



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:

Mr Ron Cross
226A St Johns Road
Clacton On Sea
Essex
CO16 8DE

APPLICANT:

Mr A Smith
Caravan at rear of
Land adjacent Fat Goose PH
Heath Road
Tendring
Essex
CO16 0BX

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01093/OUT

DATE REGISTERED: 2nd July 2018

Proposed Development and Location of Land:

**Proposed 5 No. detached dwellinghouses, garaging and parking spaces.
Land adjacent Fat Goose PH Heath Road Tendring 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 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. Tendring Heath is not categorised in emerging Policy SPL1. Therefore the application site is not located within any 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.

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 the National Planning Policy Framework (2018) and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The development proposal to erect 5 no. dwellings is contrary to Policies QL1, QL11, HG13 and EN1 of the adopted Tendring District Local Plan (2007), Policies SPL1, LP7, LP8 and PPL3 of the Tendring District Local Plan 2013 - 2033 and Beyond Publication Draft (2017). The aforementioned Development Plan policies state (amongst other things) that the countryside shall be protected from inappropriate forms of development to ensure the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Further, the policies state that backland development will not be permitted where it would be out of character with the pattern of development in the locality, set a harmful precedent and comprise of a long narrow driveway.

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 application proposal involves erecting 5 no. further dwellings on a greenfield site within the open countryside and set back away from the ribbon development along the Heath Road frontage. The proposed development would be substantial and significant and no special or extenuating circumstances exist to justify need. The proposed development would impact significantly on the openness of the surrounding landscape, by reason of its scale, siting and appearance, and represent an unnecessary and intrusive form of development within the countryside.

The provision of a long narrow driveway through the development to the north flanked by houses and fencing enclosing rear gardens would appear overly harsh and urban in this semi-rural location as there would be no space for planting to soften its appearance. As such the development would be wholly out of character with the linear form of ribbon development in the vicinity and would set a harmful precedent for other similar backland development within the area.

The proposed development would therefore be out of keeping within its surroundings

and constitute an inappropriate form of development that would neither enhance nor conserve the countryside for its own sake, and detract from the open character of the landscape and the settlement pattern. As such the proposed development would not comply with the aforementioned local and national planning policies.

- 3 The offset angled connection to the access and connection to Heath Road is liable to be obstructed by either parked or manoeuvring cars associated to the approved plots to the north. The obstructions and poor geometry are likely to be hazardous to highway users and may lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction and congestion or vehicles reversing into the highway contrary to highway safety.

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: 17th August 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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

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)

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP7 Self-Build and Custom-Built Homes

LP8 Backland Residential Development

CP1 Sustainable Transport and Accessibility

PPL3 The Rural Landscape

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 reasons 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.