



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**AGENT:** Mr Richard Page  
Whymark & Moulton Ltd  
14 Cornard Road  
Sudbury  
CO10 2XA

**APPLICANT:** Sibbons (Alresford) Ltd  
C/o Agent

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01293/OUT

**DATE REGISTERED:** 20th August 2018

Proposed Development and Location of Land:

**Proposed residential development of nine detached dwellings.  
Land at Tenpenny Farm St Osyth Road Alresford 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 site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). 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. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the National Planning Policy Framework 2018 (NPPF2). Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, 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.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF2. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan as referred to above.

Alresford is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Rural Service Centre within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. The application site abuts the extended boundary for Alresford. Therefore the extent of growth planned for the area does not include this site. There are more sustainable locations for growth.

In applying the NPPF'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 NPPF2 and contrary to the development plan.

- 2 Paragraph 127 of the National Planning Policy Framework 2018 (NPPF2) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. 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 is appropriate in its locality 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 by not allowing new housing unless it is consistent with countryside policies.

Furthermore, saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites will only be approved where it meets specific criteria. Such criteria includes the site being located within the defined settlement development boundary and the development being in keeping with the character of the area.

The backland siting of the development in a locality predominantly characterised by linear, road frontage development fails to meet the aims of saved Policy HG13 of the adopted Local Plan and emerging Policy LP8 of the draft Local Plan. The built form to the rear of the dwellings in the vicinity relate to sporadic commercial or agricultural uses and do not form part of the residential character of the area.

The landscape character has a sparse and dispersed settlement pattern and is particularly sensitive to change. Any development needs to minimise and mitigate any potential harm. The development proposal does not address the aspirations of the Landscape Management Strategy section of the Councils LCA and would have a permanent adverse impact on the character and appearance of the local landscape character.

As a result of the development the site would be urbanised. Its existing open and undeveloped character to the rear of the linear frontage would be eroded. It would be replaced with housing, its long access road, hardsurfaced driveways and its associated paraphernalia. Development on the site would result in a fundamental change to its character and appearance setting a harmful precedent for further development of land to the rear. Although development would be reasonably well contained in relation to longer range views, the result would still be a bulge of houses out into the countryside setting in this area.

The introduction of 9 new dwellings in the location proposed would constitute an unacceptable form of backland residential development resulting in overriding harm to

the character of the area and landscape character.

- 3 Saved Policy EN1 relates to landscape character and states, inter alia, that development control will seek in particular to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

On land adjacent to the western boundary of the application site forming part of White House Farm Nurseries there is a row of mature Oaks that feature prominently in the landscape and make a positive contribution to the character and appearance of the local environs. The trees are mature healthy specimens, some approaching veteran stage, that make a positive contribution to the character and appearance of the area. The trees are afforded formal legal protection by Tree Preservation Order TPO/16/05 White House Farm, St Osyth Rd, Alresford. Whilst the removal of the trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones.

In order to show that the development could take place without causing harm to the trees a detailed Tree Report and Survey should be submitted. In this instance no such report has been submitted. These issues are matter of principle and it has not been demonstrated that the development would not result in any harm to the mature trees present on the boundary of the site.

Furthermore, the application fails to demonstrate that a satisfactory juxtaposition between the trees on the western boundary and the proposed dwellings can be achieved in terms of the impact on the private amenity spaces of the proposed dwellings: potential impact issues include - leaf litter, debris, shading and the future resident's perceptions of the trees.

Consequently, the development is contrary to the aforementioned local plan policy.

**DATED:** 15th October 2018

**SIGNED:**




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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

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

EN1 Landscape Character

EN6 Biodiversity

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

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.