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Ms Susanne Chapman-Ennos
Planning Team Leader
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Tendring District Council
Council Offices
Thorpe Road
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Your ref : PP-10240900
Our ref 20.0606
Date 2nd October 2021

Dear Ms Chapman-Ennos,

**Re Town and Country Planning Act 1990 and
Planning (Listed Buildings and Conservation Areas) Act 1990
Replacement of Fence with Brick Garden Walls, Erection of Cart Lodge and
Removal of flat roofed 1960 extension to garage.
Ardleigh Park, Park Road Ardleigh**

We refer to the Planning Application and application for Listed Building Consent for the replacement of Fence with Brick Garden Walls, Erection of Cart Lodge and Removal of flat roofed 1960 extension to garage at Ardleigh Park, Park Road, Ardleigh.

The application comprises of location, site plan, floor plan and elevation plans, Heritage Statement, Design and Access Statement, Application Form and Certificate, List Description, Photographs and letter of explanation from the Applicant.

This Planning and Listed Building Application is in three parts:

- A. The erection of a cartlodge in place of the former sheepshed / Cattle Shed for the storage of garden and farm equipment, and the storage of materials and fertilizer for the maintenance of the land.



- B. The replacement of the Garden Fencing with Garden Walls
- C. Plans showing the recent removal of the removal of the 1960's flat roofed front projection to the Existing Garage.

On site the original base to the sheep shed / cattle shed has been replaced and replacement walls erected, and the boundary fencing has been replaced with the garden walls. In 2020, the former 1960's front felt roof projection was removed from the garage as the timber uprights were rotten and the supporting roof structure was also rotten, and therefore it posed a danger.

All of the proposals have been sensitively designed, are of an appropriate form and scale and propose the use of appropriate traditional materials.

In Pre Application discussions with Miss Cox and Correspondence with Mr Murphy, the Planning Officer was supportive of the proposals. Mr Murphy commented that in respect of the removal of the small projecting flat roofed portion of the Garage stating - *"There is no objection to the removal of the modern flat-roofed element of the garage which has already happened. However, these works are unconsented and I recommend a listed building consent application is submitted to formalise these works"* In respect of the works to erect the cart lodge and in general, Mr Murphy commented that *"I have been unable to view the proposed drawings for this item. I do think there is potential for a building here but this should be informed by research (including historic maps) to lead the form and typological appearance of this structure. The main concern which requires addressing is the potential proliferation of building stock in the setting of this listed building, this requires justification to be acceptable in the principle. A Heritage Statement will be required with any future application to be compliant with paragraph 189 of the NPPF. This should consider Historic England Guidance The Setting of Heritage Assets"*. During the site visit Mr Murphy also provided comments in respect of materials and these have been incorporated into the scheme.

Listed Building Legislation

Listed building consent and works that affect the setting of a listed building require a Local Planning Authority to have special regard to the desirability of preserving the building's setting or any features of special architectural or historic interest which it possesses. Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Preservation is not harming the interest in the building, as opposed to keeping a heritage asset unchanged.

The Planning legal framework

The application is required to be determined in accordance with the Development Plan. The legal position is set out in Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This has been a fundamental tenet of the planning system for many years.

Development Plan Policies

In this case the Development Plan includes the saved Policies of the Tendring District Local Plan, Adopted December 2007. The most pertinent Policies are those relating to Listed Building demolition, extensions and Alterations to a listed building and development within the proximity of a listed building. These are set out below:

Policy EN21 - Demolition of a Listed Building

- i. There will be a presumption in favour of the preservation of Listed Buildings. Proposals to demolish, in whole or in part, a Listed Building will only be permitted in exceptional circumstances and where the applicant demonstrates to the satisfaction of the Council that:
 - a. it is not possible to continue to use the building in its current or previous use;
 - b. it is clearly demonstrated that it is not possible to find another viable use for the building;
 - c. demolition will not cause material harm to the structure or setting of any other Listed Building; and
 - d. where relevant the character or appearance of the conservation area in which the building is situated will be preserved or enhanced.
- ii. Where consent is granted for the demolition of a Listed Building:
 - a. demolition shall not take place until detailed proposals for the site's future use have been granted planning permission and a contractual obligation signed to undertake those works; and
 - b. a suitable programme has been arranged to record those features of historic interest that would be lost in the course of the demolition works.

Policy EN22 - Extensions or Alterations to a Listed Building

Development involving proposals to extend or alter a Listed Building will only be permitted where:

- a. it would not result in the damage or loss of features of special architectural or historic interest; and
- b. the special character and appearance or setting of the building would be preserved or enhanced.

Policy EN23 - Development within the Proximity of a Listed Building

Proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.

With regard to Policy EN21, the proposal seeks retrospective consent for the demolition of part of a curtilage listed building, now used as a garage block. The element removed in 2020, was a 1960's flat roofed, felt lean to. As set out above the timbers were rotten and it therefore posed a danger. Overall given the quality of this part of the building historically and architecturally, retrospective listed building consent is considered appropriate.

With regard to Policy EN23 it is considered that the replacement of the former rotten timber fence with a brick wall and the erection of the cartlodge building for the continued storage of garden and farm equipment, and the storage of materials and fertilizer for the maintenance of the land is appropriate. The comments of the Council's Heritage advisor are noted. The former cow / sheep shed stood in the position of this proposed building. The original building was demolished approximately 15 years ago as it was collapsing. The new building will reinstate a structure which has an open front

providing excellent weather protection for the tools, equipment and other household items. As stated by the Applicants' Heritage Consultant in the Heritage Statement the *"reinstatement of this building will compliment the plan of the estate as shown on most of the OS maps"*. Further, the *"historic OS maps show a group of three outbuildings, (with the barn being constructed at a later date) and the proposed scheme looks to reinstate these buildings, as well as extending the modern barn, with the intention of auxiliary use for the estate"*. The building will be completed in feather edge boarding, brick and clay peg tiles. Metal guttering and downpipes painted black will be introduced onto the building to ensure a high quality design and use of materials.

On this basis the Local Planning Authority, in consultation with the County Council Place Services Historic Environment Manager is invited to Grant Planning and Listed Building Consent. Please do not hesitate to contact us if you require additional information.

Yours sincerely



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