.01.2020
20/00213/LUEX	Application for certificate of lawful existing use for bungalow situated in the garden of Windyridge (use Class C3).	Lawful Certificate Granted	Use	07.04.2020
21/00710/DETAIL	Reserved matters for Access, Appearance, Landscaping, Layout and Scale pursuant to 19/01313/OUT (Proposed conversion and extension of existing masonry storage building to form 3 bedroom detached bungalow with new cartlodge and garage)	Approved		16.07.2021
23/00818/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a	Approved		09.08.2023

variation of condition 1 (Approved plans) of 21/00710/DETAIL to alter the approved access drive.

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. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024 and demonstrates a 6.26-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. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

N/A

7. Officer Appraisal

Site Description

The application site is a building located to the north-east of a residential property known as Windyridge, which itself is located along the eastern section of Brightlingsea Road within the parish of Thorrington. The building is a single storey structure, with the supporting statement confirming that it comprises of three stables, a WC and tack room.

Description of Proposal

This application seeks consent for the conversion of the existing building into one residential unit to be served by two bedrooms.

Assessment

Class Q - agricultural buildings to dwellinghouses

Q. Development consisting of -

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Q.1 Development is not permitted by Class Q if -

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit -

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

The building was not part of an established agricultural unit on 24th July 2023, and therefore this criterion is not applicable.

(b) in the case of a site that was (but is no longer) part of an established agricultural unit -

(i) the site was part of an established agricultural unit on 24th July 2023, or

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The Town and Country Planning Act (1990) defines agriculture to include the following: horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose

of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

On this occasion the supporting statement clarifies that the building is a stable block that consists of three stables, a WC and tack room. It further adds that the building is occupied by a total of four alpacas and has only been used for the stabling of the alpaca livestock since October 2014. The wider Windyridge site was originally a working farm, however since March 2012 the site has principally been in residential use. Officers note that the site falls within the curtilage of the residential property adjacent to the west that was granted permission under reference 20/00213/LUEX and is essentially a garden area and ancillary building within that curtilage, and is also enclosed and not part of any wider agricultural unit. It is therefore concluded that the use of the building has been for either equestrian purposes or, more likely, purposes ancillary to the residential use of Windyridge. There is no evidence before Officers that the building has been operating under an agricultural use since at least March 2012, and therefore this criterion is failed.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

In this case the proposal is for the conversion of one building into one dwelling which will measure approximately 75sqm. This criterion is therefore met.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

- (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
- (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

In this case the proposal is for the conversion of one building to one dwelling which measures approximately 75sqm of floorspace. There are no other previous permissions granted on the site. Therefore, the cumulative number of separate dwellinghouses does not exceed 10 and the cumulative floorspace (75sqm) does not exceed 1,000sqm. The proposal therefore adheres with this criterion.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

The site is not occupied under an agricultural tenancy. The proposal complies.

(f) less than 1 year before the date development begins—

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

Less than one year before the date development begins an agricultural tenancy over the site has not been terminated and the termination was for the purpose of carrying out development under Class Q. The proposal complies.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

No development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins. The proposal complies.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

- (i) extension of the building allowed by paragraph Q.1(i);
- (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The proposed alterations to the building do not include works beyond the external dimensions of the existing building at any point, and therefore this criterion is met.

(i) the development under Class Q(b) would result in an extension that—

- (i) has more than one storey,
- (ii) is sited anywhere other than to the rear of the existing building,
- (iii) extends beyond the rear wall of the existing building by more than 4 metres,
- (iv) has eaves the height of which exceed the height of the eaves of the existing building,
- (v) is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
- (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
- (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

The proposal does not include an extension and therefore this criterion is not relevant.

(j) the development under Class Q(c) would consist of building operations other than—

- (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

The alterations to the building include an additional insulated timber skin to the walls, black horizontal cladding, a replacement roof structure, and the removal of doors with replacement windows. These works are considered to be reasonably necessary for such a conversion. The proposal therefore complies with this criterion.

(k) the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies.

(l) the site is, or forms part of -

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;

The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.

(m) the site is, or contains, a scheduled monument;

The site is not nor contains, a scheduled monument. The proposal complies.

(n) the building is a listed building;

The building is not a listed building. The proposal complies.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015⁶⁴ as read with the notes dated 19th May 2016 which apply to it, or

Depending on the number of occupants, the nationally prescribed space standards state a single storey two bedroom property should have minimum measurements between 61sqm and 74sqm. On this occasion the dwelling will measure 75sqm and therefore complies.

(p) the building does not have suitable existing access to a public highway.

There is an existing made access that connects to the public highway (Brightlingsea Road) to the west and is already in use for existing residential properties. This criterion is met.

Conditions

Q.2 - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development
- (b) noise impacts of the development
- (c) contamination risks on the site
- (d) flooding risks on the site
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order.
- (f) the design or external appearance of the building; and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and Highways Impacts of the Development:

The proposal would connect to an existing private access via Brightlingsea Road to the west. Essex Highways Authority have been consulted on the application and have raised no objections, whilst Officers also note that provision is provided for two parking spaces per dwelling, thereby adhering to the Essex Parking Standards. There is also sufficient space for adequate vehicular turning. Taking the above into consideration no objections are raised.

Noise Impacts of the Development:

The proposal would not result in any material noise impacts. The proposal complies.

Contamination Risks on the Site:

The Council's Environmental Protection team have been consulted and stated that there is some indication of potential contamination within 250 metres of the site. They raise no objections, however, do recommend a watching brief condition be included in the event of approval.

Flooding Risks on the Site:

The site is located outside of an area of recognised flood risk. The proposal complies.

Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change:

Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

The agricultural building subject of this application is located to the east of an existing residential property, and there are other residential properties located along Brightlingsea Road. The proposal is considered to comply with this criterion.

The Design or External Appearance of the Building:

The design will see the conversion of the existing building but will see alterations including the removal of existing doors, inclusion of new windows, black horizontal cladding and a replacement roof. However, these changes are to an acceptable level, do not significantly alter the appearance of the building, and would not appear out of character in this semi-rural location.

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses:

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". Drawing Number 02P shows that each habitable room will have adequate natural light.

Biodiversity and Protected Species:

Paragraph 193 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. Paragraph 187 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that

proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

On this occasion, while Officers do not consider there is likely to be significant harm to protected species, there is an opportunity to provide a scheme of biodiversity enhancements, and as such an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included. In addition, Officers note that the building is of solid construction and has been utilised recently, and therefore it is unlikely that protected species would be habiting the space within.

8. Recommendation

Determination - prior approval refused.

9. Reason for Refusal

- 1 The application submission confirms that the building is a stable block that consists of three stables, a WC and tack room. It further adds that the building is occupied by a total of four alpacas and has only been used for the stabling of the alpaca livestock since October 2014. The wider Windyridge site was originally a working farm, however since March 2012 the site has principally been in residential use. Additionally, under reference 20/00213/LUEX, permission was granted for use of the property adjacent to the west for residential purposes, with the application site and application building falling within the curtilage of this property. There is no evidence submitted to demonstrate that the building has been operating within an agricultural use since at least March 2012, and thereby fails to accord with Q.1 (b) of Class Q Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).

10. Informatives

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 02P, 03P, 04P, 05P, and the document titled 'Planning Statement'.

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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO