

PLANNING COMMITTEE AGENDA

Tuesday, 19th December 2023 at 7.15pm

**Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott

Councillor J Beavis

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor J Hayes

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

Substitutes: Councillor K Bowers, Councillor M Green, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright, Vacancy.

Apologies: Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

The Chairman of the Committee has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Substitute Members

Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing

For further information on how the Council processes data, please see the Council's Privacy Policy:

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Mobile Phones

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Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

1 Apologies for Absence**2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 28th November 2023 (copy previously circulated).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time.
Please see the agenda notes for guidance.

5 Planning Applications

To consider the following planning applications:-

5a App. No. 23 00333 REM - Land South of Brook Street, COLNE ENGAINE 6 - 21

5b App. No. 23 01277 FUL - Hangar 1, Rivenhall Airfield, Sheepcotes Lane, SILVER END 22 - 41

5c App. No. 23 02202 FUL - Jenkins Farm, Kings Lane, STISTED 42 - 78

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

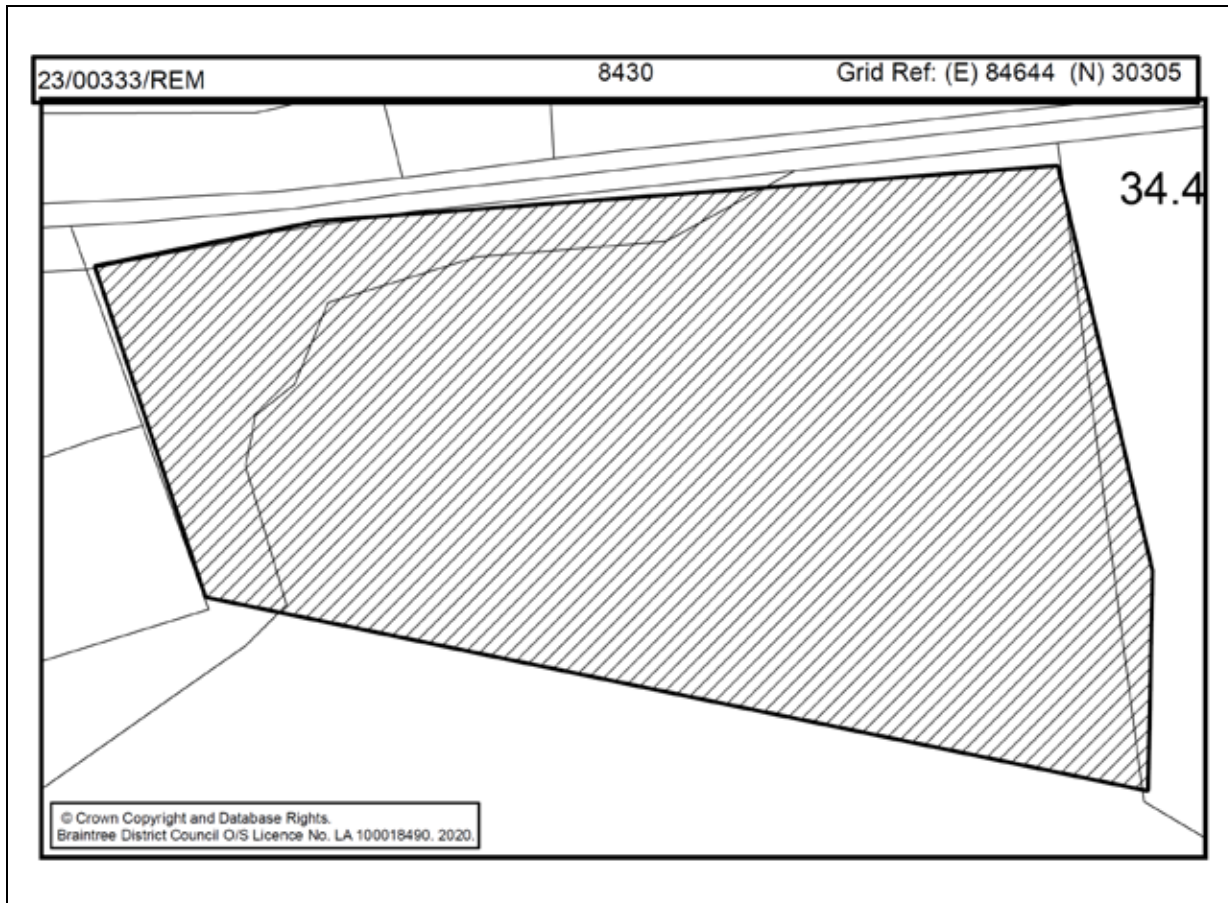
At the time of compiling this agenda there were none.

8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Report to: Planning Committee	
Planning Committee Date: 19th December 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/00333/REM
Description:	Application for approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 21/01309/OUT granted 27.04.2022 for the erection of 3 No. dwellings.
Location:	Land South Of Brook Street, Colne Engaine
Applicant:	Mr Shane Evans, 31 Fairycroft Road, Saffron Walden, CB10 1LZ
Agent:	Mr George Courtauld, Courtauld & Co., Knight's Farm, Colne Engaine, Colchester, CO6 2JQ
Date Valid:	15th February 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: fiona.hunter@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>The Applicant has paid a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people

	<p>who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00333/REM.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013 – 2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site benefits from outline planning permission (Application Reference 21/01309/OUT) which sought the erection of three dwellings with all matters reserved. This application seeks to approval for the reserved matters pursuant to this outline permission, in respect of layout, scale, appearance, access and landscaping.
- 1.2 The layout and design of the proposed development would be in keeping with the wider streetscene and would provide a high level quality of accommodation to the proposed dwellings.
- 1.3 There have been no identified harms when considering the merits of the application.
- 1.4 Taking these factors into account, the application is recommended that this Reserved Matters application is approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Agent is related to a Member of Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located to the south of Brook Street in Colne Engaine within the village envelope. The site is currently agricultural land, however it has been left fallow and does not appear to have been actively farmed for some time.

5.2 To the east of the site runs a brook, with residential development beyond an existing line of vegetation. A Public Right of Way (73_35) runs within the site along the eastern boundary. The south of the site is bounded by fields, to the north runs Brook Street, and to the west is existing residential development.

5.3 The application site benefits from outline planning permission for the erection of 3 No. dwellings with all matter reserved. This application was granted outline planning permission on 27th April 2023. This reserved matters application has been submitted pursuant to Application Reference 21/01309/OUT.

5.4 At the time of granting the outline planning permission, the application site was located outside of the designated development boundary within the Adopted Local Plan at the time (Braintree District Local Plan Review 2005), however the Draft Local Plan 2017 outlined the site as being within the Colne Engaine village envelope. Subsequently, since the adoption of the Local Plan, this has been confirmed and the site is now located within the defined development boundary of Colne Engaine.

6. PROPOSAL

6.1 The application seeks approval for reserved matters in respect of layout, scale, appearance, landscaping, and access relating to the development of the site for the erection of 3No. dwellings.

6.2 The proposal seeks the erection of three detached dwellings, each with integral garages. Plots 1 and 2 would be provided with four bedrooms, with Plot 3 providing three bedrooms.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Essex Fire and Rescue

7.1.1 Fire Service access is considered satisfactory. More detailed observations on access and facilities to be considered at Building Regulation stage.

7.2 BDC Waste

7.2.1 Waste collection points for each property should be within 20m from where the waste collection vehicle can safely stop.

7.3 ECC Archaeology

7.3.1 A programme of archaeological evaluation was conditioned as part of the outline planning permission, to be carried out prior to commencement.

7.4 ECC Highways

7.4.1 Originally provided comments on the proposal raising concern over the visitor parking and requesting for them to be relocated to prevent the potential for parking in the highway. Following the submission of a revised layout, the impact of the proposal is acceptable to the Highway Authority. Recommend an informative regarding the Public Right of Way.

7.5 Essex SUDS

7.5.1 The development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore do not wish to provide formal comment.

8. PARISH / TOWN COUNCIL

8.1 Colne Engaine Parish Council

8.1.1 No comments.

9. REPRESENTATIONS

9.1 A site notice was displayed at the site for a period of 21 days, and neighbouring properties were notified by letter.

9.2 Three letters of objection were received, with comments summarised as follows:

- The surface water could cause issue with flooding of the brook and neighbouring properties; and
- Assurances sought that planting will be carried out to stop potential overlooking.

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of residential development of the site has been established under the outline planning permission (Application Reference 21/01309/OUT) and this application seeks approval for all reserved matters.

11. SITE ASSESSMENT

11.1 Layout, Scale and Appearance

11.1.1 Paragraph 126 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

11.1.2 Policy LPP35 of the Adopted Local Plan stipulates that development should create sustainable, inclusive, and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need. This includes criteria ensuring that the density and massing of residential developments should relate to the character of the site and its immediate surroundings, as well as the wider locality, and on-site amenity space and an appropriate standard of residential accommodation should be provided in accordance with the adopted guidance.

11.1.3 Policy LPP47 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height, and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP52 of the Adopted Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

11.1.4 The proposal seeks a similar layout to that of the indicative plan provided with the outline planning application, insofar as the dwellings would be detached and well-spaced within the plot, with a private drive to the

frontage. Each plot would be two storey in nature, with an integral single storey garage to the side of each property.

- 11.1.5 The site gently slopes down to the east, and the proposed material palette references this through the use of a varying height brick plinth to each dwelling which forms a continual line across the three dwellings. The proposed material palette utilises render to the upper portion of the elevations.
- 11.1.6 The proposed dwellings would have a traditional appearance and would fit well within the street scene of Brook Street, maintaining the building line along its southern side. In the vicinity of the site, the material palette consists of a mixture of brick and render, with some limited weatherboarding. The proposed material palette of brick and render would therefore reflect the local character and overall, the layout, scale and appearance of the scheme is deemed acceptable.
- 11.2 Quality of Accommodation
- 11.2.1 Policy LPP35 of the Adopted Local Plan considers the housing mix, density, and accessibility of new development, stating that new development should provide an appropriate standard of residential accommodation for the occupants, and further stipulates that all new development should be in accordance with the national technical housing standards. Furthermore, Policy LPP52 of the Adopted Local Plan requires residential developments to provide a high standard of accommodation and amenity for all prospective occupants.
- 11.2.2 In terms of internal layout, each property would have accommodation at ground and first floor level. At ground floor level to each property would be a kitchen/living area, a study/television room, a utility room, and w/c. The integral garage would contain a plant room, with access to the garage via a double door. The plots would be afforded approximately 87sq.m, 87sq.m and 61sq.m at ground floor level respectively, with the same level of accommodation provided at first floor level to each dwelling. At first floor level, Plots 1 and 2 would feature four double bedrooms, with two en-suites and one main bathroom. Plot 3 would feature three double bedrooms, one en-suite and one main bathroom. The Nationally Described Space Standards set out that for a two storey four bedroom dwelling serving eight people, a gross internal floor space of 124sq.m should be provided, which both Plots 1 and 2 would exceed. For a two storey three bedroom dwelling serving six people, the NDSS sets out that a gross internal floor space of 102sq.m should be provided, which Plot 3 would comply with. Each habitable room would be afforded an adequate level of outlook and natural light, and the internal layout of each dwelling would be functional.
- 11.2.3 In terms of external amenity, Policy LPP52 of the Adopted Local Plan states that the provision of private outdoor amenity space shall be provided having regard to the standards set out in the Essex Design Guide, and shall be accessible, usable, and well-related to the development. The Essex

Design Guide states that for a three or four bedroom dwelling, a minimum garden size of 100sq.m would be appropriate. Each property would be provided with an external amenity area far in excess of 100sq.m, being 374sq.m, 276sq.m and 233sq.m respectively. The proposed amenity space for each dwelling would be located to the rear, bounded by hedgerows and post and rail fencing. It is considered that the amenity areas would be high quality by virtue of being private and usable.

11.3 Landscaping

11.3.1 Policies LPP66 and LPP67 of the Adopted Local Plan require development to take into account existing landscape features, preserve them where appropriate, and be sensitive to the need to preserve and enhance biodiversity.

11.3.2 The proposal features landscaping to the boundaries, with native hedgerow planting proposed to the external boundaries. There would be further hedgerows along the internal boundaries between plots. Tree planting is also proposed to be provided along the northern boundary, fronting Brook Street.

11.4 Ecology

11.4.1 Policy LPP64 of the Adopted Local Plan states that where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species. Policy LPP66 of the Adopted Local Plan further stipulates that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts.

11.4.2 Ecological information was submitted with the outline planning application and condition 12 of the outline permission required all mitigation measures and/or works to be carried out in accordance with the details contained in the Updated Preliminary Ecological Appraisal (PEA) Para 5.2 (Skilled Ecology, December 2020). Condition 13 required a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated PEA to be submitted to and approved in writing by the local planning authority. Condition 15 stipulated that prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority. These conditions will need to be complied with, in order to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act

1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

11.5 Highway and Access Considerations

- 11.5.1 Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more bedrooms the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.
- 11.5.2 Each dwelling would be provided with two parking spaces to the front of the proposed garages, with a further four parking spaces located to the frontage for use as visitor spaces. During the lifetime of the application, the location of the visitor parking was amended to ensure manoeuvrability and reduce conflict between the visitor spaces and access to the dwellings. Whilst the garages are noted as containing one parking space, these are not of a depth to count as a parking space in accordance with the parking standards. However, due to the provision of parking spaces to the front of the garage in accordance with the above standards, the proposed dwellings comply with the requirements as set out above.

11.6 Impact upon Neighbouring Residential Amenity

- 11.6.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan states that development shall not cause unacceptable impacts on the amenities of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impact.
- 11.6.2 The nearest residential properties to the application site are located to the west, a pair of semi-detached properties at No.39 and No.41 Brook Street. To the east of the site, No.25 Brook Street is separated from the application site by a brook and the Public Right of Way which runs along the eastern boundary.
- 11.6.3 The proposed dwellings would be set away from the boundaries, with Plot 3 being 6.0 metres away from the western boundary at its closest point. The property would be situated perpendicular to the properties of No.39 and No.41 Brook Street, with secondary windows to the bedrooms located along this elevation. A condition is recommended to be imposed to secure obscure glazing to these windows, which would not be the primary windows to these bedrooms, in order to prevent overlooking. To the eastern boundary, there would be adequate separation from the proposed dwellings to neighbouring properties to prevent unacceptable impacts upon the living conditions of their occupants.

11.7 Flooding and Drainage Strategy

11.7.1 The application site is located within Flood Zone 1, which is an area with the lowest probability of flooding, however there is a brook which runs along the eastern boundary of the site which neighbours have raised concerns over. The Lead Local Flood Authority were consulted as part of the proposals, and raised no comments as the development would not pose a significant flood risk and there is little opportunity to deliver new SuDS features within the site.

11.8 Habitat Regulations Assessment (HRA / RAMS)

11.8.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

11.8.2 HRA mitigation was secured at the outline planning application stage and therefore no further mitigation is required in relation to this Reserved Matters application.

12. CONCLUSION

12.1 The principle of the residential development of this site has been established under the outline planning permission (Application Reference 21/01309/OUT). This application seeks approval for the reserved matters pursuant to the outline planning permission consisting of access, appearance, landscaping, layout, and scale.

12.2 The proposed access, appearance, landscaping, layout, and scale are all considered to be high quality and would be in accordance with Adopted policies. It is therefore recommended that the reserved matters are approved.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND
INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	00500	N/A
Proposed Ground Floor Plan	20000	N/A
Proposed 1st Floor Plan	20100	N/A
Proposed Roof Plan	20200	N/A
Proposed Plans	50000	N/A
Proposed Plans	50100	N/A
Proposed Plans	55000	N/A
Proposed Plans	55050	N/A
Proposed Plans	55100	N/A
Proposed Plans	55150	N/A
Proposed Plans	55200	N/A
Proposed Plans	55250	N/A
Proposed Plans	10200 Rev 02	N/A
Proposed Plans	10700 Rev 02	N/A
Proposed Plans	10300 Rev 02	N/A
Proposed Plans	10400 Rev 02	N/A
Proposed Plans	10500 Rev 02	N/A
Proposed Plans	10600 Rev 02	N/A
Proposed Plans	10800 Rev 02	N/A

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall only be implemented in accordance with the approved plans listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 2

No development shall commence until full details of both the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of any ground levels and therefore any building(s) within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. To ensure that the development does not prejudice the appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

Condition 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse, provision of any building within the curtilage of the dwellinghouse, or alteration of the dwellinghouse as permitted by Classes AA and B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future development and in the interests of residential, visual amenity and protection of trees.

Condition 4

The first floor bedroom windows to the western flank elevation of Plot 3 shall be fitted with obscure-glazed, and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter retained as such.

Reason: In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

Condition 5

Prior to the occupation of the development hereby approved, details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features

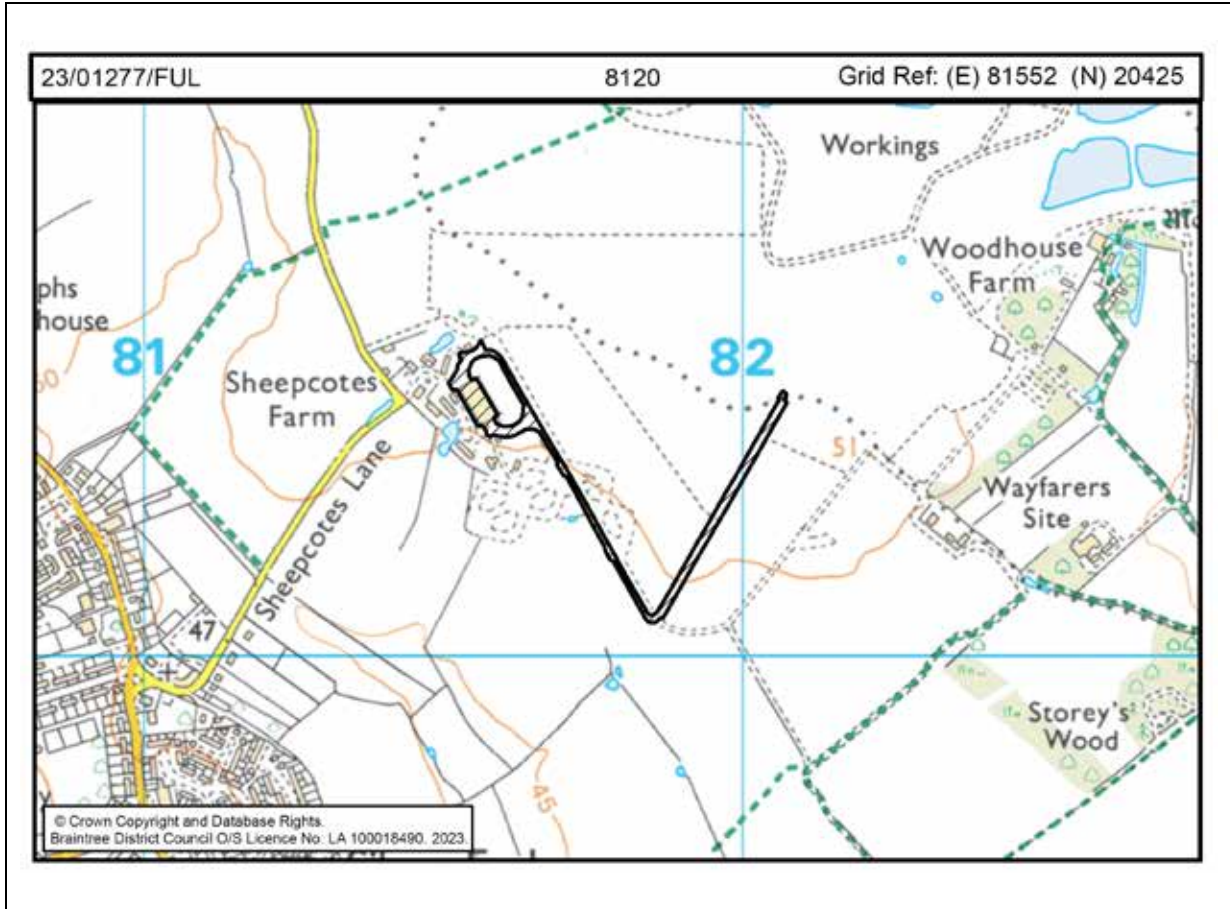
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
19/00019/REF	Outline Application with all matters reserved for up to 7 No. Dwellings	Appeal Dismissed	14.04.20
18/00690/OUT	Outline Application with all matters reserved for up to 7 No. Dwellings	Refused	29.08.18
21/01309/OUT	Outline planning application with all matters reserved for erection of 3 No. dwellings.	Granted	27.04.22

Report to: Planning Committee	
Planning Committee Date: 19th December 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01277/FUL
Description:	Creation of private access road to Sheepcotes Hangar across Bradwell Quarry to reinstate a means of access previously provided by the former airfield runway(s) and perimeter track(s) and the proposed change of use of Sheepcotes Hangar for Class B8 uses.
Location:	Hangar 1 Rivenhall Airfield, Sheepcotes Lane
Applicant:	Mr Richard Gudgeon, Gent Fairhead & Co Limited, Court Of Noke, Pembridge, Herefordshire, HR6 9HW
Agent:	Mr Steven Smith, Honace Limited, 820 The Crescent, Colchester Business Park, Colchester, CO4 9YQ
Date Valid:	16th May 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic 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.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/01277/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Adopted Local Plan Review (2013-2033) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 This application seeks planning permission for the creation of a private access road to serve Hangar 1 and its change of use for B8 purposes (storage or distribution). The site lies to the south of the Bradwell Quarry and forms part of the former Rivenhall Airfield.
- 1.2 The site is beyond any formally designated development boundaries, wherein the application is considered to fall within the open countryside.
- 1.3 The application would not introduce any unacceptable impacts on the residential amenities of adjacent neighbouring properties, namely the Grade II listed Sheepcotes Farm to the west of the site. No harms have been identified to the historic significance of this heritage asset, nor its setting.
- 1.4 Parking provision and residual impacts on the highway in terms of traffic generation is considered acceptable. Essex Highways have raised no objection to either of these aspects, although a condition is recommended to ensure parking spaces are provided in accordance with a parking layout plan to be submitted for approval.
- 1.5 The application is considered to comply with relevant national and local planning policies relevant to the proposal and it is recommended that planning permission is granted.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site contains a large building known as 'Hangar 1' and is a former WWII hangar building, constructed when the wider site was used as an airfield. To the north and east of the building is Bradwell Quarry.

5.2 To the north west of the application site is a Grade II listed building known as 'Sheepcotes Farm'. To the west of the application site is open agricultural land.

5.3 The site is located in the countryside for the purposes of the assessment of planning policy.

5.4 The building was last used in May 2005. The building was formerly used for storage and distribution purposes associated with the construction of Wembley underground station. The use of the building ceased, due to the loss of the access across the airfield to the A120. At the time, alternative proposals for the use of Sheepcotes Lane to access the building raised objections on highway grounds and therefore an alternative access could not be secured. Consequently, the application submission sets out that the building has subsequently been used on an intermittent basis as a grain store by local farmers.

5.5 Prior to the last use of the building in May 2005, the building had been used for a range of purposes over varying time periods, including notably for approximately 40 years by GEC Marconi who utilised the building as a storage, workshop, and technical research centre.

6. PROPOSAL

6.1 The application seeks permission for the reinstatement of a private access road to serve Hanger 1, which would run through Bradwell Quarry and connect to the internal road that will serve the Rivenhall Integrated Waste Management Facility. The access was previously formed from the airfield runways and perimeter tracks.

6.2 The application also seeks permission to use Hangar 1 for Use Class B8 purposes (Storage or distribution).

7. SUMMARY OF CONSULTATION RESPONSES

7.1 National Highways

7.1.1 No objection.

7.2 BDC Ecology

7.2.1 No objection.

7.3 BDC Economic Development

7.3.1 No comments received.

7.4 BDC Environmental Health

7.4.1 Environmental Health's pollution team has no adverse comments to make on this application in terms of noise, subject to the inclusion of noise related/pollution control conditions. As a precaution given the unknown condition of the ground then a contaminated land discovery clause planning condition is recommended to be imposed.

7.4.2 Environmental Health Officer is satisfied with the welfare facilities such as mains drinking water and drainage.

7.5 ECC Heritage – Place Services

7.5.1 The proposal will be within the wider setting of Sheepcotes Farm, a Grade II listed building.

7.5.2 Having read through the submitted documentation and assessed the application, the Built Heritage Consultant is in agreement with the Applicant's heritage statement, and believe that the proposed access route would have a negligible impact upon the setting of Sheepcotes Farmhouse, therefore complying with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The setting of the building has been greatly altered by the presence of the quarry, and the access road will not considerably enhance this affect to be considered additionally harmful.

7.6 ECC Highways

7.6.1 Having considered all the information submitted with the application, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

7.7 ECC Minerals and Waste

7.7.1 The Minerals and Waste Planning Authority (MWPA) wishes to raise no objection subject to conditions addressing the following:

- Limiting the maximum number of HGV movements to no more than 10 a day. HGV being defined as a vehicle having a gross weight of 7.5 tonnes or more. Records to be maintained of HGV movements and submitted to the Local Planning Authority within 14 days of a written request.

- Prior to beneficial use of the hangar, details of lining and signing of the junction with the access road and the Rivenhall Integrated Waste Management Facility access road shall be submitted to the local planning authority for approval and be subject to consultation with the Waste Planning Authority.

- Requirement for a hedge and hedgerow trees on the northside of the access road/drainage ditch to minimise the impact of the tarmac road and HGV movements in this agricultural setting. Location shown in green on sketch in Appendix One.

7.8 ECC Suds

7.8.1 No objection subject to conditions.

8. PARISH / TOWN COUNCIL

8.1 Silver End Parish Council

8.1.1 Object to the change of use, questioning the appropriateness of B8 storage in the vicinity of a garden village and Conservation Area. Exact use of storage and footage of area is not specified.

9. REPRESENTATIONS

9.1 One representation received making the following comments:

- Noise and dust from the construction of the access road and from its future use.
- Hangar is less than 100m from Sheepcotes Farm.

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located beyond any town development boundaries or village envelopes as shown on the Inset Maps of the Braintree District Local Plan 2013-33 ("the Adopted Local Plan"). As such, the application site is formally located within the countryside. Policy LPP1 requires that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued

landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

10.2 Policy LPP7 of the Adopted Local Plan states that, outside development boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to all the following criteria:

- a. The access and traffic generated by the development can be accommodated without adverse impact on the local road network;
- b. There is no unacceptable impact on residential amenity; and
- c. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.

10.3 Paragraph 83 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.

10.4 Section 6 of the NPPF explains, under sub-heading 'Supporting a prosperous rural economy', that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 states that:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

10.5 In this case the proposal would represent the re-use of an existing commercial building in the countryside. As set out above, the building has historically been used for similar purposes, with the use of the building ceasing in May 2005 following the loss of the vehicular access.

10.6 Officers consider that the proposed change of use would be in accordance with local and national planning policies/ As such, the proposal is considered acceptable in principle subject to consideration of other material considerations, including design, highway impacts, and neighbouring amenity impacts as required by Policies LPP7 and LPP52 of the Adopted Local Plan.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

11.1.1 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

11.1.2 The building has a utilitarian appearance, and the application does not propose to make any alterations to the existing building. Within the context of the former airfield and the existing quarry, Officers consider that no harm would be caused to the character and appearance of the surrounding countryside through the proposed change of use.

11.1.3 The access improvements would be at ground level and taking into account the future operation of the IWMF, the relatively low HGV movements proposed would not be out of character with their surroundings. Given the nature of the proposed use, it is however considered necessary to impose a condition ensuring that the site is not used for outside open storage, to protect the surrounding countryside from visual harm.

11.2 Heritage

11.2.1 Policy LPP57 of the Adopted Local Plan also requires that all designated heritage assets must meet the tests set out in national policy. The tests relevant to this scheme include those set out in Section 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.2.2 The Council's Heritage Consultant has identified no harm to the setting of the nearby listed building, Sheepcotes Farm. The application is therefore acceptable in this regard.

11.3 Ecology

11.3.1 Policy LPP64 of the Adopted Local Plan states that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

11.3.2 Policies LPP66 and LPP67 of the Adopted Local Plan require development to take into account existing landscape features, preserve them where

appropriate, and be sensitive to the need to preserve and enhance biodiversity.

- 11.3.3 The Council's Ecologist has reviewed the submitted documents for this application, and notes that the additional ecology email (Honace Ltd, August 2023) outlines that the route of the proposed private access road to Sheepcotes Hangar would cross the footprint of the active Site A5 quarrying and restoration operations within Bradwell Quarry. As a result, given the high amount of disturbance, the Council's Ecologist is satisfied that the proposals would not impact upon any protected and priority species.
- 11.3.4 The proposed new private access road would consist of ditch and 3.5m of boundary planting (tussocky grassland) along the biodiverse species rich grassland restoration scheme, which would also provide additional biodiversity enhancements once the minerals extraction has been complete.
- 11.3.5 As a result, the Council's Ecologist is satisfied that sufficient ecological information is available for determination and that ecological measures would be managed in line with the existing mitigation proposals under the Site A5 planning permission. This enables the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 11.3.6 Officers are satisfied that the proposals accord with Policies LPP64, LPP66 and LPP67 of the Adopted Local Plan.

11.4 Highway Considerations

- 11.4.1 Policy LPP52 of the Adopted Local Plan, requires the highway impact of new development to be assessed, and developments which result in a severe impact upon the highway network to be refused.
- 11.4.2 No objection is raised from National Highways and ECC Highways with regard to the creation of the access road and the use of the building for a B8 use.
- 11.4.3 Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For B8 storage uses the standards prescribe one space per 150sq.m of floorspace. The building has a floor area of 2,700sq.m and therefore there is a requirement for 18 parking spaces.
- 11.4.4 Officers consider that there is sufficient space within the red line application site to accommodate 18 car parking spaces, however no specific details have been provided by the Applicant. Given this, Officers consider it is reasonable to impose a condition requiring the submission of a parking layout plan prior to the first use of the building for a B8 use.

11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high quality amenity for current and future occupiers of dwellinghouses. Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties such as overlooking, overshadowing, or loss of privacy.
- 11.5.2 The Council's Environmental Health Officer has assessed the information submitted and raise no objection to the proposal subject to conditions regarding the hours of use, that the maximum number of vehicles set out in the application should be adhered to, a restriction on the installation of fixed external machinery, and compliance with the noise levels set out in a technical noise report. Further conditions regarding construction works hours, the submission of the construction management plan and unknown contamination are also requested.
- 11.5.3 As such, it is considered that the application would not give rise to any unacceptable noise impacts which may unacceptably impact neighbouring amenities, subject to the recommended conditions being imposed.

11.6 Flooding and Drainage Strategy

- 11.6.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
- 11.6.2 Policy LPP76 of the Adopted Local Plan states that all new development of 10 dwellings or more and major commercial development, car parks and hard standings will incorporate Sustainable Urban Drainage Systems (SUDs) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues, unless it can be clearly demonstrated that they are impracticable.
- 11.6.3 SuDs design quality will be expected to reflect the up-to-date standards encompassed in the relevant BRE and CIRIA standards, Essex County Council SuDs Design Guide (as updated) and Non-Statutory Technical Standards for Sustainable Drainage Systems, to the satisfaction of the Lead Local Flood Authority.
- 11.6.4 Essex County Council as Lead Local Flood Authority has considered the strategy provided and not does raise an objection. Conditions are suggested by them if the LPA were to approve the development. Subject to

conditions, the proposal therefore accords with Policies LPP74 and LPP76 of the Adopted Local Plan.

12. CONCLUSION

12.1 The application is considered to satisfy the criteria outlined within Policies LPP1, LPP7, LPP43, LPP47, LPP52 and LPP57 of the Adopted Local Plan, as well as national planning policies and objectives contained within the NPPF, so far as they are relevant to the proposal. In terms of the overall planning balance, the proposal would deliver a number of economic benefits and no harms have been identified. Accordingly, it is considered that the proposed creation of the access and use of the building for Use Class B8 purposes is acceptable, subject to the recommended conditions.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	T2301/SHA/01-02	N/A
Planning Layout	IT2301_SK_03	N/A
Access Details	IT2301/SHA/02	N/A
Other	IT2301/SHA/01-01	N/A
Drainage Details	IT2301_SK_05	N/A

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall commence not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

There shall be no external storage or display of equipment, plant, goods, or materials within the site whatsoever.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or to protect residential amenity, and to protect the operation of the site.

Condition 4

The development shall not be occupied until such time as a vehicle parking layout has been submitted to and approved by the Local Planning Authority. The approved parking layout shall be implemented prior to the first use of the building for B8 purposes and shall thereafter be retained.

Reason: To ensure that the required level of parking is provided on the site.

Condition 5

The premises shall not be open for business outside the following hours:

- Monday to Friday 07:00 hours - 18:30 hours

- Saturdays 08:00 hours - 13:00 hours
- At no time on Sundays, Public and Bank Holidays.

Reason: In the interest of neighbouring residential amenity.

Condition 6

There shall be no more than 20 HGV movements to and from the application site per day (10 arrivals and 10 departures).

Reason: In the interests of residential amenity.

Condition 7

No fixed external plant or machinery shall be installed or operated outside the building.

Reason: In the interests of residential amenity.

Condition 8

The noise levels as given in the Technical Noise Report reference 2107491 dated 4th September 2023 shall not be exceeded at any time during the normal operation of the site.

Reason: In the interests of residential amenity.

Condition 9

No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason: In the interest of neighbouring residential amenity.

Condition 10

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- Measures to control the emission of dust, dirt and mud during construction.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of residential amenity.

Condition 11

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed

before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 12

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to infrastructure completion.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 13

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local

planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 14

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 15

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 16

Prior to the first beneficial use of the hangar, details of lining and signing of the junction with the access road and the Rivenhall Integrated Waste Management Facility access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: In the interest of highway safety.

Condition 17

Prior to the first use of the building, details of hedge and tree planting, including an implementation programme, together with a strategy for the watering and maintenance of the new planting, for the northern side of the access road shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping works shall be carried out in accordance with the approved landscaping plans and implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: Landscape planting will add character to the development.

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 has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP7	Rural Enterprise
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems

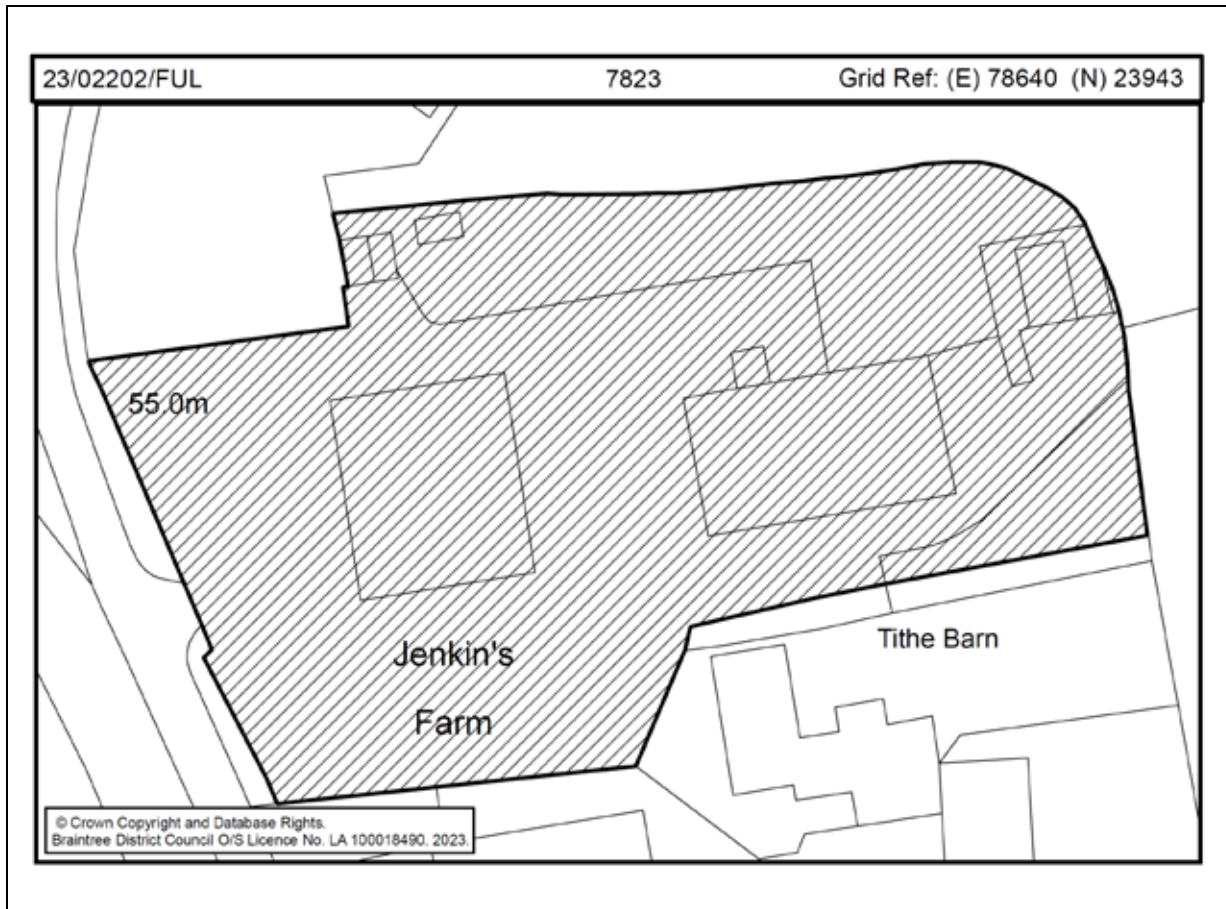
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
01/00332/COU	Change of use from storage of aerospace parts/tooling to general non hazardous storage	Granted	27.04.01
02/00591/COU	Change of use of building for storage and distribution	Granted	05.06.02
81/01342/P	Continued use of land and retention of existing structure and buildings for research, production, development and test purposes.	Granted	18.01.82
81/01348/P	Retention of two lean to buildings containing oil fired warm air heating units.	Granted	18.01.82
81/01347/P	Retention of prefabricated concrete/asbestos building to house standby diesel generator set.	Granted	18.01.82
96/01163/COU	Proposed change of use of existing hangar to be used for storage of aerospace parts/tooling	Granted	30.12.96
98/01679/COU	Change of use from supply and distribution of aircraft parts and press tools to storage, distribution and refurbishment of pipeline valves and piping equipment	Withdrawn	01.02.99
05/00061/COU	Change of use of building to B8 (storage and distribution)	Refused	11.03.05
23/00360/FUL	Provision of private access road to Sheepecotes Hangar across Bradwell Quarry to reinstate a means of access previously provided by the former airfield runway(s) and perimeter track(s).	Withdrawn	16.05.23

Report to: Planning Committee	
Planning Committee Date: 19th December 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/02202/FUL
Description:	Proposed demolition of 2 No agricultural buildings and erection of 5 No. dwellings with associated landscaping and parking.
Location:	Jenkins Farm, Kings Lane, Stisted
Applicant:	Mr Colin Roberts, Moondrop Limited, Park View Nurseries, Theobolds Park Road, Enfield, EN2 3BQ
Agent:	Mr Malcolm Horswill, Marden Ash Planning, Acorn Cottage, Mill Lane, Harlow, Essex, CM17 0LN
Date Valid:	11th September 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
	Appendix 4: Relevant Appeal Decision
Case Officer:	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic 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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/02202/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Adopted Local Plan Review (2013-2033) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 This application seeks full planning permission for the demolition of two former agricultural buildings and the erection of five dwellings, along with associated parking and landscaping.
- 1.2 The application site is located to the south west of Stisted, within the countryside. To the south of the site is a complex of listed buildings.
- 1.3 The application site is located outside of a designated development boundary, and therefore the proposed development is contrary to the Development Plan and is considered to be unsustainable.
- 1.4 This position has recently been supported by a Planning Inspector in considering an appeal for an Agricultural Workers Dwelling on land opposite the application site for this application. The appeal was dismissed on 4th December 2023. The Planning Inspector considered the appeal proposal conflicted with Policies SP1, SP6, SP7, LPP1, LPP38, LPP47 and LPP52 of the Local Plan in respect of the sustainable location of development and development appropriate to the countryside. The Planning Inspector also considered that the proposal would also be contrary to the Framework in respect of rural housing. A copy of this appeal decision is appended to this report.
- 1.5 Heritage harm has been identified with regards to the designated heritage assets to the south of the site.
- 1.6 The proposals are considered to be out of character with the surrounding area in terms of their design and would lead to an unacceptable impact on neighbouring amenity.
- 1.7 Accordingly, it is recommended that planning permission is refused for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part B of the Council's Scheme of Delegation, at the request of the Chair and Vice Chair of the Planning Committee.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site comprises two large redundant farm buildings, originally built as grain stores, and a site that was formerly a part of a large farm estate.

5.2 The site has an existing vehicle access on to Kings Lane. To the north lies a row of 4no detached residential properties, also fronting onto Kings Lane, and which constituted replacement dwellings some time ago. To the south are a number of listed former agricultural barns that have been converted to residential use following the granting of permission in December 2015 (Application Reference 15/01575/FUL). The southern most building in this group is a listed farmhouse known as 'Jenkins Farmhouse'.

5.3 The application site lies on a lower land level, than the converted barns and farmhouse to the south.

5.4 The site is located in the countryside outside of any defined development boundary.

6. PROPOSAL

6.1 This application is seeking full planning permission for the demolition of two existing agricultural buildings and the erection of 5 detached dwellings along with associated landscaping and parking.

6.2 The submitted plans indicate that the existing access off Kings Lane would be used to serve the 5 new dwellings. The dwellings would be laid out around a new cul-de-sac arrangement, with four dwellings placed along the central drive, facing each other, and a single dwelling located at the end of the new drive.

6.3 Three of the dwellings would have 4 bedrooms and two would have 5 bedrooms. Each property would have a garage and a private rear garden.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Essex Fire and Rescue

7.1.1 Access- Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and will be acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.1.2 Advice is provided regarding Building Regulations, that additional water supplies for firefighting may be necessary for the proposed development, and the use of sprinkler systems.

7.2 National Highways

7.2.1 National Highways offer no objection.

7.2.2 The proposed development site has an existing access from a local road, Kings Lane. It will be for the local highway authority to make comments on the impact on the local road network. With respect to the proposed development, National Highways' interest lies in any impact on the safe operation of the A120, which is part of the Strategic Road Network (SRN). We have completed our review of the details and information provided. Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

7.3 Natural England

7.3.1 This advice relates to proposed developments that falls within the 'Zone of Influence' (ZOI) for the following European designated site Essex Coast RAMS. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

7.3.2 Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

7.3.3 This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).

7.4 BDC Ecology

- 7.4.1 No objection subject to securing:
- a) A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy; and
 - b) biodiversity enhancement measures.

7.5 BDC Environmental Health

- 7.5.1 No objection in principle and request conditions regarding contamination, construction hours, dust and mud control management scheme and pile foundations.

7.6 BDC Landscape Services

- 7.6.1 Before full comments and recommendations can be provided on the impact of this development, more information is required. The on-site oak tree is the most important landscape feature and warrants protection during the demolition and construction process should the development go ahead to avoid unnecessary damage. There are several pieces of information missing from the application, which could have a negative impact on the long-term survival of this tree. The off-site oak tree is unlikely to be affected by the initial development process however, post development pressure due to its location in relation to the proposed location of the dwelling (Plot 1) and its potential growth is possible.

7.7 BDC Waste Services

- 7.7.1 The access driveway will need to be built to adopted highway standard and maintained as such, in order for BDC waste collection vehicles to access without incurring charges, for damaging the driveway. BDC Waste services will also require the fobs x 3 for each collection round, or code in order to open the access gates.

7.8 ECC Highways

- 7.8.1 Having reviewed the submitted information, ECC Highways confirm from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding provision of visibility splays and residential travel information packs for each new residence.

7.9 ECC SUDS

- 7.9.1 Thank you for consulting us on the above application, having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver

new SuDS features, therefore we do not wish to provide formal comment on this application.

7.10 Place Services- Heritage

- 7.10.1 The two agricultural units proposed for demolition are modern and metal clad, positioned to the north of an historic farmstead, Jenkins Farm, in which there are four Grade II listed buildings: Jenkins Farmhouse, the Cart Lodge/Granary, The Tithe Barn and The Kings Barn. The listed barns are no longer in agricultural use, having been converted to individual dwellings.
- 7.10.2 Originally no heritage statement or assessment of the effect of the proposals upon the listed buildings at Jenkins Farm had been submitted as part of this application. As the application site is immediately adjacent to the listed farmstead, there is likely to be an impact upon the setting of these buildings which should have been considered by the Applicant, as per section 194 of the NPPF. Whilst the existing buildings do not have an historic or architectural value, their appearance and presence is typical for a rural, commercial farmstead, whilst also providing a buffer between the historic buildings at Jenkins Farm and the houses to the north on Kings Road. Creating dwellings in this buffer site, infilling it with domestic buildings, has the potential to negatively affect how the buildings at Jenkins Farm are understood and appreciated as an outlying farmstead, not part of a small hamlet as could be perceived were this application permitted. This impact is likely to be in the realms of less than substantial harm to the assets, due to a change in their setting. Section 202 of the NPPF is therefore applicable.
- 7.10.3 Notwithstanding how the principle of constructing dwellings on this site will affect the setting of the listed buildings, the block plan and design of the dwellings would create a small cul-de-sac, which is unlike the prevailing local character of ribbon development, where single dwellings front the road and back onto open fields. Section 130(C) of the NPPF should be considered by the local authority when considering the proposal, as should section 206, should the principle of development be acceptable. There is the opportunity for this site to make a more positive contribution to the setting of the listed buildings, by maintaining a more open appearance to the site, for example, or reducing the scale of the proposed dwellings.
- 7.10.4 Following the submission of additional heritage information, the Built Heritage Consultant made the following comments:

Existing Buildings – I do not claim that the existing buildings are of any architectural merit, or a positive element within the setting of the listed buildings. Moreover, the existing structures are typical of an historic, working farmstead which has grown and evolved over time and expanded in the twentieth century. They provide context to the now converted historic barns and retain an agricultural appearance and function which contributes to the setting of the listed buildings. I am not claiming the steel barns are part of the ‘Essex Barn’ typology.

Hamlet/ Development Form/ Harm to the Listed Buildings – Further erosion of the farm’s agrarian setting, through the creation of a cul-de-sac of dwellings, will erode the sense of separation and detachment the farmstead has, and has historically had, from surrounding residential development, and further erode the functional connection these buildings have to the surrounding landscape. The introduction of additional dwellings on the application site will exacerbate the harm which has already occurred through the conversion of the associated barns to dwellings. The local authority can determine if they feel the proposed development is out of character with its surroundings.

Scale of the Houses – This was a mistype, by scale of the proposed dwellings I meant number, rather than their height or size. My letter should have read ‘reducing the scale of proposed development’.

8. PARISH COUNCIL

8.1 Stisted Parish Council

- 8.1.1 The site is more than one mile outside the village development boundary. This would conflict with LP Policy LPP1 concerning proposals outside development boundaries being confined to uses appropriate to the countryside. In fact, the site lies closer to Braintree than to the built-up area of Stisted.
- 8.1.2 The site in question was not submitted in the 'call for sites' requested when the Braintree Local Plan was being developed and also for the emerging Stisted Neighbourhood Plan. The proposal is considered not to offer any amenity value to the village. The Housing Needs Survey conducted by the RCCE, as part of the emerging Stisted Neighbourhood Plan, revealed that there was no need or appetite for any development involving large residential properties. This document can be found on the website.
- 8.1.3 The proposed development when combined with the existing residential properties close to the site would represent an unacceptable creation of an urban type area comprising 13 large residential properties. The proposal for a gated community appears to give the impression that any future occupiers would be living apart from the rest of the village.
- 8.1.4 Stisted is assigned as a 'Third Tier Village' due to the lack of the facilities to meet day to day needs. Indeed, Stisted has very limited services - it has a primary school, public house open 4 days a week, and a post office open for a few hours one afternoon a week. Future occupiers would need to travel further afield to access services and facilities. Additionally, the site not being within the built-up area of Stisted, any future occupiers would not realistically walk to the school or public house given that the route is windy, narrow, without a footpath and is unlit.

- 8.1.5 Although, the site lies closer to Braintree the route is also undesirable. The road from the site to the Coggeshall Road (A120) is the same as that to Stisted and additionally is national speed limit road where, the traffic does frequently travel at speed. Overall, this would certainly discourage walking and cycling. Therefore, walking or cycling to and from the site would not be a comfortable experience for the future occupiers. There is no bus service that serves Stisted so there is not any realistic alternative to the use of a private vehicle.
- 8.1.6 There is the potential for a vehicle emerging from the proposed access not to be seen at an early enough opportunity by the driver of a southbound vehicle due to the proximity to a blind bend. The current occupiers of the site have been observed to use a watcher standing on the opposite side of the road to observe for any on-coming traffic to allow for safe exit. The proposed development would seem to have the potential to adversely affect the safety of other road users. The designs of the proposed dwellings are not of special merit and do not sit well in a countryside location. They would be more in keeping in an urban residential location where higher cost housing is prevalent. The comments submitted by Stisted Neighbourhood Plan Steering Committee explores this area further. We wish to avoid repetition of the comments made by them would ask that this submission be read in conjunction with theirs.
- 8.1.7 From an aesthetic point of view some would consider that the proposed development would be visual improvement to the site due to the run-down nature of the existing site. The existing buildings were originally for agricultural use and are in a style that is common to many farms all over the countryside. Utilitarian though they may be, buildings such as those on the site are a common feature on both farms and within the landscape. Due to the above points Stisted Parish Council are unable to support this application.

9. REPRESENTATIONS

- 9.1 Two representations objecting to the proposals from the Stisted Neighbourhood Plan Steering Committee and Climate and Nature for Stisted (CANS) making the following comments:
- The site was not submitted via the Call for Site process;
 - Site is not in a sustainable location;
 - Would expect some of the principles of the emerging neighbourhood plan to be acknowledged;
 - No investigation into the reuse of the existing buildings, buildings should be repurposed;
 - No evidence of biodiversity net gain;
 - No creation of a wildlife corridor at the rear of the site;
 - Poor vehicle visibility from the site;
 - A footpath link could be created, but has not;
 - Boundaries have not been softened by vegetation;

- The proposals do not appear to incorporate energy efficient technology;
- Housing need in the village has not been considered;
- Would seek owl and bat protection measures;
- Concern about light pollution; and
- Electric car charging facilities should be provided.

9.2 Twelve representations supporting the proposals received from 9no addresses making the following comments:

- General support for the proposals;
- Permitted development rights for converting garage should be removed;
- Windows should not overlook adjacent properties;
- Housing seems to be the best option for the redevelopment of the site;
- Sustainable technology should be incorporated;
- Development of the site should include full fibre broadband;
- Proposals will increase traffic on Kings Lane, but the proposals will minimise this;
- Aesthetic enhancements could be incorporated;
- The site is in the Green Belt;
- Listed buildings located nearby;
- Gated development not appropriate and could cause traffic delays;
- No additional street lighting should be allowed;
- Additional impact on the sewerage system should not adversely impact the nearby listed buildings;
- Complies with Stisted Neighbourhood Plan;
- Proposals will enhance the local environment; and
- Existing trees and hedgerows should be retained.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that

decision makers at every level should seek to approve applications for sustainable development where possible.

- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines 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 (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

10.2 5 Year Housing Land Supply

- 10.2.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.
- 10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.
- 10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on the 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.
- 10.2.4 Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions, that situation is likely to change.

10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the ‘tilted balance’ pursuant to Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

10.3 The Development Plan

10.3.1 Currently the Council’s statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033 (“the Adopted Local Plan”).

10.3.2 Policy LPP1 of the Adopted Local Plan states that Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

10.3.3 The application site is located outside of a designated development boundary and as such is located on land identified as countryside within the Adopted Local Plan.

10.3.4 The proposal is contrary to Policy LPP1 of the Adopted Local Plan.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

11.1.1 The strategy set out in the Adopted Local Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development in areas where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means “that the spatial strategy for the Braintree District should concentrate development on the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead”.

11.1.2 The Adopted Local Plan classes the village of Stisted as a ‘third tier’ settlement. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

11.1.3 Notwithstanding this, the application site is located 1.5km (as the crow flies) from the village boundary of Stisted and lies on Kings Lane, which does not have any footways and where the speed limit is 60mph. Bearing in mind a number of blind bends between the site and the A120, and the site and Stisted, walking is not considered to be a safe means of transportation to

any centres of population. Consequently, Officers consider that the site's location is not a suitable or sustainable location for new residential development, and it is highly likely that all trips carried out by new residents would be by private vehicle, in conflict with Policy LPP42 of the Adopted Plan.

- 11.1.4 Members are advised of a recent appeal decision for the erection of a 2 bedroom single-storey Agricultural Workers Dwelling which was dismissed on 4th December 2023. The appeal related to a parcel of land on the opposite side of the road from the application site, opposite 1-4 Jenkins Farm Cottages, (Appeal Reference APP/Z1510/W/23/3315236). A copy of the appeal decision is appended to this report. The Planning Inspector made the following comments with regards the suitability of the site's location:

10. The site is some distance from the village of Stisted, and access would be via an unlit road with no demarcated footpath which would limit accessibility by sustainable means such as by foot or cycle. Even then, the facilities in Stisted are limited and would not meet the day to day needs of residents of the proposal. There are more facilities in the town of Braintree, but due to the distance and the nature of the route, including a lack of lighting for much of the route and the need to cross busy highways, this would also be a deterrent to access by sustainable means by residents of the appeal proposal.

11. For the above reasons, the proposed dwelling would be located remotely from services and facilities that future residents could reasonably expect to access by sustainable means. Due to this location, residents would be reliant on the private vehicle.

- 11.1.5 The Planning Inspector went on to conclude the following:

21. The appellants refer to Policy SP3 of the Local Plan, which states that development will be accommodated within or adjoining settlements. However, the appeal site is distinctly separate from Braintree and Stisted, and cannot be considered as adjoining these settlements. Policy SP3 does not therefore weigh in favour of the proposal.

22. Drawing the above together, the proposal would conflict with Policies SP1, SP6, SP7, LPP1, LPP38, LPP47 and LPP52 of the Local Plan in respect of the sustainable location of development and development appropriate to the countryside. The proposal would also be contrary to the Framework in respect of rural housing.

- 11.1.6 The proposal would therefore be contrary to the Adopted Local Plan which seeks to direct future development to accessible locations. This weighs against the proposal in the overall planning balance.

11.2 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.2.1 Paragraph 126 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 11.2.2 Policy LPP35 of the Adopted Local Plan stipulates that development should create sustainable, inclusive, and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need. This includes criteria ensuring that the density and massing of residential developments should relate to the character of the site and its immediate surroundings, as well as the wider locality, and onsite amenity space and an appropriate standard of residential accommodation should be provided in accordance with the adopted guidance.
- 11.2.3 Policy LPP47 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP52 of the Adopted Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.2.4 The application site currently contains two large agricultural buildings, which are modern in appearance and metal clad. Whilst the existing buildings do not have a historic or architectural value, their appearance and presence is typical for a rural, commercial farmstead, whilst also providing a buffer between the historic buildings at Jenkins Farm and the houses to the north on Kings Lane.
- 11.2.5 The submitted block plan and design of the dwellings would create a small suburban cul-de-sac, which is unlike the prevailing local character of ribbon development, where single dwellings front the road and back onto open fields.
- 11.2.6 Furthermore, by virtue of the overall scale and massing of the dwellings proposed, the scheme would have a dominating effect upon the rural street scene, through a consolidation of built form between the dwellings that currently exist within Kings Lane. Consequently, the scale and layout of the

development is such that it would conflict with the policies and guidance set out above.

11.3 Heritage

- 11.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering a grant of planning permission that affects a listed building special regard shall be given to the desirability of preserving its setting.
- 11.3.2 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and 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.
- 11.3.3 When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) states in paragraph 202 that; "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 11.3.4 Policies SP7 and LPP57 of the Adopted Local Plan state that works will only be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.
- 11.3.5 The two agricultural units proposed for demolition are modern and metal clad, positioned to the north of an historic farmstead, Jenkins Farm, in which there are four Grade II listed buildings: Jenkins Farmhouse, the Cart Lodge/Granary, The Tithe Barn and The Kings Barn. The listed barns are no longer in agricultural use, having been converted to individual dwellings. Further north, on Kings Lane beyond the modern barns, are four detached houses which historically replaced two pairs of semi-detached farmworkers dwellings (1-4 Jenkins Farm Cottages).
- 11.3.6 No heritage statement or assessment of the effect of the proposals upon the listed buildings at Jenkins Farm have been submitted as part of this application. As the site is immediately adjacent to the listed farmstead, there is likely to be an impact upon the setting of these buildings which should have been considered by the Applicant, as per section 194 of the NPPF. Whilst the existing buildings do not have any historic or architectural value, their appearance and presence is typical for a rural, commercial farmstead, whilst also providing a buffer between the historic buildings at Jenkins Farm and the houses to the north on Kings Lane. Creating dwellings in this buffer site, infilling it with domestic buildings, has the

potential to negatively affect how the buildings at Jenkins Farm are understood and appreciated as an outlying farmstead, not part of a small hamlet as could be perceived were this application permitted. This impact is likely to be in the realms of less than substantial harm to the assets, due to a change in their setting. Section 202 of the NPPF is therefore applicable.

- 11.3.7 Notwithstanding how the principle of constructing dwellings on this site would affect the setting of the listed buildings, the block plan and design of the dwellings would create a small cul-de-sac, which is unlike the prevailing local character of ribbon development, where single dwellings front the road and back onto open fields. Section 130(C) of the NPPF should be considered by the local authority when considering the proposal, as should Section 206, should the principle of development be acceptable.
- 11.3.8 The proposal is therefore contrary to Paragraph 194 of the NPPF, which requires an Applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As set out in Paragraph 197 of the NPPF, new development should make a positive contribution to local character and distinctiveness. In this instance, it is not considered that the proposed dwellings would make a positive contribution to the local character and distinctiveness, and therefore there is a level of harm associated with the proposal.
- 11.3.9 The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a number of designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202).
- 11.3.10 Officers are not satisfied that the proposals are acceptable and consider them to be contrary to Policy and LPP57 of the Adopted Local Plan and the NPPF. The conflict of this policy provides a clear reason for refusing the development in this case.

11.4 Landscaping

- 11.4.1 The NPPF states in paragraph 131, '*trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should seek to ensure... that existing trees are retained wherever possible*'.
- 11.4.2 Policy LPP65 of the Adopted Local Plan states, '*trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example, they are considered to be dangerous or in poor condition*'.
- 11.4.3 Policy SP7 of the Adopted local Plan states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. It goes on to state

that new development should enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place.

- 11.4.4 There is substantial existing vegetation along the northern boundary of the site, including a mature, ivy clad 'A' grade oak tree, which has a high amenity value. Whilst the submitted information does not indicate that the tree is proposed to be removed, without sufficient specialist information Officers are not able to assess how the redevelopment of the site could occur without harm to this tree. Furthermore, the submitted block plan indicates that the private gardens serving Plots 1-3 would be overborne by the existing vegetation and could lead to future pressure to remove or reduce the trees and hedging.
- 11.4.5 Without the specialist information, Officers consider that the proposals conflict with Policies SP7 and LPP65 of the Adopted Local Plan.

11.5 Ecology

- 11.5.1 Policy LPP64 of the Adopted Local Plan states that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 11.5.2 Policies LPP66 and LPP67 of the Adopted Local Plan require development to take into account existing landscape features, preserve them where appropriate, and be sensitive to the need to preserve and enhance biodiversity.
- 11.5.3 The Council's Ecologist has reviewed the Bat and Owl Survey (Essex Mammal Surveys, May 2022), submitted by the Applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats and is satisfied that sufficient ecological information is available for the determination of the application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats as the Bat and Owl Survey (Essex Mammal Surveys, May 2022), has detailed that there is no evidence of bats and no bat roosting potential, and no evidence of barn owls or suitability to support nesting barn owls, in the buildings to be demolished.
- 11.5.4 However, the Council's Ecologist recommends that biodiversity enhancement measures, as outlined in The Bat and Owl Survey (Essex Mammal Surveys, May 2022), should be delivered for this application, to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The proposed biodiversity enhancements could be secured as a condition of any permission, along

with the submission of a biodiversity enhancement layout if Members were so minded to approve the application.

11.5.5 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

11.5.6 Officers are therefore satisfied that the proposals comply with Policies LPP64 and LPP66 of the Adopted Local Plan and the NPPF.

11.6 Impact upon Neighbouring Residential Amenity

11.6.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan states that development shall not cause unacceptable impacts on the amenities of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impact.

11.6.2 A complex of residential converted listed barns are located to the south of the application site. The group of barns lie on land that is higher than at the application site. The closest barn known as 'The Tithe Barn' contains a bedroom window that is located on the southern boundary of the application site. This window currently offers views across the application site. Within the proposals, plot 4 is shown to be located within 12m of the southern boundary of the site. Officers do not consider that this distance is sufficient to protect the amenity of the neighbouring property, by way of a loss of outlook and privacy, in conflict with Policy LPP52 of the Adopted Local Plan.

11.7 Highway Considerations

11.7.1 Policy LPP52 of the Adopted Local Plan, requires the highway impact of new development to be assessed, and developments which result in a severe impact upon the highway network to be refused.

11.7.2 Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

11.7.3 ECC Highways have assessed the proposals and raise no objection to the residential use of the site and request a number of conditions relating to visibility splays and the provision of residential travel information packs for the new residents.

11.7.4 Each property is provided with at least two car parking spaces, either inside a garage or on a driveway, and therefore complies with Policy LPP43 of the Adopted Local Plan.

11.8 Habitat Regulations Assessment (HRA / RAMS)

11.8.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

11.8.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

11.8.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

11.8.4 The proposed mitigation measures would consist of the securing of a financial contribution of £156.76 per dwelling erected towards offsite visitor management measures at the above protected sites.

11.8.5 This financial contribution has been secured and the Applicant has made the required payment under S111 of the Local Government Act 1972.

12. PLANNING BALANCE AND CONCLUSION

12.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 12.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.
- 12.1.3 In this case, it is considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development. This is because there are adverse impacts in regard to designated heritage assets.
- 12.1.4 As set out above, Officers consider that the proposed development would result in harm to the significance of designated heritage assets. In accordance with Paragraph 11d) (i) of the NPPF, where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this case the identified heritage harm provides clear reason for refusing the application.
- 12.1.5 The 'titled balance' pursuant to Paragraph 11d) (ii) of the NPPF is not therefore engaged in this instance, however for completeness the adverse impacts and benefits of the proposal are set out below.
- 12.1.6 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
 - a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

12.2 **Summary of Adverse Impacts**

12.2.1 The adverse impacts and the weight that should be accorded to these factors are set out below:

Conflict with the Development Plan

12.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

12.2.3 The proposed development would conflict with Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. However, while the proposal is contrary to Policy LPP1 of the Adopted Local Plan, as the Council is currently unable to demonstrate a 5 Year Housing Land Supply, only moderate weight can be afforded to this conflict.

12.2.4 The proposals also conflicts with LPP42, LPP52, LPP57 and LPP65, as set out below.

Location and Access to Services and Facilities.

12.2.5 The site is located within the countryside to the south west of Stisted, which is identified as a ‘Third Tier’ village within the settlement hierarchy and therefore lacks most of the facilities required to meet day to day needs. There would be heavy reliance on the private car to access the facilities of nearby towns, giving rise to unsustainable vehicle movements. Significant weight is afforded to this conflict.

12.2.6 As set out above, this position has recently been supported by a Planning Inspector in considering an appeal for an Agricultural Workers Dwelling on land opposite the application site for this application. The appeal was dismissed on 4th December 2023. The Planning Inspector considered the appeal proposal conflicted with Policies SP1, SP6, SP7, LPP1, LPP38, LPP47 and LPP52 of the Local Plan in respect of the sustainable location of development and development appropriate to the countryside. The Planning Inspector also considered that the proposal would also be contrary to the Framework in respect of rural housing.

Harm to Trees and Hedgerows

- 12.2.7 Insufficient evidence has been submitted with the application to ascertain any potential impacts to the existing trees hedgerows, along the northern boundary of the site, which positively contribute to the locality. As such, at this time, conformity to Policy LPP65 is a material consideration and it is not considered this policy is met. Significant weight is given to this conflict.

Heritage

- 12.2.8 The Applicant has failed to provide an adequate assessment of the heritage impacts of the proposed development, which is in close proximity to identified heritage assets such as Jenkins Farmhouse to the south, and the complex of listed buildings. No heritage statement of assessment of the potential impact upon the setting of these heritage assets has been provided to support the application. The proposal would therefore conflict with Policy LPP57 of the Adopted Local Plan and the NPPF. Significant weight is afforded to this conflict.

Harm to Neighbouring Residential Amenity

- 12.2.9 Plot 4 is proposed too close to the existing property, The Tithe Barn, to the south and would result in an unacceptable overlooking between the two properties, as well as inadequate mutual outlook, conflicting with Policy LPP52 of the Adopted Local Plan and this conflict is afforded significant weight as well.

12.3 Summary of Public Benefits

- 12.3.1 The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market Housing

- 12.3.2 The provision of five new market dwellings which would contribute to the Council's Housing Land Supply. Given the small scale nature of the proposal, only moderate weight is attached to this benefit.

Economic and Social Benefits

- 12.3.3 The construction of five new dwellings would constitute a short-term economic gain. Furthermore, the proposal would introduce additional occupants, thus bringing economic and social benefits post-occupation. However, with only five dwellings proposed, these benefits would be limited, and thus only limited weight can be afforded to this benefit.

12.4 Planning Balance

12.4.1 As set out above, Officers consider that the proposed development would result in harm to the significance of designated heritage assets. In accordance with Paragraph 11d) (i) of the NPPF, where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this case the identified heritage harm provides clear reason for refusing the application.

12.4.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	513/P/211	N/A
Proposed Site Plan	513/P/201B	N/A
Proposed Floor Plan	513/P/202	Plot 1
Proposed Elevations	513/P/203A	Plot 1
Proposed Elevations and Floor Plans	513/P204	Plots 2 & 4
Proposed Floor Plan	513/P/205	Plot 3
Proposed Elevations	513/P/206	Plot 3
Proposed Floor Plan	513/P207	Plot 5
Proposed Elevations	513/P208A	Plot 5
Garage Details	513/P209	N/A
Street elevation	513/P210A	N/A
Landscape Masterplan	PR261-01 REV E	N/A

Reason(s) for Refusal

Reason 1

The proposed dwelling, owing to its location outside of any defined development boundaries, would represent an unsustainable form development which would encroach into the countryside, harmfully altering the rural character and appearance of the area. The proposed dwellings would therefore fail to enhance or maintain the vitality of a rural community, and due to its inaccessible and unsustainable location, future occupants would be highly reliant on the use of a private car. The development would therefore be contrary to the National Planning Policy Framework, and Policies SP1, SP4, LPP1, LPP52 and LPP67 the Braintree District Local Plan 2013-2033.

Reason 2

The application site is located to the north of a complex of listed buildings. The application submission failed to provide a heritage impact assessment with the application to demonstrate the potential impact of the proposal on the nearby heritage assets. The proposed development is therefore contrary to Paragraph 194 of the NPPF, and Policy LPP57 of the Braintree District Local Plan 2013-2033.

Reason 3

The proposed cul-de-sac layout would be out of keeping with the character and appearance of the surrounding area, which is defined by linear development, backing onto fields. Further harm would be caused by the inappropriate relationship between Plot 4 and a neighbouring property. The proposal would also have a harmful impact upon the existing vegetation along the northern boundary, particularly an A grade oak. The proposal is therefore contrary to the National Planning Policy Framework and Policies LPP35, LPP52 and LPP67 of the Braintree District Local Plan 2013-2033.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

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
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP35	Housing Mix, Density and Accessibility
LPP39	Infill Developments in Hamlets
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
00/00455/LBC	Removal of modern partitions and glass, new wc, new pamment floor to kitchen area, new windows and remove plastic roof	Granted	25.05.00
90/00029/PFBS	Change Of Use Of Land From Highway To Private	Granted	27.02.90
91/00403/PFBS	Alterations To Form Sun Room And Construction Of Fish Pond	Granted	13.05.91
92/00193/PFBS	Change Of Use Of Redundant Farm Buildings To Business/ Light Industrial Use	Granted	26.05.92
92/00194/PFBS	Change Of Use Of Redundant Farm Buildings To Business/ Light Industrial Use	Granted	26.05.92
15/01575/FUL	Conversion of redundant farm buildings to create 3 no. dwellings. Works to include demolition of existing modern building group, erection of extensions and open bay garaging, together with associated landscaping and engineering works	Granted	02.06.16
15/01576/LBC	Conversion of redundant farm buildings to create 3 no. dwellings. Works to include demolition of existing modern building group, erection of extensions and open bay garaging, together with associated landscaping and engineering works	Granted	02.06.16
16/01456/FUL	Demolition of existing single storey later addition, erection of single storey rear extension, erection of detached garaging and	Withdrawn	18.10.16

	associated landscaping		
16/01457/LBC	Demolition of existing single storey later addition, erection of single storey rear extension, erection of detached garaging and associated landscaping	Withdrawn	18.10.16
17/00170/FUL	Demolition of existing single storey later addition, erection of single storey rear extension, erection of detached garaging and associated landscaping	Granted	07.07.17
17/00171/LBC	Demolition of existing single storey later addition, erection of single storey rear extension, erection of detached garaging and associated landscaping	Granted	07.07.17
18/00894/DAC	Application for approval of details reserved by condition nos. 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13 and 14 of approved application 15/01575/FUL.	Granted	24.08.18
18/00898/DAC	Application for approval of details reserved by condition nos. 1, 2, 3, 4, 5 and 6 of approved application 15/01576/LBC.	Granted	24.08.18
19/00571/DAC	Application for approval of details reserved by condition nos. 4 and 9 of approved application 15/01575/FUL.	Granted	28.06.19
20/00381/HH	Formation of tennis court with associated fence enclosure.	Granted	22.01.21
22/02806/FUL	Demolition of 2No. agricultural buildings and erection of 2No. new buildings to provide 6No. commercial units (Class B2) with ancillary car parking.	Withdrawn	17.01.23
23/02114/DAC	Application for approval of details as reserved by condition 5 of approved application 17/00170/FUL	Granted	18.10.23

	& conditions 3, 4, & 5 of approved application 17/00171/LBC		
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Appeal Decision

Hearing Held on 31 October 2023

Site visit made on 31 October 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2023

Appeal Ref: APP/Z1510/W/23/3315236

Land Opposite 1 to 4 Jenkins Farm Cottages, Kings Lane, Stisted, Essex
CM77 8AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Hasler against the decision of Braintree District Council.
 - The application Ref 22/01836/FUL, dated 7 July 2022, was refused by notice dated 20 December 2022.
 - The development proposed is erection of a 2 bedroom single-storey Agricultural Workers Dwelling.
-

Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Braintree District Council against Mr & Mrs Hasler. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised description of development was agreed in writing by the Council and the appellants following the submission of the planning application, and was subsequently used in the consultation letters and notification regarding the application. This agreed description was also **used in the Council's decision notice**.
4. In their statement of case, the appellants have requested that the appeal be considered on the basis of an amended description which removes the **reference to an 'agricultural workers dwelling'**. A further amendment was suggested in the process leading up to the Hearing, which included reference to a **'...part agricultural justification...'**.
5. However, consultation and notification in respect of the application has been undertaken using the agreed description, and this description was also used in **the Council's decision notice**. Even allowing for details submitted with the planning application and further consultation as part of the appeal process, the description as agreed and subsequently used in consultation and the **Council's decision** has been clearly set out.

6. Having regard to the principles established in *Holborn Studios Ltd*¹, the proposed revised descriptions are more than a minor amendment compared to that agreed, and are materially different from that which has been used as a basis for consultation. Therefore, in the interests of fairness, this appeal must be determined based on the description on which the Council made its decision, and which has been subject to consultation. To do otherwise could unacceptably prejudice the interests of other parties.

Main Issues

7. The main issues are:

- Whether the proposal is in a suitable location for the form of residential development proposed having regard to local and national planning policy;
- The living conditions of future residents with regards to outlook, light and access to external amenity space;
- Character and appearance; and
- Other considerations relevant to the planning balance.

Reasons

Location

8. Paragraph 80 of the National Planning Policy Framework (the Framework) sets out that planning policies and decisions should avoid the development of isolated homes in the countryside, except in a number of circumstances. The appeal site is located outside of the development boundaries set out in the Local Plan². Policy LPP1 of the Local Plan states that development outside development boundaries will be confined to uses appropriate to the countryside, amongst other considerations. This is consistent with the aims of the Framework with regards to the location of development in the most sustainable locations and avoiding isolated homes in the countryside.
9. The appeal site is located close to a cluster of dwellings and other built development on the opposite side of Kings Lane, although this group of buildings contains minimal if any facilities which would support residents of the proposal.
10. The site is some distance from the village of Stisted, and access would be via an unlit road with no demarcated footpath which would limit accessibility by sustainable means such as by foot or cycle. Even then, the facilities in Stisted are limited and would not meet the day to day needs of residents of the proposal. There are more facilities in the town of Braintree, but due to the distance and the nature of the route, including a lack of lighting for much of the route and the need to cross busy highways, this would also be a deterrent to access by sustainable means by residents of the appeal proposal.
11. For the above reasons, the proposed dwelling would be located remotely from services and facilities that future residents could reasonably expect to access

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

² Consisting of the Braintree District Local Plan 2013-2033 Section 1, Adopted February 2021; and Local Plan Section 2, Adopted July 2022.

- by sustainable means. Due to this location, residents would be reliant on the private vehicle.
12. Policy LPP38 of the Local Plan permits rural worker's dwellings in specific circumstances. This includes Criteria LPP38(a) for a clearly established functional need for a full-time worker to live on the site in the countryside and LPP38(f) which sets out that the rural activity should be established for at least three years, have been profitable for at least one, is currently financially viable, and has a clear prospect of remaining so.
 13. **Within this context, I have had regard to the appellants' long term involvement** with this site for the keeping of animals, and that one of the appellants is a registered smallholder. As set out at the Hearing, there would be some benefits for the appellants with regard to caring for animals kept on this site. I saw that there were a limited number of horses and other animals on the site at the time of my visit. However, it was also confirmed that the keeping of these animals is not a full-time occupation for either of the appellants. Therefore, despite the functional benefits of caring for animals, this would not represent a need for a full-time worker to live on the site. Indeed, the use of the site is more akin to a leisure or hobby use, rather than one requiring the presence of a rural worker.
 14. The appellants have outlined their intentions to keep sheep and pigs on the land, including a rare-breed sheep **which is deemed to be 'at risk'**. The appellants refer to selling the sheep as pets or for the grazing of land for maintenance, and associated benefits regarding fertiliser and the keeping of horses. However, no substantive evidence has been provided in respect of the level of income arising from keeping animals at the site, and the appellants confirmed at the Hearing that this would not be their main source of income. Therefore, despite the potential income and the laudable aims of preserving a rare breed, the existing and proposed use of the site represents a hobby or a leisure activity, rather than a use requiring a full-time rural worker.
 15. Based on the evidence before me, there is not a clearly established need for a full-time worker on the site, and it has not been established that the activity is financially viable in support of a full-time worker. On that basis, the proposal would conflict with Policy LPP38(a) & (f) of the Local Plan. Compliance with other elements of that policy would not negate the conflict that I have identified.
 16. Policy LPP38 refers to a 'rural worker' rather than an 'agricultural worker', but based on what I have seen and read the proposed dwelling would not fall within the wider scope of the former description.
 17. As indicated in the preliminary matters, the appellants had requested that the description of the proposal be amended, although I have not accepted this amendment for the reasons given previously. However, the potential form of occupation of the dwelling could be widened by omitting an occupancy condition, notwithstanding the description of the development. However, even if I were to omit an occupancy condition, the proposal would still conflict with the development plan policies regarding uses appropriate to the countryside.
 18. In respect of the residential use of the proposal, both for occupancy by a rural worker or as an unrestricted occupancy, the appellants emphasise the locational sustainability of the site. They submit that journeys by car to

facilities in Braintree would relatively short. However, this could be said of many sites close to this sustainable settlement.

19. Reference is also made to the number of trips to and from the site regarding the care of animals, and that the proposal would significantly reduce these trips. However, these circumstances could also apply to other leisure uses in the countryside, including those involved with the keeping of animals, and I am mindful that residents would still need to travel by car to access employment and services. This significantly reduces the weight I can give to the reduction in the number of vehicle trips.
20. If I was to accept the appellants' arguments in relation to the locational sustainability of the site, this would establish a principle that would undermine the **Council's** spatial strategy where existing settlements will be the principal focus for additional growth. Not only would this conflict with the policies of the Local Plan, it would also conflict with the Framework in respect of avoiding isolated dwellings in the countryside.
21. The appellants refer to Policy SP3 of the Local Plan, which states that development will be accommodated within or adjoining settlements. However, the appeal site is distinctly separate from Braintree and Stisted, and cannot be considered as adjoining these settlements. Policy SP3 does not therefore weigh in favour of the proposal.
22. Drawing the above together, the proposal would conflict with Policies SP1, SP6, SP7, LPP1, LPP38, LPP47 and LPP52 of the Local Plan in respect of the sustainable location of development and development appropriate to the countryside. The proposal would also be contrary to the Framework in respect of rural housing.

Living Conditions

23. There would be no direct access from the dwelling to the private amenity space located to one side of the proposed building. The only rooms which would overlook the amenity area would be the bedrooms and bathroom, and even then the degree of outlook would be limited due to the design of windows. This would lead to an awkward and inconvenient relationship with the amenity area, and a sense of disconnection that would significantly limit its function for residents of the dwelling. Access to the wider area of the site and the surrounding countryside would not be sufficient to compensate for the poor arrangement of the private amenity area.
24. The main outlook for the seating and dining area would also be directly onto the parking and driveway. This would lead to an outlook that would be dominated by the parking of vehicles, and which would not be of a suitable quality particularly due to the single aspect of the affected room.
25. The Council has also raised concerns in respect of light levels in the dwelling. However, despite the arrangement and siting of the dwelling and the single aspect of the main living area, the proposal would include a number of rooflights which would increase the amount of daylight and sunlight inside the dwelling. On that basis, I consider that residents of the proposal would receive an appropriate amount of natural light, and the Council has provided no substantive evidence to demonstrate otherwise.

26. Notwithstanding my conclusion in respect of light, I conclude that the proposal would lead to significant harm to the living conditions of future residents in respect of access to the private amenity area and inadequate outlook. The proposal would therefore be contrary to Policies SP7, LPP47 and LPP52 of the Local Plan in respect of the amenity and needs of future occupants. The proposal would also be contrary to the Framework which seeks to provide a high standard of amenity for users of development.

Character and Appearance

27. In respect of character and appearance, the Council has raised no objections to the siting of the proposal, its size or use of materials. However, it has raised concerns regarding the detailed design of the building including the use of false gable walls, fenestration and the location of doors.
28. The proposed building would be of an understated appearance located on a part of the site that is well-screened in views from the surrounding area. There is no defined character of buildings in this area of countryside, even within the cluster of dwellings and other buildings on the opposite side of Kings Lane.
29. Although the proposed building is of no particular architectural merit, the design of the gables and placement of windows would not be particularly obtrusive or incongruous. The lack of an obvious entrance to the dwelling is also a minor matter of detail. Given the siting and context of the appeal site, the concerns raised by the Council on matters of design are not of such weight as to justify the refusal of planning permission.
30. I therefore conclude that the proposed dwelling would be acceptable in respect of character and appearance. The proposal would therefore not conflict with the design requirements of Policies SP7, LPP47 and LPP52 of the Local Plan. The proposal would also not be contrary to the Framework with regards to achieving well-designed places.

Other Considerations

31. The proposal would add to the mix and supply of housing in the area, and may represent a self-build dwelling. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites, and it was specified at the Hearing that the land supply stands at 4.86 years. **However, even given the Council's** housing land supply position the benefits arising from a single dwelling would be limited.
32. I am mindful of the self-build nature of the proposal and the Appeal Decision on the site of Burnt Gardens³. However, little evidence has been provided to me in respect of the need for and supply of self-build dwellings in this area. Therefore, notwithstanding the support for self-build housing in local and national planning policy and the conclusions of the Burnt Gardens appeal, based on the evidence before me I give the contribution of the proposed single dwelling to self-build housing only limited weight.
33. The proposal would increase the level of security of the site as well as the degree of care and supervision of animals. But no substantive evidence has been provided in respect of whether crime or other anti-social behaviour at the

³ APP/Z1510/W/23/3316412

site is of an unacceptable degree, or whether this can be addressed by means other than a dwelling on the site.

Planning Balance and Conclusion

34. Notwithstanding my conclusion in respect of character and appearance, the proposal would be unsustainable development in the countryside and would be harmful to the living conditions of future residents. The proposal would conflict with the development plan when read as a whole in respect of the sustainable location of development and amenity considerations.
35. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. Paragraph 11(d) of the Framework is therefore triggered which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. I am mindful of the benefits arising from the proposal, including the contribution to the supply and mix of housing, a potential reduction in vehicle trips and for the existing and potential keeping of animals on the site. However, I have given these benefits limited weight, and they do not outweigh the significant weight I give to the harm arising from the unsustainable location of the development in the countryside and to the living conditions of future residents. Were I to allow this appeal, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, and would be contrary to the policies of the Framework taken as a whole.
37. The proposal would therefore not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANTS:

Mrs Hasler

Mr Hasler

Mr Ian Coward - Collins & Coward

FOR THE COUNCIL:

Chris Tivey

INTERESTED PARTIES:

Alan Routledge - Vice-Chairman, Stisted Parish Council

Documents Submitted at the Hearing

Burnt Gardens, Back Lane Location Plan

Representation on Behalf of Stisted Parish Council