



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr Peter Le Grys - Stanfords
The Livestock Market
Wyncolls Road
Colchester
CO4 9HU

APPLICANT: Mr Lumley
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00857/OUT **DATE REGISTERED:** 31st May 2018

Proposed Development and Location of Land:

**Outline planning application with all matters reserved for a replacement of a single storey dwelling (formerly twin caravans).
Land Adj to Dove Cottage Colchester Road Wix Manningtree**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 1 The application site is located outside of the defined Development Boundary of Wix as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to the planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework that development should be genuinely plan-led and that the Council should actively manage patterns of growth.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable

locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the National Planning Policy Framework. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Wix is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives.

Within the Established Settlement Hierarchy (2016), Wix has no GP Surgery, defined village centre or railway station. Further, the site is located approximately 600m to the Wix settlement, whilst there are no footpaths or street lighting connecting the site to the Wix settlement. The occupiers of the proposed dwelling would therefore be likely to use private motor vehicles for the vast majority of trips, including their day-to-day needs and therefore the proposal fails to meet the social dimension of sustainable development with regard to travel patterns.

The site is in a relatively isolated position within and surrounded by open countryside to the west of Wix and just to the south of the A120. Development in the immediate vicinity is sporadic and the site is well separated from the main village of Wix by approximately 485 metres to the western extremity of the settlement boundary. There are no footpaths or street lighting along this section of Colchester Road.

The village has a primary school; village store/post office; public house; is on a bus route and has some limited employment opportunities. The nearest services such as a railway station; GP/medical centres; food stores; secondary schools and employment opportunities are in the main urban areas of Clacton and Colchester. Despite the bus service this would be a location where the occupants of new housing would generally find it more convenient to use a private car to reach regularly required services such as shops, medical services, employment, and secondary schools.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The application provides insufficient information to demonstrate to that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency. The proposal fails to provide information to demonstrate that a satisfactory means of vehicular access with adequate visibility splays at the junction with the public highway can be provided that would not be to the detriment of highway safety and efficiency.

The plans and supporting information show that the access to the western most point of the site would be utilised to gain vehicular access to the site. The applicant's agent has attempted to demonstrate that visibility splays of 2.4m x 150m can be provided to the west and 2.4m x 87m to the east can be achieved. These visibility splays fall below the required 215m x 2.4m x 215m, whilst the visibility splays provided do not account for the porch to the front of Dove Cottage or the existing mature boundary vegetation, which are clear obstructions to the splay.

The proposal therefore conflicts with Policies QL9, QL10, QL11 and TR1a of the adopted Local Plan that, amongst other things, requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

- 3 The introduction of a dwelling in this location would be an incursion of residential development into an area that is semi-rural in nature and which is defined by a semi-rural nature interspersed with sporadic residential development.

The fact that the dwelling might be of an intrinsically satisfactory design would perform only a neutral factor in the planning balance if the Council could not demonstrate a five year land supply, which it can.

As a consequence, the proposal would conflict with Policy QL9 in that, although the eventual design might be able to incorporate the existing boundary screening, the resulting development would introduce further built development into the semi-rural character of the area and would not make a positive contribution to the quality of the local environment or protect and enhance its local character. Further, the site contains several established trees, in particular three Oaks of such a size and quality that their removal would have a significant adverse impact on the local environment and its enjoyment by the public, and which are afforded formal legal protection via a Tree Preservation Order (reference TPO/18/11). In order to show the proposed dwelling could be implemented without causing harm to the three Oak trees, a tree survey and report to show the extent of a constraint the trees are on the development potential of the land and also to show positions of protective fencing to protect the Root Protection Area of the trees during any construction is required. In this instance no such report has been submitted to demonstrate the development would not result in any harm to the trees present on the site.

Consequently, there would be a clear conflict with the aims of Policy EN1 which seeks to protect, and where possible, enhance the quality of the District's landscape and its distinctive local character. Both policies QL9 and EN1 are consistent with the core aim of the National Planning Policy Framework to recognise the intrinsic character and beauty of the countryside and can be afforded significant weight.

DATED: 26th July 2018

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP3 Housing Density and Standards

PPL3 The Rural Landscape

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

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.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- 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 permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- 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 appeal) of the date of this notice, whichever period expires earlier.