



STANFORDS

Land at No.72 Hungerdown Lane Lawford

The erection of two 3-bedroom cottages (in lieu of Prior Approval for two x 3-bedroom dwellings, subject of application 21/00057/COUNOT).

Planning Statement.



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1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of K Wazny and is submitted in support of a planning application for the erection of two 3-bedroom cottages in lieu of the prior approval issued for conversion of an agricultural building into two dwellings on land at No.72 Hungerdown Lane, Lawford (reference: 21/00057/COUNOT). This application seeks to replace the agricultural building, with permission for conversion into two dwellings, with two new build dwellings in a similar location to the existing permission with a new private vehicular access from Hungerdown Lane.
- 1.2 This statement should be treated as forming part of the application and includes details on the site and its surroundings, the intended scheme and how it relates to adopted and emerging planning policies. Although the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 removed the requirement for Design and Access Statements to be submitted with minor planning applications, this statement is submitted to explain the rationale behind the development to assist the Local Planning Authority in making its decision.

2.0 Context of Site

- 2.1 No.72 Hungerdown Lane is situated on the northern side of the lane and forms one of several properties developed as part of the Foxash Estate, a Land Settlement scheme developed immediately post First World War. The settlement scheme was disbanded in the 1980's since then numerous holdings have developed as alternative commercial businesses. The applicant owns 7 acres of land at the site and has lived at the property for the last 4 years.
- 2.2 The agricultural building was formerly used for agricultural machinery and equipment. It is currently vacant. The agricultural building is situated to the east of the property at No. 72 and set back approximately 45 metres. The barn is a permanent structure in a sound condition, measuring a total floor area of approximately 316m².

3.0 Relevant Planning History

3.1 On the 17th of March 2021 the Council deemed that prior approval was not required for the conversion of an agricultural building into two 3-bedroom dwellings at the application site (reference: 21/00057/COUNOT).

3.2 On the 21st of April 2021 the Council granted full planning permission for the replacement of two agricultural buildings with one 4-bedroom bungalow (in lieu of Prior Approval for one x 3-bedroom and one x 4-bedroom dwelling subject of application 20/01117/COUNOT) at land at No.89 Hungerdown Lane, Lawford, which included a new private access from Hungerdown Lane, located some 600m from the application site.

4.0 Policy Context

Current Position

4.1 Tendring District Council is in the process of producing a new Local Plan document to replace the Local Plan which was adopted in 2007 (TDLP 2007). Section 2 of the Local Plan is yet to be adopted and thus less weight can be attributed to the emerging Local Plan policies when compared to the adopted policies of the TDLP 2007. We have therefore had regard to the policies contained within the adopted TDLP 2007 when considering this application. However, where there is any conflict between the adopted planning policies and the National Planning Policy Framework (NPPF) we have considered the adopted policy should be given reduced weight in accordance with paragraph 219 of the NPPF.

National Guidance

4.2 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should take into account the

Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier.

4.3 The NPPF states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements and should avoid new isolated homes in the countryside, regardless of the 5-year housing supply. Further, it states that housing applications should be considered in the light of sustainable development. The basic thrust of the guidance is that where local planning authorities cannot demonstrate an up-to-date five-year supply of deliverable sites or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing. It does mean that land being unallocated or located outside defined settlement boundaries could no longer be a sole reason for refusal. In judging whether a residential scheme should be granted, it would be necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall against the harm identified arising from the proposed development.

4.4 Paragraph 79 of the NPPF states that in order 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. Meanwhile paragraph 009 of the NPPG considers that 'a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness.

Adopted Local Plan Policies (2007)

4.5 The application site is located outside the defined development boundary of Lawford as identified in the Policies Map of the adopted Local Plan. Policy QL1 of the adopted Local Plan (2007) directs development to the larger urban areas of the borough and to within the development boundaries of the village.

- 4.6 Policy QL11 ensures that development is located where the proposal will be compatible to the surrounding uses. It should be of a scale appropriate to its setting and protect the privacy daylight and amenity of surrounding occupiers. The proposal should not result in the loss of important buildings of architectural interest or other landscape or ecological value. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents.
- 4.7 The Council's emerging policies as set out within the Local Plan 2013-2033 and Beyond Preferred Options introduces a policy supporting the concept of Self-Build and Custom-Built Homes. This affirms that the NPPF requires Councils to plan for a mix of housing based on the needs of different groups in the community which includes people wishing to build their own homes as a Self-Build or Custom-built home. It further considers that the majority of the new homes that will be built in Tendring up to 2033 will be on sites specifically allocated for development which tend to be acquired by volume house builders and local developers who will aim to deliver new housing to meet the needs of the mass market. This is now evident within the many appeals allowed for developments of more than 50 houses. However, this leaves few opportunities for the construction of individual properties for people wanting to build a home to live in themselves.
- 4.8 In accordance with the Council's strategic aims to deliver economic, growth, tackle unemployment and deprivation and improve the long-term prospects of future generations, recognition is provided within the Plan for measures to attract businesses, rejuvenate town centres and create more jobs. The Council's Economic Development Strategy therefore suggests that delivering the right mix of housing is critical to the future of the district's economy. By enabling opportunities to deliver self-build homes within the overall mix of new housing over the plan period, the District can go some way in providing attractive high-quality properties that local people can aspire to live in and stay close to their family.

5.0 Proposed Development

- 5.1 As stated above, the application site is located outside the defined settlement development boundary for Lawford as shown on the adopted Proposals Map. The Council has however accepted the conversion of the large agricultural building into two 3-

bedroom dwellings which can be undertaken without further prior approval. This approval is subject to the conversion of one existing building which has a total gross floor area of 316m². The Council did not express any concern on the grounds for consideration of the notification application, namely access, flooding, design, noise or contamination. This scheme can be referred to as the 'fall back' scheme.

- 5.2 The new properties would have an external floor area of 146m² per dwelling, totalling at 292m², a reduction of 24m² overall with the demolition of the existing agricultural building. The new dwellings would be positioned with the front elevation facing south onto Hungerdown Lane. The frontage of the properties is set back 6m from the south elevation of the agricultural building to ensure ample turning space for vehicles. It is proposed to provide a new vehicular access from Hungerdown Lane along the boundary to serve the two proposed properties only. Visibility splays of 2.4m x 80m east and 2.4m x 80m west are available. A passing bay has been provided to ensure safe passage for all, in the interests of highway safety. Planning permission was granted in April 2021 for the erection of a large 4-bedroom bungalow at land at No.89 Hungerdown Lane, Lawford, with a new private access from Hungerdown Lane (reference: 20/01117/COUNOT). It was considered by ECC Highways that the provision of a new separate vehicular access for the dwelling off Hungerdown Lane is acceptable as the proposal retained adequate room and provision for off street parking and turning for the proposed dwelling at No.89, just 600m from the proposed access.





Provision has been made for the parking of at least two vehicles together with a turning facility, enabling all vehicles being able to leave the site in a forward gear. A private amenity area would be available in excess of the Council's adopted standards.

- 5.3 The relevance of the 'fall back' position is considered to be a material planning consideration. This situation was highlighted in a scheme that was subject of an appeal decision in 2017, concerning a site in Layer-de-la-Haye within Colchester Borough. In that instance the Inspector accepted that the fall-back position is a material planning consideration and fully justified support being given to the replacement of three poultry sheds with three dwellings having a maximum gross floor area of 450m². A copy of this

appeal decision, which was secured by ourselves, is attached as appendix MRF1. This approval also followed Counsel's opinion, a copy of which is also included within the appendix. Tendring District Council has accepted this position within a number of other cases, most notably at Foulton Hall, Little Oakley (reference 19/01333/FUL) and Three Elms, Harts Lane, Ardleigh (reference: 20/00887/FUL) which was approved in October. In addition, a mere 5 months ago planning permission was granted by the Council for the replacement of two agricultural buildings with one 4-bedroom bungalow (in lieu of Prior Approval for one x 3-bedroom dwelling and one x 4-bedroom dwelling, subject of application 20/01117/COUNOT) at land west of No.89 Hungerdown Lane, Lawford. Attention is also drawn to the case before the Court of Appeal concerning Tonbridge and Malling BC v Secretary of State where identical circumstances were considered in respect of the fallback position

- 5.4 Full phase electricity supply is available as well as the access to the local mains drainage, while a Klargestor Bio Disc package treatment plant would operate satisfactorily in this location. Such provision would have no impact visually or environmentally upon the environment and is a common solution in relation to rural dwellings. The scheme includes a Construction Methods Statement. An electric vehicle charging point will be provided to an external wall adjacent to the parking spaces.
- 5.5 The development would be no less sustainable than the permitted scheme. The development could also be constructed to higher codes of sustainability in terms of energy efficiency. As a result, the development will fulfil the Council's aims of achieving a higher quality of design for development within the countryside as advocated by adopted policies QL9 and QL10 together with the statements contained within the NPPF.

6.0 Conclusion

- 6.1 This scheme is for the removal of one agricultural building and replace with two 3-bedroom cottages and associated parking. It would be comparable in scale compared with the approved conversion and in terms of vehicular activity when considering the proposal for a new vehicular access from Hungerdown Lane. It is considered that the proposed application must be judged in the context of the Council's decision to approve the conversion of the existing barn into two self-contained dwellings issued in March 2021. It

would be no less sustainable and the weight to be given to this material consideration is substantial. The proposal would also provide relatively modest accommodation to meet rural housing needs. The scheme is therefore considered to be in accordance with the presumption in favour of sustainable development contained within the NPPF.