

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 23/02415/FUL

Date Received: 25th September 2023

APPLICANT:

Mr M Butler
Froyz Hall
Halstead
Rayleigh
Essex
CO9 1RS

AGENT:

Miss Grace Gardiner
Whirledge And Nott
Lubbards Farm
Rayleigh
SS6 9QG

DESCRIPTION:

Conversion of two redundant barns to residential accommodation, ancillary annexe, office/workshop and cart lodge

LOCATION:

Boultwoods Farm Rayne Hatch Lane Stisted Essex CM77 8BY

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
Location / Block Plan	2022-632-001	N/A
Proposed Site Plan	2022-632-002 A	N/A
Proposed Ground Floor Plan	2022-632-020 A	N/A
Proposed Roof Plan	2022-632-021 A	N/A
Proposed Elevations	2022-632-022 A	N/A
Proposed Elevations and Floor Plans	2022-632-023 A	N/A
Carport / Cartlodge Details	2022-632-024 A	N/A

DECISION:

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall commence not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

Planning Decision Notice

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

No works shall commence until a schedule of the types and colour of the materials to be used along with samples of the materials to be used on the external finishes of the buildings has been submitted to and approved in writing by the Local Planning Authority. The works shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 4

Prior to installation on site details of all gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures as approved shall be those implemented on site and thereafter retained in the approved form.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

Condition 5

Prior to first occupation of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers of distances, colour and type of material for all hard surfaces areas and method of layout where appropriate, details of all boundary treatments and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing, hard surfaces and boundary treatments contained in the approved details of the landscaping scheme shall be carried out in accordance with the agreed implementation programme.

Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: To enhance the appearance of the development and in the interests of visual and residential amenity

Condition 6

a) No demolition, conversion or alterations can commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation which has been submitted by the applicant for approval by the planning authority.

Planning Decision Notice

b) The applicant will submit a historic buildings report for approval by the local planning authority and confirm deposition of a digital archive with the Archaeological Data Service (ADS).

Reason: : To ensure the proposed works do not prejudice the architectural or historic merits of the building and to ensure the use of appropriate detailing.

Condition 7

Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

Condition 8

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey (Essex Mammal Surveys August 2022), and the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd, August 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 9

Prior to occupation, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey (Essex Mammal Surveys August 2022), and the Bat Emergence and Re-entry Surveys (Arbtech Consulting Ltd, August 2023), 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 prior to occupation and all features shall be retained in that manner thereafter.

Planning Decision Notice

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 10

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authoritys Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Condition 11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and reenacting that Order) no enlargement of the dwellinghouse/provision of any building within the curtilage of the dwellinghouse/alteration of the dwellinghouse, as permitted by Classes A, AA, B or C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason: In order that the local planning authority may exercise control over any proposed future extensions in the interests of residential and visual amenity, and in the interests of the listed building on site and its setting.

Informative(s)

In forwarding the decision for this application, I have to draw your attention to the following:

Informative 1

The publics rights and ease of passage over public byway no.33 (Stisted) shall be maintained free and unobstructed at all times.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Planning Decision Notice


Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP40	Residential Conversion of Buildings in the Countryside
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity

Dated: 18th March 2024

Signed: 

Christopher Paggi
Planning Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

Planning Decision Notice

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

Planning Decision Notice