



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:

CFL Planning & Building Design
Ltd
46 Marine Parade West
Clacton-On-Sea
Essex
CO15 1NB

APPLICANT:

Mr K Gill
Wensley Stud
Rectory Road
Weeley Heath
Clacton On Sea
Essex
CO16 9BH

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION NO: 18/01643/FUL

DATE REGISTERED: 28th September 2018

Proposed Development and Location of Land:

**Proposed cart-lodge & tack room (including office use above).
Wensley Stud Rectory Road Weeley Heath 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 The proposed cart lodge/office building is contrary to saved policies EN1, COM12 and QL9 of the Tendring District Local Plan (2007). Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted. Policy COM12 (Equestrian Uses) relates to equestrian related development and states that the development will be considered in relation to the nature and scale of the use and the impact of the built development on the character of the countryside. Policy QL9 (Design of Development) seeks to ensure that new buildings, alterations and structures are well designed and should maintain or enhance local character and distinctiveness and also to ensure that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.


Whilst it is acknowledged that additional information has been provided in an attempt to justify the size of the structure it is not considered that the information provided is sufficient to prove that a building of this bulk and size is reasonably required for the purposes of the commercial stud farm or to meet the functional needs of the key rural workers that are to reside on the site.

The proposed building would accommodate part domestic uses and uses associated with the commercial operation of the stud farm. The large footprint and mass of the building in conjunction with its high ridge height would appear at odds with the rural character of the locality and, given the presence of several other equestrian buildings present on the stud farm and the approval of a large key rural worker's dwelling, the building would appear to be disproportionate to the needs of the rural enterprise and those of the future residents of the associated dwelling.

Given the modest size of the site and the number of current/consented buildings on the land it is not considered that the rural enterprise can sustain a further building of this scale. As such the development, if approved, would result in an excessive accumulation of buildings on this rural site without a demonstrated need and due to the massing and height of the building would adversely harm the rural character of the area.

DATED: 20th November 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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN16 Agricultural and Related Development

COM12 Equestrian Uses and Buildings

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

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

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 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.