



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Tim Harbord
Tim Harbord Associates
Peg Tile Court
3 Church Street
Lavenham
Sudbury
CO10 9QT

APPLICANT: Mr T Munson
Bramley House
Harwich Road
Wix
CO11 2SA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00930/FUL

DATE REGISTERED: 14th June 2018

Proposed Development and Location of Land:

**Erection of Class B8 storage building for use by existing parcel courier business and construction of concrete hardstanding.
Green Farm Oakley Road Wix Manningtree**

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

- Paragraph 124 of National Planning Policy Framework 2018 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments function well, are safe and accessible, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding landscape setting. Furthermore, Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing the landscape. Furthermore Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The preamble of Saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in rural locations providing they have an acceptable impact on visual amenity. Saved Policy ER7 itself states that in rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks

to ensure that development makes a positive contribution to the quality of the local environment and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake. Furthermore, saved Policy QL10 of the adopted plan states that all new development should meet functional requirements by ensuring that access to the site is practicable and the highway network will be able to safely accommodate any additional traffic the proposal will generate.

Emerging Policy SPL3 of the Publication Draft states that new buildings should be well designed and should relate well to its site and surroundings and minimise any adverse environmental impacts. Emerging Policy PPL3 of Publication Draft states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

There is a severe lack of information and justification for the building, its size and siting and how it will impact upon the use and layout of the existing site and buildings. The site and buildings are sufficient to accommodate the size of the business at present and the proposal will not result in any additional jobs. There are no significant economic benefits that would arise from the development.

In this instance, the artificial and contrived sub-division of the adjacent agricultural field to accommodate an 8 metre high building with a 540 square metre footprint and a large area of hardstanding is considered contrary to the aims of the aforementioned national and local plan policies resulting in demonstrable harm to the character and appearance of the area.

It is accepted that the design of the building mimics that of the adjacent agricultural buildings and is set back from the highway somewhat, however, the proposal is not for agricultural purposes, is larger than the adjacent buildings and encroaches into the open countryside beyond existing buildings and boundaries of the farm and site complex. The siting of this bulky building within this open agricultural field and visual break in the built form fails to make a positive contribution to the landscape setting. No consideration appears to have been given to a more sympathetic siting within the existing complex or the option of an extension to the existing buildings explored. The application fails to provide a reasonable justification for the development and no economic benefits that would outweigh the visual harm. Furthermore, the development would set a precedent for the further erosion of the countryside as the business grows further.

The information provided relating to soft landscaping does not adequately demonstrate that a sufficient level of screening will be achieved, within a reasonable time scale. The chosen species selected may achieve a height of 8 metres when fully mature but this would take in excess of 20 years. Nevertheless, the siting and size of the building are considered unacceptable for the reasons set out above and landscaping would not overcome the overriding harm resulting from the development.

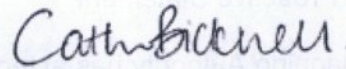
- 2 Paragraph 108 of the National Planning Policy Framework 2018 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the traffic the proposal will generate. Furthermore, Saved Policy TR1a requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft June 2017. Furthermore, the Essex County Council Parking Standards 2009 provides guidance on sufficient parking provision.

The application fails to demonstrate that provision of off street parking for the 40 employees, visitors and van parking for 17 vans can be achieved. The additional hardsurfaced area linking the 2 sites is in an area shown as parking on the site layout plan. This parking area will therefore be lost and no replacement shown. There is a gap between the hedgerow and this is shown on the proposed plan as being left open. This may lead to the creation of an additional vehicular access to the site with no vehicular visibility splays provided. It is further understood that the application also includes the provision of sodium lighting which is not identified within the application details. The location of any sodium lighting and the proximity to the highway may introduce additional hazards to the highway user.

Due to the lack of parking for staff, visitors and vans, lack of allocated turning areas, lack of visibility splays and lack of detail in relation to the proposed lighting the development is wholly unacceptable in highway safety terms being contrary to the aims of the aforementioned policies.

DATED: 25th September 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

EN1 Landscape Character

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

ER11 Conversion and Reuse of Rural Buildings

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

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

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 Agent. 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.