

## UTT/19/2809/FUL - THAXTED

The application is referred to Committee due to the agent being a former councillor

<b>PROPOSAL:</b>	<b>Change of use of first floor of annexe and change of use of redundant agricultural building into a total of 3 no. holiday lets</b>
<b>LOCATION:</b>	<b>The Willows, Monk Street, Thaxted, CM6 2NR</b>
<b>APPLICANT:</b>	<b>Mr &amp; Mrs Thornton</b>
<b>AGENT:</b>	<b>Vic Ranger</b>
<b>EXPIRY DATE:</b>	<b>29/01/2020</b>
<b>CASE OFFICER:</b>	<b>Alishba Emanuel</b>

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### **1. NOTATION**

- 1.1 Protected Lane: UTLANE88 – Folly Mill Lane  
Mineral Safeguarding Area: Sand/Gravel  
Outside Development Limits

### **2. DESCRIPTION OF SITE**

- 2.1 The site is situated at the Willows, Monk Street, Thaxted Dunmow. It comprises of a farm-holding site, the main features of which are a detached double storey dwelling with blue cladding on the walls, and a black tiled roof with twin dormers to the front elevation. To the side of the plot is a large agricultural barn and an agricultural storage unit. To the rear of the site is a large two-storey barn and a single storey building. The site has a large amount of parking on site and an access road for vehicular use.

### **3. PROPOSAL**

- 3.1 The application is for planning permission for the proposed change of use of redundant rural buildings into holiday lets

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

### **5. APPLICANT'S CASE**

- 5.1 Biodiversity Checklist  
Structural Survey

### **6. RELEVANT SITE HISTORY**

6.1 UTT/19/2174/CLP: Proposed change of use of redundant rural buildings into holiday lets. Refused

UTT/14/0674/FUL: Change of use of ground floor from disabled use to self-contained dwelling. Refused

UTT/12/5016/FUL: Replacement agricultural building. Approved

UTT/0281/06/FUL: Erection of 2-storey building comprising ground floor 2-bay open fronted replacement garage; together with ancillary farm office/workshop and first floor office suite. Approved

UTT/0972/05/FUL: Erection of replacement garage with accommodation for holiday lets. Refused

## 7.0 POLICIES

### Uttlesford Local Plan (2005)

- S7 The Countryside
- LC2 Access to Leisure and Cultural Facilities
- LC05 Hotels and Bed and Breakfast Accommodation
- GEN1 Access
- GEN2 Design
- GEN6 Infrastructure
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards

### Thaxted Neighbourhood Plan (2019)

- TX TLE1 – Enhancing Tourism

### National Policies

- National Planning Policy Framework
- Planning Practice Guidance

### Other Material Considerations

- Essex Parking Standards – Sept 2009

## 8. PARISH COUNCIL COMMENTS

8.1 The Parish Council have resolved to support the application and therefore have no objections.

## 9. CONSULTATIONS

### Essex County Council Highways

9.1 The Highway Authority has no objections to make on this proposal.

### Environmental Health

9.2 No objection subject to the following of the recommended conditions.

## **Essex County Council Ecology Services**

- 9.3 No objection subject to securing biodiversity mitigation & enhancement measures.

### **Economic Development**

- 9.4 “Anecdotal evidence provided by the Tourist Information Centre in Saffron Walden suggests that there is a shortage of holiday accommodation/bed space in the district. This proposed change would help to address this shortage. The Council has approved “Economic Development Strategy and Action Plan 2018 – 21” has as a key aim; “Supporting the expansion and promotion of key sectors in the local economy. Initially this will be life sciences, research and innovation; the rural economy; and the visitor economy.” This proposal seeks to expand a business in both the rural and visitor economies and therefore helps enable the delivery of the Council’s Economic Development Strategy.” – resolved to support application

## **10. REPRESENTATIONS**

- 10.1 There were no representations received for this application.

## **11. APPRAISAL**

The issues to consider in the determination of the application are:

- A** Principle of change of use to holiday lets (S7, LC5; TX TLE1; NPPF)
- B** Character and Appearance (S7, GEN2, NPPF)
- C** Access and Parking Arrangements (GEN2, GEN4)
- D** Amenity (GEN2, NPPF)
- E** Biodiversity (GEN7, NPPF)

### **A Principle of change of use to holiday lets (S7, LC5; TX TLE` ; NPPF)**

- 11.1 The Local Plan identifies the site to be outside of the Thaxted settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development’s design and scale conforms and respects the immediate character and setting.
- 11.2 The Local Plan also states that the development of tourism is supported to increase the economic benefits of the district provided this is done in a sustainable way.
- 11.3 Paragraph 83 of the NPPF, in supporting a prosperous rural economy, allows for sustainable rural tourism and leisure developments, which respect the character of the countryside. The Thaxted Neighbourhood Plan, comments on the requirement for development to enhance its tourism industry and provide economic benefit through increasing visitors to the area. The increase of accommodation for tourists is considered beneficial to these aims and would comply with Policy TX TLE1.
- 11.4 Policy LC5 predates the NPPF, however it relates to the provision of tourist accommodation outside of development limits if it involves the reuse of a rural building, or if it is a replacement of an existing serviced accommodation. The

proposal meets the requirement as the change of use pertains to redundant rural buildings.

- 11.5 Therefore, on balance the proposed scheme is seen to accord with the NPPF and comply with Local Plan Policies S7, LC5 and with the Thaxted Neighbourhood Plan Policy TX TLE1.

**B Character and Appearance (S7, GEN2, NPPF)**

- 11.6 The proposed change of use of the two redundant agricultural buildings are considered to respect the character and appearance of the surrounding settlement. This design and existing character of the buildings will remain largely unaltered, with minor changes to the north and south elevation of the redundant barn, to enable its functionality as two holiday lets. Through changing existing windows on the North elevation to windows to allow for more light into the building, and enlarging an existing window to form a door, the barn is made more appropriate for accommodation use. As there are minimal changes to the buildings, and with no change to the materials, the proposal is considered in keeping with the rural character of the area. It is therefore considered that the proposed development accords with the above policies in so much as they relate to character and design.

**C Access and Parking Arrangements (GEN1, GEN8, NPPF)**

- 11.7 The site is located at a considerable distance from the village, therefore the occupants of the proposed holiday lets would require a car to access the town's services and facilities. Policy GEN1 states that development should encourage movement by means other than driving a car, There is also a footpath close by to the site promoting occupants to walk to nearby sites, however in this instance due to the rurality and special character of this location in Thaxted, public transport infrastructure is not easily accessible.
- 11.8 Paragraph 103 of the NPPF highlights the significance of differentiating how sustainable transport solutions will vary between urban and rural areas, therefore the proposals inclusion of providing infrastructure at the two buildings to provide electric vehicle charging points, is considered to meet the sustainability requirement.
- 11.9 The Highway Authority have stated that it "has no objections to make on this proposal", subject to conditions. The public's rights and ease of passage over public footpath no.57 (Thaxted) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

**D Amenity (GEN2, NPPF)**

- 11.10 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed amenity space afforded to the two amenity would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

## **E Biodiversity (GEN7, NPPF)**

- 11.11 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 11.12 Essex County Council Ecology were consulted and commented that they had no objection, subject to securing biodiversity mitigation and enhancement measures. Ecology commented that the conversion do not show any alterations to the roof or roof tiles and therefore it was considered a bat preliminary roost assessment was not necessary, as the proposals do not affect roosting features for bats. However if the roof voids will be affected by any works, that a precautionary approach will be needed to minimise the risk of disturbing bats. To prevent impacts on commuting bats during and post construction, it is recommended by Ecology that a bat sensitive lighting scheme be implemented.
- 11.13 Ecology also recommended the proposal include a biodiversity enhancement, in line with the planning system's aim to deliver net gains for biodiversity (enhancements) is implemented. "The inclusion of a bat box situated to 5 metres high on a tree post or building facing north, south-east or south-west and/or a bird box facing between north and east, will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019".

## **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development is deemed to be appropriate in that it would be acceptable sustainable development for a rural area and acceptable in terms of design, layout, amenity, access and parking arrangements, in accordance with local and national planning policies.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the first use of the development hereby permitted, the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided. The access, electric vehicle charging points and parking area shall be retained at all times for their intended purpose.

Reason: To ensure that appropriate access and parking is provided, in accordance with Policy GEN1 and GEN8 of the Uttlesford Local Plan 2005.

3. Prior to first use of the development hereby permitted a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Uttlesford Local Plan 2005.

4. Prior to the first use of the development hereby permitted, a Wildlife Sensitive Lighting Design Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

**Reason:** To comply with Uttlesford District Council duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act and Uttlesford Local Plan Policy GEN7.

