

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1494 – 4 October 2019****19/00360/FUL****WATERSIDE FARM, THE CHASE, PAGLESHAM****CONVERT EXISTING RURAL BARNs TO FORM TWO  
NUMBER HOLIDAY LETS, WITH ASSOCIATED  
LANDSCAPING**

- 1.1 This item was referred from Weekly List No. 1494 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 17 October 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr Mrs L Shaw referred this item on the following grounds  
  
This area is in flood zone 3, which has been acknowledged by the applicant. It has been suggested that SuDS can be put into the site, but from experience in the village these measures do not work.
- 1.3 Paglesham is green belt but if a development would enhance the area this may be considered. Holiday lets do not fall within this category. The NPPF paragraph 13 145 (d) deals with proposals affecting the Green Belt and states that a building can be replaced ...'provided the new building is in the same use and not materially larger than the one it replaces.' This is not the case in this application.
- 1.4 Barn owls (which are a protect birds) are nesting in the barns - this has again been acknowledged . It is not illegal to remove unused nests but the birds do come back to nesting sites and land owners are advised to be mindful of this.
- 1.5 The applicant does not live in Paglesham but in Brays Lane therefore any problems at the holiday let site could not be addressed promptly.
- 1.6 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.7 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

**2.1 It is proposed that the Committee RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

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**Appendix 1**

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Application No :	19/00360/FUL	Zoning : Metropolitan Green Belt
Case Officer	Ms Julie Ramsey	
Parish :	Paglesham Parish Council	
Ward :	Roche North And Rural	
Location :	Waterside Farm The Chase Paglesham	
Proposal :	Convert existing rural barns to form two number holiday lets, with associated landscaping	

**SITE AND PROPOSAL**

1. The site is located to the south of Paglesham Road at the far end of the village with access via a locked gate at the end of the gravel track, The Chase. The site measures approximately 0.45ha and contains a single storey brick built building, with a gross internal area of some 216m<sup>2</sup> in a horseshoe arrangement around a central courtyard. A dilapidated wooden hay store is located to the south of the site. The design takes the appearance of a block of stables. Historically the use of the building is considered to have been for agricultural purposes, however this use is considered to have lapsed with the building used for residential storage. Therefore, permitted development rights under The Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) Schedule 2 Part 3 Class Q - agricultural buildings to dwellinghouses are not available in this case. The site is located within the Metropolitan Green Belt, the Coastal Protection Zone and Flood Zone 3.
2. The building is located some 122m from the nearest residential properties and some 220m from the main highway, Paglesham Road. The site is accessed via a gravel/grass track and locked gate adjacent to Orchard Cottage. This part of Paglesham is characterised by a number of residential properties, a pub and a boat yard and is served by a limited bus service to Southend-on-Sea and is considered to be a popular destination for visitors to the area.

**PROPOSAL**

3. Planning permission is sought to convert the existing building into two units of self-contained holiday let accommodation, with associated landscaping and parking provision. It is proposed to upgrade the existing track to a permeable surface, centrally grassed and form a small turning area and parking for up to five vehicles, including one disabled space to the front of the building.

RELEVANT PLANNING HISTORY

4. The application site was subject to pre-application reference no. PA/18/00099/PREAPP. The advice provided concluded that as a matter of principle subject to all planning policy requirements being met that there is scope for the conversion to provide holiday residential accommodation.

MATERIAL CONSIDERATIONS

5. The site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014) and therefore needs to be assessed against local Green Belt policies and in relation to the National Planning Policy Framework (NPPF). There is a general presumption against inappropriate development within the Green Belt and development should not be approved, except in very special circumstances (Section 13, paragraphs 143 - 147). Inappropriate development is, by definition, harmful to the Green Belt.
6. Paragraph 146 of the NPPF identifies developments which are not considered to be inappropriate within the Green Belt, provided that the open character is preserved. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The NPPF should be considered alongside the Council's Development Plan Policies. Section 6 - The Green Belt of the Core Strategy policies GB1 and GB2 set out the short and medium term vision for the Green Belt. One aspect of this is the ongoing support of green tourism projects and rural diversification. In particular the acceptance of greater flexibility towards rural diversity has led to a number of bed and breakfasts and hotels facilitating stays within the countryside. One of the long term visions for the district is to be recognised as a tourist destination with good access to the rivers and waterways and increase the number of visitors to the nationally recognised RSPB nature reserve at Wallasea Island. Rural diversification is considered to be of particular importance in allowing other forms of economic activity that is necessary if existing and other rural enterprises are to remain viable.
8. Existing rural buildings already have an impact on the Green Belt openness and therefore the Council considers it appropriate to encourage the conversion of existing rural buildings for small scale employment use in preference to the construction of new buildings. The conversion of rural buildings for bed and breakfasts/small scale hotels is considered to be an appropriate way to realise green tourism within the district.

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9. Green tourism in appropriate locations would need to balance the need to protect the character and openness of the Green Belt with the desire to support and enhance the local rural economy. It is also important to consider the potential ecological value of the site and the potential to support biodiversity.
10. These sentiments are also reflected in the Development Management Plan Policies DM10 to DM23 in which compliance is not, by definition, considered to be inappropriate development.  
The relevant policies in this case are:
11. Policy DM12 - Rural Diversification, which states that, 'rural diversification will be supported so long as it involves an appropriate form of rural activity, as outlined in the Core Strategy, and having regard to the following:
- (i). the need to ensure that the proposed use would not have an undue impact on the openness of the Green Belt, character of the countryside, nature conservation interests, the historic environment, visual amenity or residential amenity;
  - (ii). the need to ensure that the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt or character of the countryside, or place unacceptable pressures on the surrounding highway network;
  - (iii). the sensitivity of the landscape character area to the proposed development;
  - (iv). the impact of the proposal on the agricultural value of the land;
  - (v). where rural diversification for employment opportunities is proposed, the area should have good links to the highway network particularly taking account of highway safety;
  - (vi). where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:
    - (a) not negatively impact on the quality of the listed structure; and
    - (b) not affect the integrity of the existing structure.

**Policy DM13 - Conversion of Existing Agricultural and Rural Buildings in the Green Belt**

12. The reuse or adaptation of existing agricultural and rural buildings will be supported provided that, in addition to the criteria within DM12:
- (i). the application relates to an existing building of permanent and substantial construction;
  - (ii). the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;

Policy DM14 - Green Tourism goes on to state that the conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale

hotels/holiday lets will be permitted in appropriate locations subject to the above policies and:

- a) the application relates to an existing building of permanent and substantial construction; and
- b) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.

13. Overall any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected

#### HISTORIC IMPORTANCE OF EXISTING BUILDING

14. The existing farm building is shown on historic mapping and elements of the historic fabric of the building could be destroyed during the proposed conversion. Therefore it is considered necessary to conduct a full historic building survey to 'preserve by record' the building prior to the commencement of the conversion works. This can be controlled by condition to any grant of planning permission.

#### PRINCIPLE OF HOLIDAY LET ACCOMMODATION IN THIS AREA

15. The NPPF considers residential development within the Green Belt to be 'inappropriate development' unless it can be demonstrated that very special circumstances exist that would outweigh any potential harm. The applicant has stated within the application that the proposed use is C1 - (hotels). As a matter of fact and degree the units proposed can easily operate as independent residential units of accommodation and are considered to fall within the use class C3 - (Residential). However, as outlined within the policies above green tourism and rural diversification are a key focus in Rochford District Council Core Strategy, to support the rural economy and the aim to be a tourist destination and holiday lets, small hotels and bed and breakfast accommodation is considered to be appropriate subject to the criteria outlined above. Therefore, the use of the building should be, by condition, limited to a holiday let use, by restricting the time an individual or group can occupy the premises for and must not be their sole or main place of residence.
16. Despite the constraints within the locality of the site, the site contains an existing building of permanent and substantial construction and it is not proposed to extend the building externally. Therefore, the conversion of the building is not considered to have a significant adverse impact individually or cumulatively on the environment, visually, ecologically or from traffic movements and is well related to a settlement or group of buildings. The close proximity to the river, the local wildlife and Wallsea Island provide valid justification for two small

units of holiday let accommodation in this area. The site is within a rural location however, is very much within close reach of the village of Paglesham and is easy to access via the main highway. The Plough and Sail pub in Paglesham is considered to be a draw to visitors to the area due to its ownership by the Oliver Family and its inclusion in the Good Pub Guide. The wildlife and river estuary are also considered to be an attraction for visitors to the area. Therefore the principle of holiday let accommodation in this area is considered to be acceptable subject to the detailed considerations discussed below.

#### **IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND THE OPENNESS OF THE GREEN BELT**

17. The existing building is of a brick built construction and is in a relatively good condition including the roof which is tiled. No extensions are proposed to the existing building and it is considered that the design approach of the conversion is sympathetic to the character of the existing building and surrounding area by utilising the existing roof trusses, existing openings, and stable door character to any new openings. Visually it is considered that the conversion of the building would not harm the character of the area. With appropriate detailing it is considered that the conversion to holiday let accommodation would result in an enhancement of the immediate setting and bring back into service a disused building enhancing the rural economy.
18. The conversion would provide one three bedroom unit and one two bedroom unit set around a central courtyard area. Any required domestic paraphernalia can be limited to the courtyard area, thus having a negligible impact on the open character of the Green Belt. The units are on one level with a small first floor flood refuge. Each unit is self-contained, comprising of a master bedroom with en-suite, bathroom and open plan kitchen, dining and living area. The proposal is therefore considered to be appropriate in this location.

#### **IMPACT ON RESIDENTIAL AMENITY**

19. The existing building is some 122m from the nearest residential properties and is not considered to have a detrimental impact on the amenity of neighbouring properties in respect of overlooking, dominance and privacy issues. The main issues are the impact of the operation of the development as units of holiday let accommodation in terms of noise and disturbance and increase in traffic movements.
20. Within a holiday let operation it is common practice for the owner/manager of the operation to meet the new arrivals in order for them to gain access to the property and familiarise them with the accommodation. Key boxes with pin codes are also used as well as providing visitors with a contact number in the case of delay or emergency. Generally, the occupiers of holiday lets remain within the

unit in the case of bad weather or tend to spend the day out of the unit visiting the local area.

21. In any case the overall impact of the use of the building as a holiday let is considered to be comparable to that of a residential property and is not considered to have a materially harmful impact on the neighbouring properties over and above that experienced currently from the other properties within The Chase. Refuse collection is undertaken to the properties within The Chase and it is considered that this can be extended to the new holiday lets if required via the new access track. Therefore, the proposed development is considered to be acceptable and policy compliant in these regards.

#### HIGHWAY AND PARKING IMPACTS

22. There are no highway impacts resulting from the development due to the access via a private track. However, the access arrangements from the main highway remain unaltered. A small gravel parking area and turning circle is proposed which would provide 4 parking spaces measuring 2.9m x 5.5m and one disabled space, with a level access footpath constructed to facilitate access to the building. There is also space within the store for the storage of bicycles. Full details of the parking area, in terms of materials and construction method can be requested to be submitted and agreed as a condition to any grant of planning permission.

#### SURFACE WATER AND FOUL SEWAGE

23. This site is in an area where mapping shows that there is a low risk of surface water flooding. The development proposes the disposal of surface water via a Sustainable Drainage System (SuDS) and by utilising the existing pond. Surface water from the site has the potential to run into the adjacent ditch and could enter the nearby estuary, damaging the water quality and surrounding habitat. Full details of the proposed drainage system, including design standard, location, maintenance and management are to be submitted and agreed by condition. The same details are also required to be submitted and agreed for the proposed foul sewage package treatment plant.



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**ECOLOGY AND HABITAT**

24. The site is within the Coastal Protection Belt and adjacent to the Foulness SSSI, The NPPF (2019) paragraphs 174-177 and Policies ENV1 and ENV2 of the Core Strategy are concerned with the protection and enhancement of the natural landscape, habitats and historical and archaeological sites and the protection of the coastline.
25. The application contains various supporting documents forming a full appraisal of the site and recommends mitigation measures where appropriate.

**Habitat and Wildlife protection recommendations:**

- Retain long grass meadow to provide continued habitat for a large range of taxa.
- The creation of log piles, compost heaps and dedicated habitat boxes would benefit invertebrates.
- All works should be undertaken outside the period 1st March to 31st August with all active nests retained until the young have fledged.
- Bird boxes to be installed on site.
- Any log piles of rubble etc, must be removed in the period February to November when reptiles are active.
- Any scrub or grass must be removed from the site in the period November to February when reptiles are inactive.
- Planting of fruit trees on the site would provide additional foraging for badgers.
- Minimise night-working to avoid disturbance to badgers and hedgehogs.
- Cap any pipes overnight to avoid animals becoming trapped.
- Cover trenches, holes or deep pits overnight or use secured planks to enable animals to escape.
- Hedgehog houses should be incorporated into the development site within the hedgerow.

**Bats**

26. The submitted Bat Survey states that given the lack of potential roosting places and absence of any evidence of the presence of bats, no mitigation measures are required. It is probable that bats will forage across the site and this behaviour is considered to continue after the completion of the development.

**Barn Owl Mitigation Plan**

27. A barn owl mitigation plan has been submitted due to a nesting Barn Owl on the site. The mitigation plan provides details of measures

which must be implemented to mitigate any impacts of the development on the barn owls and ensure compliance with legislation.

28. The purpose of the plan is to provide measures to:
- Ensure the continued roosting/nesting provision for barn owls on site while conversion works are carried out.
  - Avoid potential harm and disturbance of roosting/nesting barn owls during the conversion works.
  - Provide permanent roosting/nesting provision for barn owls within the converted building.
29. The mitigation plan sets out detailed recommendations for Pre-Commencement of development, during works and post development which are considered to be acceptable and must be followed in their entirety.

#### FLOOD RISK

30. The application is supported by a full site specific flood risk assessment. As the development ultimately relates to a change of use of an existing building the application of the sequential test and by default the exception test is not applicable in this case.
31. The site is located in Flood zone 3 but is identified by the Environment Agency Flood Zone maps to be in an area which benefits from flood defences. The main area of risk is flooding from the River Roach. The development is not located within the functional floodplain and remains unaffected by flooding up to an event with a 1 in 1000 year return period. However, the risk of flooding is required to include an allowance for 1 in 100 years of climate change. Whilst there is considered some risk of flooding in the future, the impacts of climate change are uncertain and are likely to affect the development in its later years of use. In order to mitigate any flooding impacts, the installation of flood resistance and flood resilience measures can be incorporated into the conversion of the building.
32. The applicant is also advised to sign up to receive flood warnings from the Environment Agency which would allow time for the occupants to vacate the units and return to their main place of residence. An emergency flood plan should be produced and made available to the occupants of the units. A small first floor refuge has been provided within each of the units which would provide a safe place in the event of a flood incident that prevented the occupiers leaving the building.
33. The Environment Agency has no objection to the scheme as the site is currently defended and the Shoreline Management Policy (SMP) for the area has an aspiration to hold the line. Therefore, with the appropriate flood resilience and resistance measures in place the

development is not considered to be of a high risk of flooding to such an extent that would endanger the occupants of the units.

**Representations:**

34. PLACE SERVICES - ARCHAEOLOGICAL ADVICE: No objection subject to a condition requiring a historic building survey prior to the commencement of the works.
35. PAGLESHAM PARISH COUNCIL: No Objection.
36. ENVIRONMENT AGENCY: No objection to the proposal as the site is currently defended and the Shoreline Management Policy (SMP) for this area has an aspiration for hold the line.
37. ECC HIGHWAYS: No comments as the site is located on a private road.
38. RDC ARBORICULTURAL AND CONSERVATION OFFICER: Mitigation measures are acceptable. Nest box should be left following development as an ecological site enhancement.
39. NEIGHBOUR CONSULTATION: Two neighbouring properties were notified of the application. A press notice and site notice were also displayed. Two letters of representation have been received via Kingsley Smith solicitors and representations have been received from the agent in response to these representations.

**Matters raised:**

- "Holiday Lets" is common ground by definition a residential use.
- No information has been submitted with the application to demonstrate an 'unmet' need for holiday let accommodation in this area.
- Has potential to become two bungalows.
- Not considered to be 'green tourism'
- Loss of openness to green belt due to additional domestic paraphernalia.
- Impacts on biodiversity, including Barn Owl present on site.
- Impacts due to flooding.
- Area is a dark sky location and the development will be blighted by this scheme.
- The site is within a coastal protection area where development is restricted.
- Occupiers would be wholly reliant on the Motor Car.
- Development is considered to be the wrong stuff in the wrong place.

- Amenity concerns raised due to increase traffic movements close to existing residential properties, in terms of noise, odours, vibration and emissions.
  - Applicant no longer lives in village and neighbours would bear the brunt of any issues arising from access to the site.
  - Occupiers would have access to adjacent open space which could be used for outdoor recreation activities such as quad bikes resulting in noise and disturbance to residential amenities and wildlife.
40. These concerns, where applicable, are noted and have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Plans: 2842/01, 2842/02 Rev C
- 3 Prior to commencement of the development or preliminary groundwork's a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the agreed programme.
- 4 Prior to commencement of the development hereby approved the all of the Pre-commencement recommendations contained within Section 2.1 of the submitted Smart Ecology Barn Owl Mitigation plan reference 2019-019 dated 04/04/2019 must be fully implemented. In particular no development is to commence if after the mitigation measures are implemented Barn Owls are found to be nesting within the building until the young barn owls have fledged and the nest is no longer in use.
- 5 The recommendations within Section 2.2 During Works and Section 2.3 Post Development of the Smart Ecology Barn Owl Mitigation plan reference 2019-019 dated 04/04/2019 must be fully adhered to at the relevant stages of the development hereby approved, with particular regard to the timings of development and the roost/nest box provided is to be retained after the development in completed.
- 6 Prior to the commencement of any groundworks, a scheme for dealing with surface water drainage from the development by means of a sustainable drainage system (SUDs) must be submitted to and approved in writing by the Local Planning Authority. This must include

details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. The approved drainage scheme must be implemented before the first occupation of the buildings. It must be maintained and managed in accordance with the agreed details.

- 7 Prior to the commencement of the development a scheme of foul drainage for the development approved must be submitted to and approved in writing by the Local Planning Authority and such drainage works will be carried out concurrently with the development hereby approved, or as may be agreed in writing by the Local Planning Authority .
- 8 Prior to the commencement of the development hereby approved details of the proposed flood resilient and flood resistant measures to be incorporated into the development along with an emergency flood plan for the completed development must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Prior to the first occupation of the development hereby approved, the mitigation/compensation measures detailed in the submitted ecological survey conducted by Arbtech and dated 25/02/2019, in particular those which have been specifically identified by the Local Planning Authority within the officer report shall be fully implemented and retained for the lifetime of the development.
- 10 Prior to their first use on site, details or samples of all external materials, including walls, roof, fascia, rainwater goods, rooflights, doors, windows, paving, boundary treatment, access way and parking area to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 11 Prior to the first occupation of the development hereby approved full details of the hard and soft landscaping which shall form part of the development must be submitted to and approved in writing by the Local Planning Authority. The details should include any retention of hedgerow on the site and details of:
  - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - existing trees to be retained;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross-sections if appropriate;

- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc which must be limited to the Courtyard area.

The approved plan shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub, hedge or other plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- 12 The development hereby approved shall not be occupied until the access way, parking and turning areas as shown on the submitted plans have been laid out and surfaced in a material to be submitted to and agreed in writing by the Local Planning Authority. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
- 13 The individual holiday units hereby permitted shall:
  - a. be occupied for holiday purposes only;
  - b. not be occupied as a person's sole or main place of residence;
  - c. not at any time be occupied by any individual or group of persons for a period
  - d. of more than 28 days in any calendar year.

The owners/operators of the holiday lets shall maintain an up-to-date register of the names of all occupiers of each individual holiday let on the site and of their main home addresses and shall make this information available at all reasonable times when requested to do so by the Local Planning Authority.

- 14 No motorised or organised outdoor activities, including but not limited to motor bikes, quad bikes, paintballing, rifle or clay pigeon shooting or archery shall be undertaken within the site at any time.
- 15 Prior to the first occupation of the development hereby approved, details of the proposed refuse and recycling storage and collection and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details.

**Relevant Development Plan Policies and Proposals:**

National Planning Policy Framework (2019)

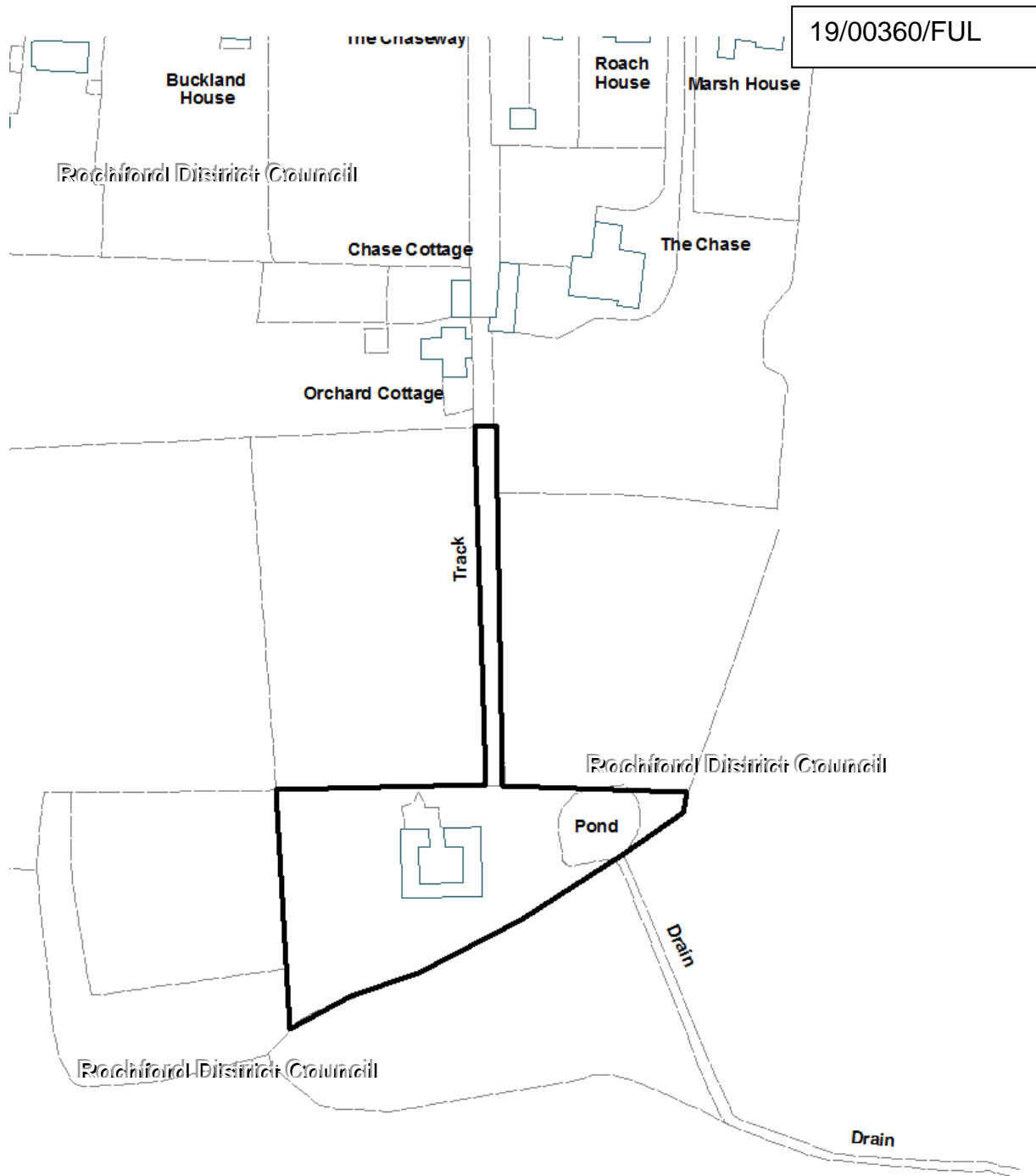
Rochford District Council Local Development Framework Allocations Plan  
(Adopted February 2014)

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011) - GB1 (Green Belt Protection), GB2 (Rural  
Diversification and Recreational Uses), ENV1 (Protection and Enhancement  
of the Natural Landscape and Habitats and the Protection of Historical and  
Archaeological Sites, ENV2 (Coastal Protection Belt) and ENV3 (Flood Risk)

Rochford District Council Local Development Framework Development  
Management Plan (December 2014) - DM12 (Rural Diversification), Policy  
DM13 - (Conversion of Existing Agricultural and Rural Buildings in the Green  
Belt), Policy DM14 - (Green Tourism) and DM30 (Parking standards) and  
DM27 (Species and Habitat Protection).

Parking Standards Design and Good Practice Guide (2009)

The local Ward Member(s) for the above application are Cllr S Wootton  
Cllr G J Ioannou Cllr Mrs L Shaw



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