

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Planning Officer recommendation:	AP	11/06/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:	N/A	
Team Leader authorisation / sign off:	AN	11/06/25
Assistant Planner final checks and despatch:	ER	12/06/2025

**Application:** 25/00584/VOC

**Town / Parish:** Beaumont Parish Council

**Applicant:** Mr Noll

**Address:** The Cottage Church Lane Beaumont

**Development:** Application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act - Variation of Condition 2 (approved plans) of 22/02071/LBC.

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

Beaumont Parish Council    No comments received

### **2. Consultation Responses**

Essex County Council    The application 22/02071/LBC allowed for the following minor internal and external alterations to 'The Cottage':  
Heritage  
07.05.2025

- o Replacement of Cementous render by black weatherboarding
- o Removal of a late twentieth century-built porch and replacement by canopies over entrances.

- Replacement of twentieth century windows, rooflight and external doors.
- Removal of modern partition walling and blocking up of an internal doorway,
- Reinstatement of existing fireplaces, involving their uncovering and unblocking, and
- Creation of two new windows at first floor level and reinstatement of lean-to extension opening.

'The Cottage' dates from the eighteenth century and is curtilage Listed to the Grade II\* Beaumont Hall (List Entry No. 1322628). It is also located within the wider setting of the Grade II Listed Church 'St Leonard's and three Grade II Listed Barns:

- Barn and Granary 65 Metres Northwest of Beaumont Hall, (List Entry No. 1112128);
- Barn Approx 90 Metres Northwest of Beaumont Hall, (List Entry No. 1146935); and
- Byre Approx 75 Metres West of Beaumont Hall (List Entry No. 1322629).

It should be noted that a Listed Building Consent cannot be amended under Section 73 of the Town and County Planning Act. A Listed Building Consent can only be varied under Section 19 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 by virtue of a new Listed Building Consent application. Notwithstanding the correct application, I assess the submission below.

The variation proposes to extend the northwest facing side elevation of 'The Cottage' by a new lean-to plant room for an air source heat pump. The minor addition is not considered to be harmful to the significance of the curtilage listed building subject to the use of appropriate materials. But as the amended elevations do not specify the external finishes that are to be used these should be clarified prior to determination of the application, and it is suggested that natural slate and black weatherboarding are specified as external finishes for this new lean-to.

There is also no objection to the removal of brackets from the new canopies shown on the approved Plans and Elevations, and to the proposed change of design used for the replacement door upon the north-east elevation now shown to be half panelled. However, the impact of the proposed variation to the barn doors that were shown to be re-used as a shutter by the approved Plans and Elevations is unclear in respect of whether these are just to be altered with additional bracing and hinges. This work, and whether the French doors would still be installed behind them should be clarified, as the French doors are no-longer shown on the floorplan, but the annotation suggests they will be installed.

The proposed variations that are not supported are the painting of the rendered northwest facing side elevation black, instead of installing the black weatherboarding shown by the approved Plans and Elevations (drawing referenced 5334 - 0302 P14). On the basis that black is not a colour traditionally used for rendered buildings and therefore the finish would appear incongruous, especially when the larger part of 'The Cottage' is still proposed to be clad with black timber weatherboarding. The discordant finish would in turn negatively impact the significance of 'The Byre' situated a few meters to the northwest, through inappropriate alteration to 'The Cottage' a positive element of its setting, given that the approved Design and Access Statement had identified that 'The Cottage' was originally clad in black weatherboarding that matched the materials used for 'The Byre'.

Nor is there any support for the proposed variation to design of the reinstated opening to the rear of the existing lean-to extension previously shown to be widened for a set of small-paned double doors (drawing referenced 5334 - 0302 P14), and now shown as a plain glazed single-leaf door within the widened opening (by the submitted drawing 5334 - 0302 P15). This is because the ground floor fenestration of the south-west elevation would no longer appear to be of a coherent traditional design.

Furthermore, there is no support for the installation of a new fence at the proposed height of 2.4m high reducing to 1.8m to enclose the existing garden as this boundary treatment would appear overly domestic in the site context as a part of a complex of ancillary buildings, which would have a negative urbanising effect upon the setting of the surrounding heritage assets. It is recommended that a lower height post and rail fence be used with hedging to provide privacy to the existing garden.

With regards to the National Planning Policy Framework (NPPF), the level of harm caused to 'The Cottage' as a curtilage Listed Building, and to 'The Byre' as a Grade II Listed Building is considered to be 'less than substantial'. As such the Local Planning Authority should weigh this harm

against any public benefits that flow from the new development in accordance with the balancing exercise of relevant Paragraph 215. Whilst the scale of harm may be 'less than substantial' great weight should be given to the heritage assets conservation as per the direction of Paragraph 212, and Paragraph 213 requires that clear and convincing justification be provided for any level of harm to the asset.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal fails to preserve the special interest and setting of the listed building, contrary to Section 16(2) and Section 66(1) of the Act.

### **3. Planning History**

21/01569/FULHH	Proposed minor internal alterations, removal of porch to north elevation, addition of porch and 3 No. dormers to south elevation and re-roofing cart lodge to The Cottage. Curtilage Listing associated with Beaumont Hall.	Withdrawn	09.02.2022
21/01571/LBC	Proposed minor internal alterations, removal of porch to north elevation, addition of porch and 3 No. dormers to south elevation and re-roofing cart lodge to The Cottage. Curtilage Listing associated with Beaumont Hall.	Withdrawn	09.02.2022
22/02071/LBC	Proposed minor internal and external alterations.	Approved	09.02.2023

### **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>

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

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

#### **National:**

National Planning Policy Framework 2025 ([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)  
SP 7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL9 Listed Buildings

## **Officer Appraisal**

### Site Description

The Cottage lies west of the Grade 2\* listed Beaumont Hall and falls to be curtilage listed as one of the many outbuildings and barns associated with the Hall. The Cottage is now a private dwelling, converted during the mid-20<sup>th</sup> Century with further alterations in the 1970's and 1980's. The original frame of the building exists however The Cottage has been extended and the roof increased in height. The application site lies outside of any settlement development boundary on the edge of the rural village of Beaumont.

### History

Listed Building Consent (22/02071/LBC) was granted following pre-application advice, investigations of the timber frame of the building and comprehensive historical evidence of the site. The Listed Building Consent permitted internal changes amounting to the removal of modern additions and external changes to allow the dwelling to be used for modern day living and preserve the building for future use.

### Proposal

This application seeks listed building consent for a variation of condition 2 (Approved Plans) of listed building consent 22/02071/LBC . The changes proposed are detailed as follows:

- New fence to boundary to match height of lean-to at abutment, eaves height 2.4m, reducing to 1.8m fence 5m from building along the south eastern side boundary
- New lean-to extension on the north west elevation to house an air source heat pump
- Removal of brackets from the roof canopy on the north eastern elevation and from the roof canopy on the south western elevation
- French doors on the south west elevation of the lean-to to be replaced with a single pane opening door
- Change in design of entrance door on north east elevation
- Existing rendered gable wall to be painted black on north west elevation
- Existing rendered plinth to be painted black

### Assessment

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 212 of the NPPF confirms 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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Leading on from this Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 207 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 215 of the NPPF adds 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 securing its optimum viable use.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond 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'.

As noted by Place Services at Essex County Council 'The Cottage' dates from the eighteenth century and is curtilage Listed to the Grade II\* Beaumont Hall (List Entry No. 1322628). It is also located within the wider setting of the Grade II Listed Church 'St Leonard's and three Grade II Listed Barns.

The applicant has not submitted a heritage statement to support the proposed changes and therefore no justification or understanding of the potential impact of the alterations compared to the previously approved listed building consent is provided.

There are elements of the proposal that appear unclear. It is noted that no details of the proposed fencing in terms of type of fence and appropriate elevational drawings have been submitted. There are no details of the proposed materials for the lean-to on the north west elevation to house the air source heat pump. The drawings show changes to the barn doors that were approved to be re-used as a shutter and it is unclear whether these are just to be altered with additional bracing and hinges and whether the French doors would still be installed behind them, as the French doors are no longer shown on the floorplan, but the annotation suggests they will be installed.

Heritage advice was sought from Place Services at Essex County Council and they confirmed that they have no objection to the lean-to on the north west elevation subject to the use of appropriate materials, no objection to the removal of the roof canopy brackets and no objection to the change in design for the replacement entrance door on the north east elevation. The painting of the exposed and repaired brick plinth in black is also considered acceptable. These alterations and further information required can be secured by condition on a grant of planning permission.

The painting of the existing rendered northwest facing side elevation black, instead of installing the previously approved black weatherboarding is not supported on the basis that black is not a colour traditionally used for rendered buildings and therefore the finish would appear incongruous, especially when the larger part of 'The Cottage' is still proposed to be clad with black timber weatherboarding. The discordant finish would in turn negatively impact the significance of 'The Byre' situated a few metres to the northwest, through inappropriate alteration to 'The Cottage' a positive element of its setting, given that the approved Design and Access Statement had identified that 'The Cottage' was originally clad in black weatherboarding that matched the materials used for 'The Byre'.

Likewise, there is no support for the proposed variation to design of the reinstated opening to the rear of the existing lean-to extension previously shown to be widened for a set of small-paned double doors and now proposed as a plain glazed single-leaf door within the widened opening. The ground floor fenestration of the south-west elevation would no longer appear to be of a coherent traditional design if these changes were made.

Furthermore, there is no support for the installation of a new fence at the proposed height of 2.4m high reducing to 1.8m to enclose the existing garden as this boundary treatment would appear overly domestic in the site context as a part of a complex of ancillary buildings, and would have a negative urbanising effect upon the setting of the surrounding heritage assets.

It is considered that the proposal as submitted will result in 'less than substantial' harm to 'The Cottage' as a curtilage listed building, and to the setting of 'The Byre' as a Grade II listed building. Paragraph 215 of the National Planning Policy Framework states 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 securing its optimum viable use.

The proposal would fail to preserve the special interest of the curtilage listed building to which there is no justification/public benefit, as the building is already in a viable use in its existing situation as a residential dwelling.

The application does not accord with the requirements of paragraph 207 due to the lack of heritage information supplied. Furthermore, the proposal fails to preserve the special interest and setting of the listed building, contrary to the above planning policy and Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Habitats, Protected Species and Biodiversity Enhancement

#### **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 would be imposed on any approval 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, this proposal 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.

There are no other impacts in comparison to the previously approved scheme.

#### **7. Recommendation**

Refusal - Listed Building Consent

#### **8. Reasons for Refusal**

- 1 'The Cottage' dates from the eighteenth century, is curtilage Listed to the Grade II\* Beaumont Hall, and is located within the wider setting of the Grade II Listed Church St Leonard's and three Grade II Listed Barns. The application is accompanied by limited supporting information.

The proposal for alterations to The Cottage fails to describe the significance of the heritage assets affected and provides no substantive justification for the alterations in conflict with paragraphs 207 and 213 of the National Planning Policy Framework (NPPF).

The proposed black render, plain glazed single-leaf door, and high level fencing are incongruous alterations which will cause less than substantial harm to the curtilage listed building of 'The Cottage'. The black render will also cause less than substantial harm to the setting and significance of the Grade 2 listed building of 'The Byre' through inappropriate alteration to The Cottage which is a positive element of its setting. The Cottage is already in a viable use as a residential dwelling so there are no public benefits to outweigh this harm.

Consequently, the proposal fails to accord with paragraphs 207, 212, 213 and 215 of the NPPF, Policy PPL9 of the Tendring District Local Plan, and fails to preserve the special interest and setting of the heritage assets, contrary to Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9. 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 No 0102 Revision P04

Drawing No 0301 Revision P15

## **10. 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

#### 11. **Notification of Decision**

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