



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Simon Tankard  
Stour Valley Design  
Swan Corner  
Mill Lane  
Bradfield  
Manningtree  
Essex  
CO11 2UT

**APPLICANT:** Mr and Mrs David Leech  
Evenlode  
Straight Road  
Bradfield  
Manningtree  
Essex  
CO11 2RA

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01478/FUL

**DATE REGISTERED:** 5th September 2018

Proposed Development and Location of Land:

**Proposed detached garage.  
Evenlode Straight Road Bradfield 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)

- 1 The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. 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.

Saved Policy QL9 states that all new development should make a positive contribution to the quality of the local environment, new buildings must be well designed and maintain local character, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. These sentiments are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Saved Policy HG12 of the adopted Tendring District Local Plan (2007) deals with extensions to dwellings outside Settlement Development Boundaries and states that proposals should only be permitted if it (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive contribution to its setting and (ii) is well related and in proportion to the original house.

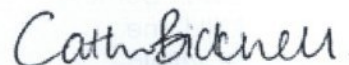
The height of the proposed outbuilding will be over 4m with its depth and width matching that of a double garage. The host dwelling comprises of a chalet bungalow type dwelling meaning that a proposal of this size and scale would dominate the site and existing dwelling.

The frontages of Straight Road are predominantly open or enclosed by low level hedging contributing to the spacious character of the area. Many of the surrounding dwellings have outbuildings which are sited to the side or rear of their dwellings.

The proposed outbuilding, by virtue of its siting forward of the dwelling and size will result in an incongruous form of development within the street scene, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies.

**DATED:** 23rd November 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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

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.

The attached notes explain the rights of appeal.

<p>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.</p>		<p>If you want to appeal, then you must do so within the set time limits as outlined below. There is a table in the planning application for a house which 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 the notice. A Householder Appeal Form is required available online at <a href="http://www.gov.uk/land-use-appeals">http://www.gov.uk/land-use-appeals</a>.</p>
<p>If this is a decision to refuse planning permission for a third or subsequent 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 the notice. A Planning Appeal Form is required available online at <a href="http://www.gov.uk/land-use-appeals">http://www.gov.uk/land-use-appeals</a>.</p>		<p>If you want to appeal against your local planning authority's decision on a development which is not caught by a time limit above then you must do so within 6 months of the date of the notice. A Planning Appeal Form is required available online at <a href="http://www.gov.uk/land-use-appeals">http://www.gov.uk/land-use-appeals</a>.</p>
<p>Appeals must be made using the relevant form (as set out above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6BN (Tel: 0303 44 5000) or online at <a href="http://www.gov.uk/land-use-appeals">http://www.gov.uk/land-use-appeals</a>. Please note, only the applicant assesses the right to appeal.</p>		
<p>The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be required to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.</p>		
<p>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 conditions imposed having regard to the statutory requirements as to the functions of the development and its implications given under a development order.</p>		
<p>In practice, the Secretary of State does not appear to consider appeals solely because the local planning authority has decided on a refusal given by the Secretary of State.</p>		
<p>If a local planning authority's planning application referred to the Secretary of State, the Secretary of State and development is already the subject of an enforcement notice, it will not want to appeal against your local planning authority's decision on your application then you must do so within 6 weeks of the date of the notice.</p>		
<p>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, you must do so within 12 weeks of the date of the notice of the enforcement notice. If you do not do so within 12 weeks of the date of a notice of the enforcement notice, the date of the notice of the enforcement notice will be the date of the enforcement notice.</p>		

## 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.