



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Mrs Kim Carl
22 Penfold Road
Clacton On Sea
Essex
CO15 1JN

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00984/FUL

DATE REGISTERED: 11th July 2019

Proposed Development and Location of Land:

**Proposed change of use from bed and breakfast to single residential dwelling.
Seashells 22 Penfold Road Clacton On Sea 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 The government states in the National Planning Policy Framework that it 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 growth.

Saved Policy ER24 of the adopted Tendring District Local Plan 2007 states proposals for the change of use of existing hotels and guest houses in the centres of coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable. The pre-amble refers to the steady decline in serviced tourist accommodation and recognises 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 Emerging Policy PP9, 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.

Saved Policy ER3 states that change of use for non-employment purposes will only be permitted if the applicant or owner can demonstrate that it is no longer viable or suitable for any form of employment use either through evidence of a sustained but ultimately unsuccessful marketing exercise or by showing that the premises is inherently unsuitable and/or not viable for any form of employment use.

Limited information has been provided in an attempt to demonstrate that the premises is no longer viable for the existing guest house use. However, no evidence of a sustained but ultimately unsuccessful marketing exercise for its current use or any form of employment use has been provided failing to meet the requirements of the aforementioned policies.

The development would result in the loss of a hotel in the centre of the district's main coastal resort of Clacton on Sea. This proposal is therefore contrary to saved policies ER24 and ER3 of the Tendring District Local Plan 2007 to the detriment of the tourist economy with no evidence to satisfactorily demonstrate that the proposal would not undermine the tourism function of the resort.

DATED: 5th September 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
 - ER3 Protection of Employment Land
 - ER24 Protection of Hotels and Guest Houses
 - HG3 Residential Development Within Defined Settlements
 - HG6 Dwelling Size and Type
 - HG9 Private Amenity Space
 - QL6 Urban Regeneration Areas
 - 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
 - COM6 Provision of Recreational Open Space for New Residential Development
 - EN6 Biodiversity
 - EN11A Protection of International Sites European Sites and RAMSAR Sites
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

HP5 Open Space, Sports & Recreation Facilities

PP6 Employment Sites

PP14 Priority Areas for Regeneration

PP9 Hotels and Guesthouses

PPL4 Biodiversity and Geodiversity

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.

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) 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.