



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:

Mr Jason Parker
Parker Associates Limited
The Beeches
Church Road
Fingringhoe
Colchester
CO5 7BN

APPLICANT:

Mr David Coss
Plains Farm
Plains Farm Close
Ardleigh
Essex
CO7 7QU

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPLICATION NO: 19/00679/LBC

DATE REGISTERED: 30th April 2019

Proposed Development and Location of Land:

**Proposed rebuild of existing cartlodge.
Plains Farm Plains Farm Close Ardleigh Essex**

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.

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. Policy EN23 of the Saved Plan states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. 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.

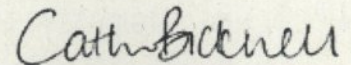
In this instance the proposal is for the dismantling and rebuilding of the existing cartlodge, which forms part of the setting of the Grade II Listed Plains Farmhouse building.

The submitted heritage statement does not mention a likely date for the cartlodge's construction, nor the extent of any surviving early fabric within the building. A search of the historic mapping covering the site shows a building of similar dimensions in exactly the same place, as early as the Ordnance Survey 1st edition, 1862-96, with subsequent editions also showing an identical structure. Therefore, it is possible that some nineteenth century fabric (or earlier) could remain within the building to be demolished. There is therefore potentially more historical significance to the relationship between the existing cartlodge and the Listed Building.

The heritage statement has not made a full assessment of the buildings significance and therefore, it is not compliant with paragraph 189 of the National Planning Policy Framework (2019). The identified less than substantial harm caused to the heritage asset is not outweighed by significant public benefits. Consequently, the proposals 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:



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

EN23 Development Within the Proximity of a Listed Building

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

PPL9 Listed Buildings

Within any future re-submission of this application, a robust heritage statement, that provides evidence for the approximate date of the building's construction and the extent of any early/original fabric, is categorically required. The demolition of the building will undoubtedly have an impact on the setting of the Listed building and the heritage statement will need to assess this impact. In addition, the impact of any new design upon the Listed building's setting will also need to be assessed. This level of detail is in proportion to the to the importance of the Listed building and its setting and is no more than is required to understand the potential impact of the proposal, as stated in paragraph 189 of the NPPF.

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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.