



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Tyrone Harris  
19 Chuzzlewit Drive  
Chelmsford  
Essex  
CM1 4XQ

**APPLICANT:** Mr Rob Scott  
Cherry Tree Cottage  
Clacton Road  
Horsley Cross  
Manningtree  
Essex  
CO11 2NP

#### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

**APPLICATION NO:** 19/00530/LBC

**DATE REGISTERED:** 30th April 2019

Proposed Development and Location of Land:

**Proposed single storey rear extension to form an orangery.  
Cherry Tree Cottage Clacton Road Horsley Cross Manningtree**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE LISTED BUILDING CONSENT** in accordance with the application form, supporting documents and plans submitted, for the following reason(s):

- 1 Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

A heritage statement has not been submitted as part of this application. A full assessment of the buildings significance has not been considered by the applicant and therefore it is not compliant with Paragraph 189 of the National Planning Policy Framework (2019).

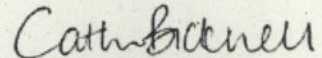
Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The building has been subject to recent extension of significant size. The principle of the proposal is not supported as it seeks to further extend the listed building. The cumulative effect of the various extensions will create a footprint which is substantially larger than the host building and in no way subservient. This extensive cumulative footprint would not only detract from the architectural interest and aesthetic value of Cherry Tree Cottage but the wider group listing as a whole.

The identified less than substantial harm caused to the heritage asset is not outweighed by any public benefits. Consequently, the proposal fails to accord with paragraph 196 of the National Planning Policy Framework (2019) and the afore-mentioned local and national planning policies.

**DATED:** 25th June 2019

**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 February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

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

PPL9 Listed Buildings

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.**

## NOTES FOR GUIDANCE

## ABOUT LISTED BUILDING AND CONSERVATION AREA APPLICATIONS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse Listed Building consent or Conservation Area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a **Conservation Area / Listed Building Appeal Form (whichever is applicable)** which is obtainable from the Planning Inspector, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State has power to allow a longer period for the giving of a notice appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. **Please note, only the applicant has the right of appeal.**
2. If Listed Building consent or Conservation Area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, a purchase notice requiring that the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (listed Building and conservation areas) Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation areas) act 1990.
4. Identical rights of appeal exist if an applicant is aggrieved by the decision of the local planning authority in relation to an application made on that behalf:-
  - a) To refuse, to vary or to discharge the conditions attached to a Listed Building consent or Conservation Area Consent  
or
  - b) To add new conditions consequential upon any such variation or discharge.