



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: GH Day & Son
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01304/FUL **DATE REGISTERED:** 8th August 2018

Proposed Development and Location of Land:

**Replacement of an agricultural building with a single storey building for B1 business purposes.
Glebe Farm Harwich Road Beaumont Clacton On Sea**

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)

- 1 Paragraph 83 of the National Planning Policy Framework (2018) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to add that proposals may be acceptable to meet local business and community needs in rural areas may be acceptable in locations adjacent or beyond existing settlements where they exploit any opportunities to make a location more sustainable. Paragraph 84 also states that sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Paragraphs 102 and 103 of the National Planning Policy Framework (2018) state that opportunities to promote walking, cycling and public transport should be identified and pursued and that the planning system should actively manage patterns of growth. Paragraph 103 goes on to confirm that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering genuine choice of transport modes.

Saved Policy QL1 of the Tendring District Local Plan (2007) states that the spatial strategy for the Tendring District follows established national and regional principles for sustainable development. The policy confirms that outside of defined settlement boundaries only development which is consistent with countryside policies will be permitted.

Saved plan Policy ER7 of the Tendring District Local Plan (2007) states that in rural location permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated.

Emerging local plan Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that to support growth in the rural economy

the Council may grant planning permission outside of defined settlement development boundaries for the conversion or re-use of rural buildings in the countryside to employment, leisure or tourism uses.

In this instance the proposal relates to the erection of a new building to accommodate a B1 office use in a rural location outside of any defined settlement boundary. The location of the site significantly detached from any settlements or public transport links would result in future employees being heavily reliant on a private motor vehicle to access the site, contrary to the aims and aspirations of the aforementioned local and national planning policies. The construction of a new office building not directly relating to a rural conversion scheme in this isolated rural location would therefore represent an unsustainable form of development in conflict with national planning policy.

- 2 Due to the intensification in the use of the vehicular access Essex County Council Highways have requested improved visibility splays of 2.4m x 120m in both directions given that the speed limit in this location is 60mph. The resultant splays would necessitate the removal of large section of mature roadside hedging to both the north-east and south-west of the site which would be significantly detrimental to the rural character of the locality. The removal of the hedging would also open up views of the existing built form and the proposed office building further eroding the rural appearance of the locality.

The development would therefore lead to significant environmental harm contrary to saved Policy EN1 of the Tendring District Local Plan (2007) and emerging Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which state that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. The policies go on to state that features that contribute to local distinctiveness, including hedgerows, will be conserved.

DATED: 3rd October 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

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

ER11 Conversion and Reuse of Rural Buildings

COM1 Access for All

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)

SPL3 Sustainable Design

PP6 Employment Sites

PPL3 The Rural Landscape

PP13 The Rural Economy

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.