

**LPS**

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## Planning Design and Access Statement

Construction of one x 2 bedroom and two x 3 bedroom dwellings with associated boundary treatments, hard and soft landscaping and EV charging points (in lieu of Class Q prior approval) for one x 1 bedroom, one x 2 bedroom and one x 3 bedroom dwellings.

At

Gods House Farm,

Harts Lane,

Ardleigh,

CO7 7QQ

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Project Details:

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## 1.0 Introduction:

1.1 This statement has been prepared by LPS Architecture on the behalf of our client in support of a full planning application for the demolition of two agricultural buildings that benefit from prior approval for the conversion to form one x 1 bedroom, one x 2 bedroom and one x 3 dwellings and the construction of 3 detached dwellings comprising of one x 2 bedroom and two x 3 bedroom units of accommodation. The proposal also includes details relating to boundary treatments along with the enlargement of the amenity areas of 2 barns that are to be converted under prior approval.

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 relevant local and national 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.

1.3 The application site falls within the administrative control of Tending District Council.

1.4 In addition to this statement, the application is supported by the following drawings:

- Plan 1.0: Existing Site Plan
- Plan 1.1: Proposed Site Plan
- Plan 1.2: Proposed Site Plan – Overlay
- Plan 1.3: Hard and Soft Landscaping Plan
- Plan 1.4: Existing Plans – Milking Parlour
- Plan 1.5: Replacement Dwelling 1
- Plan 1.6: Existing Plans – Calving Building
- Plan 1.7: Proposed Plans - Dwelling 2
- Plan 1.8: Proposed Plans – Dwelling 3
- Plan 1.9: Location Plan

## 2.0 Site Description and Surroundings:

- 2.1 The application site is currently formed of a collection of buildings with agricultural and equine uses. A Grade II listed building is located adjacent to the application site that is held under separate title deeds from the farm. A heritage statement prepared by Heritage Unlimited has been prepared in support of this application.
- 2.2 Three of the existing barns on the site hold prior approval for the change of use and conversion to dwellinghouses. Details of the previous prior approvals can be found under applications 22/01433 and 22/01899.
- 2.3 Access to the site is located via two entrances located off Harts Lane.
- 2.4 The site is bounded to the north, east and west by fields with equine use. Post and rail fencing separates the fields with mature hedgerows also present along the far north and eastern boundaries.
- 2.5 The surrounding area is rural in nature and features residential dwellings located on varying sized plots of land along with equine properties and small farm holdings.
- 2.6 Harts Lane also features examples of new build dwellings that were constructed in lieu of an original prior approval application. In this instance, planning permission was granted by delegated powers for the construction of two x 3 – bedroom bungalows in lieu of prior approval to convert existing agricultural buildings into two x 2 bedroom dwellings at land to the rear of Three Elms, Harts Lane.
- 2.7 Details of this application can be found under reference 22/00365. Prior to this application, a similar application at the site was approved for two x 2 bedroom units under planning application 21/01690.

### 3.0 Planning History:

- 3.0 As previously stated, the agricultural buildings to which this application applies currently benefit from prior approval for the change of use and conversion to residential dwellings comprising as follows:

Milking Parlour: 1 bedroom dwelling – Prior Approval 22/01433

Calving Building: 4 bedroom dwelling - Prior Approval 22/ 01433

Calving Building: one x 2 bedroom & one x 3 bedroom dwellings - Prior Approval 22/01899

- 3.1 As illustrated by the above, the calving building benefits from two current prior approvals that facilitate the change and use and conversion to either one or two residential dwellings.
- 3.2 Prior to the submission of this application, a similar proposal was previously submitted under application reference: 23/01152. Feedback from the case officer and heritage consultee raised a number of comments relating to the design and layout of the proposed dwellings. As such, the opportunity was taken to withdraw the application and enter pre application talks with the council to find a way forward.
- 3.3 The pre application advice was undertaken by Charlotte Copper under application reference 23/30204. The pre application advice response to the amended dwelling designs and layout raised a number of additional points as to how the proposal could be improved from a design perspective. In conclusion of the pre application response, it was stated that:
- Subject to the matters above being satisfactorily addressed it is likely that an application for the proposal would receive a recommendation for approval.
- 3.4 Following the pre application response, we took the opportunity to implement the changes outlined in the pre application advice and provided revised designs to the planning officer for further comment and review. The changes included removing the proposed canopy porches, improving the window designs to a more traditional style and also utilising barn like external materials. In response, we were advised that the additional changes were positively received.

## 4.0 Policy Context

### National Planning Policy Framework July 2021

- 4.1 The Framework requires Councils significantly boost the supply of housing to meet objectively assessed future housing needs in full.
- 4.2 The 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 should be approved without delay.
- 4.3 The Framework 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.
- 4.4 It also states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements, but should avoid new isolated homes in the countryside. The Framework also states that housing applications should be considered in the light of sustainable development which incorporates economic, social and environmental objectives.
- 4.5 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'.

### Local Development Plan

- 4.6 The development plan for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively).
- 4.7 The development plan policies applicable to this application proposal are as follows:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development  
SP3 Spatial Strategy for North Essex  
SP4 Meeting Housing Needs  
SP7 Place Shaping Principles

## Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP5 Open Space, Sports & Recreation Facilities  
LP1 Housing Supply  
LP4 Housing Layout  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL9 Listed Buildings  
CP1 Sustainable Transport and Accessibility

4.8 In addition to the above cited development policies, Essex County Council Car Parking Standards are relevant to the application proposal as well as the Essex Design Guide.

### 5.0 Proposed Development:

- 5.1 The application proposal is seeking to demolish two existing agricultural buildings that benefit from prior approval for change of use and conversion to provide up to 3 dwellinghouses and construct three new build dwellings comprising of one x 2 bedroom and two x 3 bedroom units of accommodation.
- 5.2 The application proposal also seeks to obtain permission for boundary treatments that will be utilised as part of the development along with the enlargement of curtilages associated with the dwellings to be converted under prior approval 23/00977/COUNOT which already benefit from prior approval under application 22/01433/COUNOT.
- 5.3 The existing milking parlour and calving buildings are masonry built structures with corrugated roofs that provide approximately 258 sqm of combined floor space.



- 5.4 As proposed, the applicant is seeking to demolish these existing structures and construct 3 new purpose built, energy efficient dwellings that will have a combined floor area of 255 sqm. The proposed dwellings would comprise of one x 2 bedroom and two x 3 bedroom units of accommodation.
- 5.5 The proposed dwellings have been designed with a more rustic appearance and would feature external materials associated with farmhouse and agricultural buildings such as black timber weatherboarding along with slate and clay plain tile roof finishes.
- 5.6 The proposed dwellings will be located in the same area and orientation as the existing agricultural buildings so to limit any unnecessary encroachment into the countryside.
- 5.7 The purpose built dwellings would provide better levels of accommodation compared to what can be provided under the prior approval applications in terms of dwelling layout, energy efficiency and quality of structure.



- 5.8 Each dwelling will feature off road parking with ev charging provision. Cycle storage will also be provided through the allocation of a shed to each property.
- 5.9 Each dwelling will also feature adequacy sized amenity areas that will be enclosed by contextually appropriate boundary treatments. A generous scheme of planting is proposed including the planting of shrubs and trees along with the provision of a wildflower meadow that will provide a biodiversity net gain to the proposal.
- 5.10 As evidenced by the original prior approval applications, the council has accepted the conversion of the two agricultural buildings into 3 dwellings comprising of 258sqm of habitable floor area which can be undertaken without any further approval. These existing prior approval applications can be referred to as ‘fall back schemes’.
- 5.11 From a legal perspective, the relevance of the ‘fall back’ position is considered to be a material planning consideration in the determination of planning applications. The acceptability and material impact of a fallback position was confirmed in *Mansell v Tonbridge and Malling Borough Council* [2017] where Mr Justice Garnham confirmed that ‘Appropriate regard must be had to material planning considerations including the permitted development fallback position’. Although the application site is located outside of the settlement development boundary for Ardleigh, it is considered that the fallback position holds significant weight as a material consideration in favour of the development proposal.
- 5.12 Tendring Council has accepted this position in a number of cases in recent years. The closest geographical example of the ‘fallback’ position being utilised can be found under planning reference 21/01690 at Three Elms, Harts Lane, Ardleigh. In this application, approval was granted to build two x 3 bedroom dwellings in lieu of an original prior approval application for the conversion of existing agricultural buildings to form two x 2 bedroom dwellings.
- 5.13 Another recent example within Ardleigh is approved application 21/01769/FUL. In this case, the construction of a two storey 3 bedroom dwelling was approved in lieu of approval for one x 1 bedroom and one x 2 bedroom dwellings.
- 5.14 A further example can be found under application reference 19/01333 which comprised of the replacement of an agricultural storage building with a 3 bedroom dwelling in lieu of prior approval for a dwelling subject of application 19/00010 at Foulton Hall, Harwich Road, Little Oakley.

5.15 It is considered that the replacement of the existing prior approval buildings at the site which can be converted to provide 3 dwellings with the provision of 3 new build dwellings will have no greater impact on the site or surrounding local area. Compared to the 'fallback' scheme, the application proposal provides the following benefits:

Provision of new purpose built energy efficient dwellings with 'built in' renewable energy generation.

Improved layout of dwellings, amenity and parking areas.

Proposed buildings will have higher quality visual appearances compared to the prior approval dwellings.

Ecology and biodiversity benefits through new planting schemes and introduction of bird boxes to the site.

Utilisation of higher quality materials throughout.

5.16 The development proposal will also provide a net decrease in built form of 3 sqm compared to the existing 'fallback' scheme. Whilst it is acknowledged that this small reduction will have little tangible impact on the site or wider area, it does provide a further benefit in favour of this proposal. When combined with the other benefits outlined, it is considered that the proposal meets the council and national policy aims of delivering high quality and energy efficient housing stock which also incorporates a biodiversity net gain.

5.17 As requested in the pre application advise, a summary table has been prepared:

	Previous Prior Approval Permission	Current Application
Siting	See provided overlay plan.	See provided overlay plan.
Access	Utilise existing access.	Utilise existing access also.
Ridge Height	Milking Parlour: 4.76m Calving Building: 4.04m	Milking Parlour replacement: 4.5m Calving Building replacement: 4.4m
Eaves Height	Milking Parlour: 2.79m Calving Building: 2.8m – 3.8m	Milking Parlour replacement: 2.5m Calving Building replacement: 2.5m
Footprint	Milking Parlour: 77 sqm Calving Building: 181 sqm	Milking Parlour replacement: 77sqm Calving Building replacements: 89sqm per dwelling.
Bedrooms	Milking Parlour: 2 bedrooms Calving Building: 2 & 3 bedrooms	Milking Parlour replacement: 2 bedrooms Calving Building replacements: 3 bedrooms per dwelling.

## 6.0 Concluding Statement:

- 6.1 The purpose of this statement has been to provide the council as well as members of the local community with an overview of application proposal including a description of the site, surrounding area and development proposal along with the relevant national and local planning policies.
- 6.2 The proposal is seeking permission for the demolition of two agricultural buildings that benefit from prior approval for the conversion to form one x 1 bedroom, one x 2 bedroom and one x 3 dwelling and the construction of 3 detached dwellings comprising of one x 2 bedroom and two x 3 bedroom units of accommodation. The proposal also includes details relating to boundary treatments along with the enlargement of the amenity areas of 2 barns that are to be converted under prior approval.
- 6.3 As outlined in this statement, the development proposal would be comparable to the discussed 'fallback' schemes in terms of scale, size and vehicular activity. The statutory basis for the principle of 'fallback' schemes has also been outlined within this statement along with examples of where Tendring Council have permitted similar application types in recent years giving the significant weight to this proposal.
- 6.4 In our view, this revised and improved application proposal has a number of significant benefits from a sustainability perspective that also weigh in its favour. The proposal would provide new housing to meet local rural housing needs in a locality where the provision of housing has already been established through previous prior approval applications. The proposed dwellings will be more energy efficient compared to converted buildings and the scheme will also provide ecological enhancements that the original prior approval applications were not required to provide.
- 6.5 The proposal has been carefully developed with the input of planning officers at Tendring Council with the aim of achieving a scheme that will positively impact the context of the site and wider locality.
- 6.6 The applicant is agreeable to entering a unilateral undertaking for the relevant developer contributions which we have calculated to be £8,553.00. In addition to this, the applicant is agreeable to paying the RAMS contribution of £156.76 per dwelling.
- 6.7 In conclusion, it is believed that the proposal put forward represents a sustainable and contextually appropriate form of development and it is hoped members of the community and local authority support this application and planning permission can be granted.