



## 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 Coxs  
Plains Farm  
Plains Farm Close  
Ardleigh  
Essex  
CO7 7QU

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/00678/FUL

**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 PLANNING PERMISSION** 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

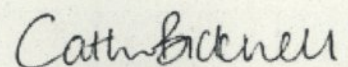
the same place, as early as the Ordnance Survey 1st edition, 1862-96, with subsequent editions also showing an identical structure. Therefore, it is possible that some nineteenth century fabric (or earlier) could remain within the building to be demolished. There is therefore potentially more historical significance to the relationship between the existing cartlodge and the Listed Building.

Further, with regard to the design of the proposed new building, the opportunity to enhance the setting of the listed building has not been fully realised with the choice of roofing materials, simply replicating the existing profile steel roof covering instead of a material that compliments the tiles of the Grade II 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:**




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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

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)

SPL3 Sustainable Design

PPL9 Listed Buildings

Future Application:

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

### 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

#### 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.