



STANFORDS

Barn A
Bush Farm
Hall Road
Great Bromley

The erection of two self-build dwellings (in lieu of Prior Approval for two dwellings, subject of application 23/00249/COUNOT).

Planning Statement.

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1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of Mr Brazier and is submitted in support of a planning application for the erection of two self-build dwellings in lieu of the prior approval for conversion of an agricultural building into two dwellings at Bush Farm, Hall Road, Great Bromley, Essex, CO7 7TR (reference: 23/00249/COUNOT). This application seeks to replace the agricultural building, with permission for conversion into two dwellings, with two self-build dwellings in an almost identical position to the existing permission.
- 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. It is considered that the statement accords with the advice contained within the National Planning Practice Guidance (launched in 2014) and The Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.0 Context of Site

- 2.1 The site is located on the western side of Hall Road and once formed part of the active agricultural holding of Bush Farm. The site comprises a newly constructed replacement farmhouse, completed by the applicant, two large agricultural barns, including Barn A subject of this application, and existing access onto Hall Road and the associated agricultural land. All boundaries of the site are well screened with fencing and mature planting implemented by the applicant.
- 2.2 Barn A is situated to the southeast of the holding, 42m from the replacement farmhouse. The barn has an approximate internal floor area of 266m². Prior approval was not required for the conversion of the barn into two dwellings with internal floor areas of 207m² each including the addition of an internal steel mezzanine. The barn is timber-framed with masonry plinths and is clad with corrugated sheeting. It has a masonry lean-to fixed to one side.

2.3 The site is not within a flood zone and there are no designated heritage assets in the vicinity. No concerns were raised by the Council for application 23/00249/COUNOT in relation to ecology, contamination, highways impact, noise impact, natural light, external appearance of the building nor impracticality or undesirability.

3.0 Relevant Planning History

3.1 It was deemed by the Council that prior approval was not required on the 6th April 2023 for the change of use of Barn A into two dwellings under Class Q of the GPDO (reference: 23/00249/COUNOT).

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 consider 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.

4.2 Paragraph 62 of the recently published revised NPPF makes it clear that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This should include housing for those who wish to commission or build their own homes. Reference to the Self-Build and Custom Housebuilding Act 2015 is explicitly mentioned and the duty of the local authority to the Act and to ensure there are enough suitable development permissions to meet the identified demand.

- 4.3 The NPPF states that housing applications should be considered in the light of sustainable development. 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 as well as the Council's obligations towards the provision of self-building dwellings against the harm identified arising from the proposed development.

Local Planning Policy

- 4.4 Tendring District Council formally adopted a new Local Plan on the 25th of January 2022, following the adoption of Section 1 in January 2021, which forms part of a wider North Essex planning strategy. The new Local Plan now supersedes in full the Council's last Local Plan adopted in 2007. Thus, policies from the TDLP 2007 are no longer applicable and the newly adopted policies afford great weight. 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.
- 4.5 The Council's recently adopted 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.
- 4.6 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

Scale, Layout, Appearance, Landscaping and Access

- 5.1 The application site is located outside of the defined settlement boundary for Great Bromley as allocated in the Tendring District Local Plan (2022). The Council has however accepted the conversion of the agricultural building into two dwellings, which can be undertaken without further prior approval. The two dwellings consist of two four-bedroom units, with a combined total floor area of 414m². 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. This proposal seeks to replace these two dwellings approved under Class Q of the GPDO with two four-bedroom self-build dwellings.
- 5.2 The self-build dwellings would have identical floor areas to the fall-back scheme; 207m² per unit. The dwellings would take an identical external appearance to the fall-back scheme, with the exception of a 4m distance between the two dwellings, rendering them detached. In terms of scale, the dwellings would reflect the existing barn; a traditional neathouse type, common for the north Essex and south Suffolk claylands areas. This comprises a central barn with a dual pitched roof, gable ends facing northeast and southwest, with a monopitch lean-to extension. The applicant himself will be undertaking the construction, as he did with the Bush Farmhouse most recently.
- 5.3 The dwellings would be accessed from the southwestern elevations. The ground floor provides a kitchen/diner with a utility room, a w/c, living room, a study and an accessible bedroom with wet room. At first floor are three bedrooms, one with an en suite, and a

family bathroom. The dwellings are a handed version of one another. There is access to the rear private amenity spaces via the kitchen/diner, living room and ground floor accessible bedroom with bifold doors. The dwellings would be sited on the identical location to the existing barn with the benefit of the fall-back position, which would be demolished as part of this proposal. The external appearance would include black weatherboarding above a red brick plinth. This would be a visual improvement to the fall-back position, which is profile metal sheeting. Further, the approved replacement dwelling of Bush Farmhouse, is finished in black weatherboarding approved under applications 08/00631/FUL to 21/00689/FUL. It is proposed to use Eternit slate roof tiles in this instance. The dwellings would be seen as part of the nucleated farmstead at Bush Farm and subservient to the newly constructed replacement farmhouse, which is of significant scale.

- 5.4 The proposed development provides four car parking spaces as well as adequate turning space for vehicles to egress the site in a forward gear. The two car parking spaces will be located on the siting of one of the silos to be demolished. Visibility splays of 2.4m x 87m northwest and 2.4m x 185m south are available from the existing access. The Highways Authority had no objections to the previous proposals at the site given the existing use of the access. There would be no alterations or intensification of the existing access than that which currently occurs at the site nor when compared with the fall-back scheme. According to the information from CrashMap.co.uk with access to government datasets, there has been no recorded vehicle incidents at the access point, nor on this section of Hall Road for the last 24 years.



5.5 There is a short black timber fence and mature hedgerow along the road frontage boundary of the application site which are to be retained. A further hard and soft landscaping scheme can be secured by an appropriately worded condition. The dwellings would not be seen in isolation nor as part of the open long distance countryside views. Bush Farmhouse is at least 40m north of the proposed dwellings and thus there is no opportunity for overlooking, loss of daylight/sunlight, overbearing, noise or disturbance. The replacement dwellings would not have a more harmful impact, or be more intrusive in the landscape, or countryside setting, than the two dwellings allowed under Class Q of the GPDO, by virtue of their siting, scale, height, character and design.

5.6 In summary, please find below a comparison table assessing the fall-back position with the planning application before the Council for two self-build replacement dwellings.

	23/00249/COUNOT Fallback Position	Proposed Development	Comparison
Total Floorspace	414m ²	414m ²	Identical
Bedspaces	8	8	Identical
Storeys	1.5 storeys	1.5 storeys	Identical
Ridge Height	6.8m	6.8m	Identical
Eaves Height	4.1m	4.1m	Identical
Depth	15.2m	15.2m total	Identical
Length	18.4m	18.4m total	Identical
Location	As existing	Overlapped	Identical
Car parking spaces	4	4	Identical
Access	As existing	As existing	Identical

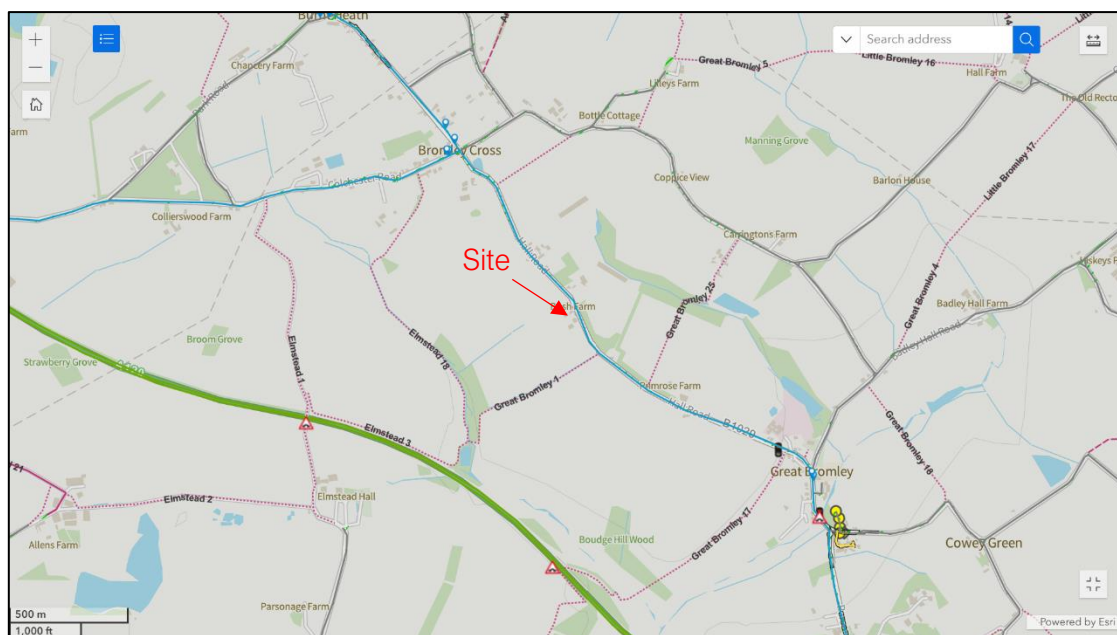
5.7 The comparison table makes clear that there is no greater harm of the proposed development than the fall-back scheme. The floorspace, bedspaces, storeys, heights, depth, length, location, access and parking provision are all identical. It is therefore considered that the proposal represents an acceptable development with no greater impact upon the surrounding countryside character by virtue of its identical bulk and scale.

The Principle of the Development

- 5.8 The relevance of the fall-back position was highlighted in a scheme that was first subject of an appeal decision in 2017, submitted by ourselves, concerning a site in Layer-de-la-Haye in 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 the benefit of a Class Q with three dwellings having a maximum gross floor area of 450m², as the provision was at that time.
- 5.9 The Council's attention was also drawn to the judgement issued by the Court of Appeal in the case of *Mansell v Tonbridge and Malling BC 2017* which follows a similar approach with planning history of prior approval under Class Q of the GPDO. In this instance, L.J. Lindblom and L.J. Hickinbottom made clear that 'the status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar.' The key take-home was that a fallback position must be a material consideration if there is a 'real prospect' of the fall-back development being implemented, beyond that which is theoretical, referencing Sullivan L.J. in the Samuel Smith Old Brewery High Court judgement. The *Mansell v Tonbridge and Malling BC* case reads further that if the Council were to have failed to have regard to a material consideration, this would be an error of law. A copy of this judgement is included within Appendix MRF1.
- 5.10 There has also been a hearing at the High Court between Formby Parish Council vs Sefton Council which further confirms the above position dated January 2022. This case involved the refusal by the planning committee for a full planning application at 19 Chapel Lane, Formby, Liverpool. The application sought to change the use of the first floor involving the erection of extensions at the rear to form two self-contained flats involving alterations to the elevations. The property could have been developed under permitted development rights, without the need for planning permission to provide a shop on the ground floor and flats above. The judge repeatedly refers to the Court of Appeal case of *Mansell v Tonbridge and Malling BC (2019)* highlighting the relevance of a fallback position as a significant material consideration, given the provisions contained within the GPDO. A copy of this judgement is included within Appendix MRF2.
- 5.11 There is a 'real prospect' of the conversion being completed in this instance. A structural report was undertaken by Andrew Kemp, Consulting Structural Engineer, which confirmed that Barn A is fully capable of being converted without what has been defined

as a 're-build'. All services can be connected to the site and a package treatment plant would operate satisfactorily in this location. This is a significant material consideration in this instance.

- 5.12 The site is half a mile from the centre of Great Bromley, where there are two bus stops with services in both directions. These are served by the Nos. 77A, 105, 107 and 721 bus routes connecting the area with Colchester city centre, Colchester railway station, Ardleigh, Frating, Great Bentley, St Osyth, Walton-on-the-Naze, Frinton-on-Sea, Thorpe-le-Soken and Weeley including school bus routes. These services are available 0835hrs to 1947hrs. Great Bromley itself has the benefit of a farm shop, a place of worship, a general health and sports clinic, a primary school, a village hall and a nursing home. 135m south of the application site is connection to the public right of way Great Bromley 1. This leads then to public rights of way Elmstead 18, 3 and 1 then onto the wider network.



- 5.13 The B1029 connects the site with Frating and Ardleigh respectively. However, the above concludes that there would not be a sole reliance on private car to access day to day facilities for residents. A Resident Travel Pack can be secured by condition to encourage such. It is not therefore a location which is unsuitable for further housing. The site is not located within an AONB and does not affect the setting of a listed building.

6.0 Conclusion

6.1 In conclusion, it is considered that the proposed development will ensure the following: -

- a development which will not affect the amenities of neighbouring occupants through loss of light, aspect, overlooking, noise and disturbance;
- no impact upon any identified features of historical or architectural importance either on this site or within the immediate locality;
- no conflict with any conservation or landscape protection policies identified by the Council through its sensitive siting and layout design;
- enhancement of the natural environment through soft landscaping;
- No increase in scale and bulk compared with the approved scheme; and
- No increase in occupancy compared with the approved scheme.

The applicant will construct the dwellings himself as a genuine self-build development. This scheme will involve an identical number of bedspaces, floor area, heights and access and parking arrangements to the fall-back position. The validity of the fall-back position is clear, and the material consideration given to this is significant.