



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Mr Robin Bryer  
Gallery Cottage  
Princes Place  
Closworth  
Yeovil  
Somerset  
England  
BA22 9RH

**APPLICANT:** Nash and Sharpe  
2 Edith Road  
Clacton On Sea  
Essex  
England  
CO15 1JU

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01780/OUT

**DATE REGISTERED:** 23rd October 2018

Proposed Development and Location of Land:

**Change of use from guest house to six bedsits and two one-bedroomed flats.  
10 Edith Road Clacton On Sea Essex CO15 1JU**

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 National Planning Policy Framework (2018) states the Government is committed to securing economic growth in order to create jobs and prosperity, and is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

Saved Policy ER24 of the Tendring District Local Plan (2007) states proposals for the change of use of existing hotels and guest houses in the centres of the coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable. The pre-ambles refer to the steady decline in serviced tourist accommodation and recognise the need to retain and upgrade the existing stock of hotels and guest houses, particularly within the core resort areas of the main resorts. The sentiments of this are carried forward within Policy PP9 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft, where it states that within defined centres and along the seafront within the district's coastal towns, the Council will refuse proposals for the change of use or redevelopment of existing hotels and guesthouses to alternative uses, either in part or in whole.

The marketing information provided is approximately 18 months out of date and is not conclusive that the property was ever marketed solely as a guest house. There is also a lack of information to identify what interest had been shown in the property and what the reasons were for why this interest did not materialise into a purchase. The marketing information provided is therefore not considered to be of a sufficient nature to demonstrate the site's current guest house use is no longer viable.

The proposal therefore results in the loss of a guest house within the centre of the District's main coastal resort of Clacton-on-Sea contrary to the NPPF, Saved Policy ER24 and Emerging Policy PP9, to the detriment of the tourist economy.

**DATED:** 18th December 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

EN17 Conservation Areas

ER24 Protection of Hotels and Guest Houses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

LP11 HMO and Bedsits

PPL8 Conservation Areas

PP9 Hotels and Guesthouses

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 reason(s) for the refusal, approval has not been possible.

**The attached notes explain the rights of appeal.**

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 18 of the Town and Country Planning Act 1990.

If you want to appeal, you must do so within the set time frame as outlined below.

a. If this is a decision to refuse planning permission for a household 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 Household Appeal Form is reviewed available online at <http://www.localplanning.org/pea>.

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 the notice. A Planning Appeal Form is reviewed available online at <http://www.localplanning.org/pea>.

c. If you want to appeal against your local planning authority's decision on a development which is not exempt from the normal rules, you must do so within 6 months of the date of the notice. A Planning Appeal Form is reviewed available online at <http://www.localplanning.org/pea>.

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 <http://www.localplanning.org/pea>. 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 being attached, or if any conditions given under a development order.

In practice, the Secretary of State does not refer to consider appeals solely because the local planning authority based its decision on a decision given by the Secretary of State.

**ENFORCEMENT**

If there is a breach of a planning condition relating to the use of a building, the same land and development as is specified in the condition, or if you want to appeal against your local planning authority's decision, then you must do so within 28 days of the date of the notice.

If an enforcement notice is served, you must do so within 28 days of the date of service of the enforcement notice, or within 28 days of the date of service of a notice of appeal, or within 28 days of the date of the notice, whichever period expires earliest.

## 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.