



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Young
Local Planning Services
Middleborough House
16 Middleborough
Colchester
CO1 1QT

APPLICANT: Ms Meunier
Stone Hall
55 London Road
Little Clacton
Clacton On Sea
Essex
CO16 9RB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01315/FUL

DATE REGISTERED: 14th August 2018

Proposed Development and Location of Land:

**Retention of two static caravans for a twelve month period.
Stone Hall 55 London Road Little Clacton 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)

- Paragraph 190 of the National Planning Policy Framework (2018) states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and should take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 194 of the National Planning Policy Framework (2018) states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the National Planning Policy Framework (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Saved Plan states development within the proximity of a Listed Building that would adversely affect its setting, including group value and long distance views, will not be permitted.

Policy HG21 (ii) of the Adopted Local Plan 2007 states proposals for static caravans for residential occupation will only be permitted if there is a clear and identifiable temporary need for the accommodation.

The submitted information has provided no justification to explain why the existing residential dwelling is not able to be occupied. Further, no application to obtain either Planning Permission or Listed Building Consent has been forthcoming, whilst no schedule of works to justify the need for a lengthy twelve month temporary permission

has been provided. It is therefore considered that a clear and identifiable temporary need for the accommodation has not been provided and thereby fails to accord with the above policies resulting in harm to the setting of the Grade II Listed Building Stone Hall.

This less than substantial harm to the setting of Stone Hall needs to be assessed against the demonstrated public benefits of the proposal, of which there are none, with the listed building already in its optimum viable use. The proposal does not therefore provide clear and convincing justification for the harm to the setting of the listed building, contrary to the above paragraphs of the National Planning Policy Framework (2018).

DATED: 9th October 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

EN23 Development Within the Proximity of a Listed Building

HG21 Residential Mobile Homes, Static Caravans and Houseboats

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL9 Listed Buildings

SPL3 Sustainable Design

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.

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.