



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Mr Nigel Chapman  
Nigel Chapman Associates  
Kings House  
Colchester Road  
Halstead  
CO9 2ET

**APPLICANT:** Mr and Mrs P French  
Home Farm  
119 Harwich Road  
Mistley  
Essex  
CO11 2DN

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/00158/FUL

**DATE REGISTERED:** 30th January 2019

Proposed Development and Location of the Land:

**Proposed swimming pool building and roof to connect two existing outbuildings.  
Home Farm 119 Harwich Road Mistley Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 18/1001/1 Revision B, 18/1001/2 Revision B, 18/1001/3 Revision B, 18/1001/4 Revision B, 18/1001/6 Revision A and 18/1001/7 Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall be commenced until samples of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site is within a sensitive location and it is important that the materials used are of a high quality, in the interests of visual amenity and protecting the character and appearance of the Grade II Listed Building.

**DATED:** 26th March 2019

**SIGNED:**

*Cathie Baker*

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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 February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN23 Development Within the Proximity of a Listed Building

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)

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Standard Informative 1:** The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

**Standard Informative 2:** You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section

at Tendring District Council.

**Standard Informatve 3:** If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

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

- If you want to appeal, then you must do so within the set time frame as outlined below
- If this is a detailed or reserved planning permission for a residential 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 <http://www.dorsetcouncil.gov.uk>
- If this is a detailed or reserved planning permission for a major residential 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 <http://www.dorsetcouncil.gov.uk>
- If you want to appeal against your local planning authority's decision on a development which is not caught by a reserved or detailed notice, you must do so within 6 months of the date of the notice. A Planning Appeal Form is required available online at <http://www.dorsetcouncil.gov.uk>
- Appeals must be made using the table and form for detailed cases which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay Bristol, BS1 6PL (Tel: 0202 44 5000) or online at [www.gov.uk](http://www.gov.uk)
- 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 consent to an appeal if it seems to the Secretary of State that the local planning authority could not have granted it without the conditions imposed having regard to the statutory requirements for the proposed development or to any other matters relevant to the proposed development.
- In practice, the Secretary of State does not usually consider appeals solely because the local planning authority has passed its decision on a development given by the Secretary of State.

**ENFORCEMENT**

- If there is a breach of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you must appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you must do so within 28 days of the date of the enforcement notice or within 6 months if it is also in the case of a foundation or minor development notice on the date of the enforcement notice period expires earlier.

## 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 <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.