



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Mr David Scarlett
Carringtons Farm
Carringtons Road
Great Bromley
Colchester
Essex
CO7 7UZ

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00950/OUT

DATE REGISTERED: 13th June 2018

Proposed Development and Location of Land:

**Proposed 3 bedroom dwelling.
Plot 11 Clacton Road Elmstead Essex**

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 a defined Settlement Development Boundary 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 (2018) state that the planning system should be genuinely planned, 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.

Furthermore the NPPF (2018) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this application, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led

approach.

With this in mind, the emerging Local Plan also 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. Elmstead Market is categorised in emerging Policy SPL1, along with five other villages, as a 'Rural Service Centre', which are capable of small scale growth with a modest increase in housing stock. However the application site is not located within the Elmstead Market Defined Settlement Boundary both within the existing and the emerging Local Plan. These boundaries aim to restrict new development to the most sustainable sites and outside of the boundary 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.

At the time of the decision, large sites on the edge of Elmstead Market had already obtained planning permissions to deliver a total of up to 269 dwellings, representing an approximate 33% increase in the village's housing stock. For the proposed plan period to 2033, Elmstead Market is therefore already expected to accommodate a greater level of housing development than envisaged in the emerging Local Plan. When considered in relation to the objectively assessed housing need for Tendring, further development around Elmstead Market will bring about a highly disproportionate level of growth for the village, which runs contrary to the core principle of the National Planning Policy Framework to actively manage sustainable patterns of growth, and the thrust of the spatial strategy in both the adopted and emerging Local Plans.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal 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 paragraph 17 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The National Planning Policy Framework (2018) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 of the NPPF states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to the local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. Saved Policy EN1 relates to landscape character and states, inter alia, that the quality of the district's landscape and its distinctive local character will be protected and where possible, enhanced. The policy also seeks to conserve the settings and character of settlements and any development proposals which could visually detract from settlement characteristics will be considered harmful. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

This section of Clacton Road is characterised by small plots of land in separate

ownership. The construction of a dwelling in this location would result in the removal of the mature roadside hedge to facilitate the construction of the site access. The removal of a section of this mature hedgerow would erode the semi-rural character prevalent at the eastern entrance into the village and represent an undesirable precedent for further piecemeal ribbon development extending eastwards along Clacton Road. The development would result in the unwarranted erosion of the soft transition from the rural character to the east into the built form of the village to the west to the detriment of the character of the area and contrary to the aforementioned local and national planning policies.

- 3 As far as can be determined from the submitted plans the applicant does not appear to own or control sufficient land to provide the access with adequate vehicular visibility splays contrary to the recommended minimum standards for highway safety. Essex County Council Highways have requested any site access be afforded 2.4m x 215m visibility splays in both directions. The submitted plans do not suitably demonstrate that these splays can be achieved on land in the applicant's ownership.

Furthermore, the development of the plot with a single dwelling utilising a single access point onto the busy Clacton Road would set an undesirable precedent for a proliferation of multiple vehicular accesses onto a high speed 'A' road.

The proposed development is therefore contrary to Saved Policy TR1a of the Tendring District Local Plan (2007) which requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic.

DATED: 8th August 2018

SIGNED:



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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

SP1 Presumption in Favour of Sustainable Development

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.