

Woodland Farm, 217 Harwich Road, Little Clacton

**Demolition of barn and replacement with a bungalow
(part in lieu of deemed Prior Approval for conversion of
barns in to four dwellings subject of application
21/01483/COUNOT)**



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Stanfords

1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of Mr & Mrs Leiper and is submitted in support of a planning application for the demolition of a barn and the erection of one bungalow partly in lieu of the prior approval issued for conversion of four of the agricultural buildings into four dwellings on land at Woodlands, 217 Harwich Road, Little Clacton.
- 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 planning policies, while explaining the rationale behind the development to assist the Local Planning Authority in making its decision.

2.0 Context of Site

- 2.1 The farm is situated on the northern side of Harwich Road, close to the junction with Tan Lane. At the front of the site is a large detached farmhouse owned and occupied by the applicants. Immediately to the rear are three large groups of farm buildings which are connected with the extensive farmland surrounding the farmhouse. The applicants are now retired (Mr Leiper is now 94 years of age) but the buildings still remain in low key agricultural use, primarily for storage of small items of equipment. The more prominent buildings were until recently used for the storage of grain.
- 2.2 The property is located approximately 1 mile from the village of Little Clacton. The village contains a primary school, shop, post office and public house. The mainline railway station to London Liverpool Street is located just to the north of the site, at the edge of Thorpe le Soken.
- 2.3 The buildings are an assortment of structures, although primarily large portal frame buildings dating from the 1940-60's. They are constructed with substantial steel frames and clad largely with corrugated metal sheeting. Building A to which this application relates, is located at the front of the group. This is a two storey structure constructed in brick and used as stores on both levels. Barns B and C are lower single span structures

with one used as the farm workshop. Between these two buildings is a further brick building. The applicant had originally intended to retain this building for limited agricultural storage purposes hence why it was not included within the previous Prior Approval application. Barn D is a traditional Essex Barn that has been refaced with fletton brickwork and an internal floor inserted. The building subject of this application is in a sound condition. Access to the barn complex is via a consolidated driveway which also serves the farmhouse.

- 2.4 There has been no other use of the buildings or land other than for agricultural purposes. This was the authorised purpose being undertaken on the 20th March 2013 and this use continues today albeit on a reduced basis.

3.0 Relevant Planning History

- 3.1 In August 2021, a formal notification was submitted pursuant to Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the conversion of a number of agricultural buildings on the site into four dwellings and the demolition of a 5th barn (reference 21/01483/COUNOT). Confirmation was received in October that prior approval was not required.
- 3.2 An application to replace the existing barns with five dwellings was refused permission in November 2022 (reference 22/00821/FUL). The Council will be aware of our serious concerns with the handling of this application, with such matters now being pursued elsewhere.

4.0 Policy Context

National Guidance

- 4.1 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.

Adopted Local Plan Policies (2022)

- 4.2 Policy SPL2 of the Adopted Local Plan defines Little Clacton as a Rural Service Centre where residential development is considered appropriate and expected to take place having regard to the extent of facilities and amenities available.
- 4.3 The Council stipulate high design standards within Policy SPL3. This Policy seeks to ensure that development 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.

5.0 Proposed Development

- 5.1 Prior Approval has been obtained for the conversion of four barns into four dwellings with a total gross floorspace to be provided for residential purposes at 628m². The application site is located outside the defined settlement development boundary for Little Clacton as shown on the adopted Proposals Map. The Council has however accepted that the conversion of farm buildings into four dwellings can be undertaken without further prior approval. 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 original scheme was for the applicants to relocate to Barn A in order to down-size from their large detached house. The applicants have lived at Woodlands for their entire

married life, while Mr Leiper has resided at the property since he was 8 years old. Since the decision to allow the Prior Approval, the applicants have realised that they would not be able to access the first floor of Barn A, while Barn D would be too large and Barns B & C too small for their needs. They have also undertaken initial preparatory work while researching the costs involved in the conversion of the buildings and in particular, ensuring the quality of the build meets their high expectations while achieving the highest code of sustainable construction and energy efficiency possible. The advice received has now shown that the conversion of the existing buildings can provide for a good level of construction and finish but will not necessarily meet the standards they were hoping to achieve. In this respect, the applicants consider that a purpose designed bungalow will be of a similar cost to the conversion of Barn A but will enable far improved sustainable energy levels and higher specification.

- 5.3 With the considerable and rather unnecessary delays experienced with Council's consideration of the scheme refused in November 2022, and the on-going age issues for the applicants, the need for a new single storey dwelling has become imperative. After all, Mr Leiper has resided at the farm for more than 86 years. The current application is for the replacement of Barn A subject of the prior approval in the same location upon the site. The new dwelling would be a 3 bedroom bungalow having a gross floor area of 160m². While this proposal will be nominally larger than the approved scheme, with an additional 10m² floor area, it would achieve a reduction in height and massing within the locality.
- 5.4 In terms of access, the scheme follows the same arrangement as shown upon the approved scheme with a consolidated surface. This access is taken from the existing entrance onto Harwich Road. The visibility splays as shown on the approved scheme will again be available. This access is also the same as has been used by the applicant's family for the past 85 years, involving use by substantial items of farm machinery. The replacement of this structure as a dwelling will not have any adverse impact on traffic generation, the existing highway network or noise generation. Otherwise it is no different in scale to the previous scheme which can otherwise be implemented. Provision has been made for the parking of 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 to accord with the Council's standards.

- 5.5 The design scheme proposed is for a modest bungalow. It is of a standard design with external brick and clay plain tile. It is single storey with a low ridge height, preventing any use of the roof space for first floor accommodation. It is therefore easily arguable that the scale of the new development will have a significantly reduced impact upon the wider countryside when compared with the scale of the present structures. There would be no impact upon any other dwelling in terms of light, outlook etc. The Council's case officer and line manager criticised the design approach, both of whom had only recently been employed by the authority, and as a result it was apparently unbeknown that the same design approach had been accepted on numerous sites elsewhere for dwellings in lieu of approvals pursuant to Class Q. Moreover, the same design was used for four dwellings in Holland Road, Little Clacton, on a similar if not more exposed site located beyond the defined settlement limits. The Council's inconsistent approach is the subject of matters elsewhere. Nevertheless, the design in this case is consistent with the appearance of the existing farmhouse and will not appear out of character within the group of farm buildings. It would reflect the form of dwelling one would expect to see for a farm worker or manager, which indeed this scheme is directly designed for.
- 5.6 As detailed above, this scheme is for a replacement of a two storey building which resembles a house in scale and design and for which permission has been accepted for conversion into a dwelling. This is known as the 'fall back' position, which is considered to be a material planning consideration. This situation was first highlighted in a scheme we submitted 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. Subsequently this approach was confirmed in a judgement issued by the Court of Appeal in *Mansell v Tonbridge and Malling BC 2017*. More recently, the issue of a fallback position was confirmed in a High Court judgement concerning *Formby Parish Council v Sefton Borough Council 2022*. Copies of both

judgements are attached hereto. Tendring Council has accepted this position within a number of other cases.

- 5.7 The development would be no less sustainable in terms of location than the permitted scheme. The building is located within the countryside, but not in a location which could be described as 'isolated'. The site is located approximately 1 mile from Little Clacton village which has a considerable range of daily services available. Regular bus services traverse Harwich Road, to Thorpe le Soken, Little Clacton and Clacton-on-Sea (routes 3 and 115). It is not therefore a location which is unsustainable. The development will fulfil the Council's aims of achieving a higher quality of design for development within the countryside as advocated by adopted policy SPL3 together with the statements contained within the NPPF. The proposal will result in a bespoke, custom-built yet modest dwelling for the applicants within their farm yard.
- 5.8 Full phase electricity supply and a water supply are available while it is understood that the scheme can access the public sewer available in Harwich Road. Alternatively, a Klargest 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. An electric vehicle charging point will be provided to the exterior of each building adjacent to the parking spaces. A CMS is included with the application documents.
- 5.9 The existing building was not used for any activity that would have necessitated the use of any chemicals or storage of fuels, pesticides or similar material. There is no record of any spillage of fuel. While another building has I understand been used historically for storage of fuel, this is one of the buildings to the north of the farm complex, some distance from the application site. There is therefore no justification for a Phase 1 Contamination Survey to be undertaken for the site, as accepted by the Council within the earlier application. The site is not at risk of flooding.
- 5.10 An ecology report is included. This was accepted within the previous application by ECC Place Services. Similarly, an objection had originally been lodged by ECC Place Services on historical interests. Following correspondence, this objection was removed.

6.0 Conclusion

- 6.1 It is considered that the proposed application must be judged in the context of the Council's decision not to oppose the conversion of the existing two storey barn into a self-contained dwelling. The proposed scheme will be lesser in scale to the fall back scheme. It would be constructed to a higher building code while its location will be no less sustainable than the approved scheme. The weight to be given to this material consideration is substantial. The scheme is therefore considered to be in accordance with the presumption in favour of sustainable development as contained within the NPPF.