

## **Braintree District Council**

Town and Country Planning Act 1990 (as amended)  
Town & Country Planning (General Permitted Development) (England) Order 2015  
Schedule II, Part 3

**Application No.:** 24/01563/COUPA

**Date Received:** 19th July 2024

**APPLICANT:**

Mr G Boyd  
C/o Agent

**AGENT:**

Smart Planning Ltd  
Mr Kieron Lilley  
Old School House  
Rettendon Turnpike  
Battlesbridge  
Wickford  
SS11 7QL

**DESCRIPTION:**

Prior approval for the change of use of agricultural buildings to a dwellinghouse (Class C3), and for associated operational development - Change of use to 5no. residential dwellings

**LOCATION:**

Cottons Farm Sculpins Lane Finchingfield Essex CM7 4AY

**APPROVED PLAN(S):**

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	21.7634/M002 A	N/A
Existing Block Plan	21.7634.E101 A	N/A
Existing Floor Plan	21.7634/E102	N/A
Existing Elevations	21.7634/E103 A	Bldg 1
Existing Elevations	21.7634/E104	Bldg 1
Existing Elevations	21.7634/E105	Bldg 2
Proposed Site Plan	21.7634/P201 E	N/A
Proposed Floor Plan	21.7634/P202 C	Units 1-4
Proposed Elevations	21.7634/P203 B	Units 1-4
Proposed Elevations	21.7634/P204 C	Units 1-4
Proposed Elevations and Floor Plans	21.7634/P205 A	Unit 5

**DECISION:**

Braintree District Council as local planning authority has considered your application and submitted plans listed above, and confirms that under Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015, that prior approval of the authority is required and given.

### **Planning Decision Notice**

**Your attention is drawn to the following:**

1. The use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order must be completed within a period of three years starting with the date of this decision.
2. The development shall be carried out in accordance with the details provided with the application only.
3. You are advised that the new dwelling will not benefit from any permitted development rights for dwellinghouses in Part 1 of Schedule 2 to the General Permitted Development Order.
4. You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site. Contaminated land is defined in Part 2A of the Environmental Protection Act 1990(3).

**Condition 1**

The development hereby permitted under Class Q must be completed within a period of 3 years from the date of this prior approval.

Reason This Condition is imposed pursuant to Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Condition 2**

The development hereby permitted shall only be implemented in accordance with the approved plans/documents listed above.

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

**Condition 3**

Prior to first occupation the biodiversity enhancements as set out within the Bat Survey (Undertaken by Essex Mammal Surveys, September 2024) shall be fully provided/implemented on site and thereafter shall be retained in perpetuity.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

**Planning Decision Notice**

**Condition 4**

Prior to first occupation of the development hereby approved a 2.4m parallel band visibility splay shall be provided around the site frontage with Sculpins Lane as measured from and along the nearside edge of the carriageway. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate inter visibility between vehicles using the access and those in the public highway in the interests of highway safety.

**Condition 5**

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

**Condition 6**

Prior to first 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.

Dated: 21st October 2024

Signed:



---

**Christopher Paggi**

Planning Development Manager

Causeway House, Bocking End, Braintree, Essex CM7 9HB

---

## 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](mailto: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