



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Peter Le Grys - Stanfords
The Livestock Market
Wyncolls Road
Colchester
Essex
CO4 9HU

APPLICANT: R & P Bond
C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00959/FUL

DATE REGISTERED: 14th June 2018

Proposed Development and Location of Land:

**Provision of car park for public use.
Land at Warren Farm The Bury St Osyth Clacton On Sea**

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 supporting text to emerging policies SPL1 and SPL2 of the Draft Local Plan advises that outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. Amongst other things saved policy QL9 of the Local Plan and emerging policy SPL3 of the Draft Local Plan state that new development should make a positive contribution to the quality of the local environment and enhance local character. Saved Policy EN1 of the Local Plan and emerging policy PPL3 of the Draft Local Plan state that the quality of the district's landscape and its rural character will be protected, and where possible enhanced. Development which would significantly harm landscape character or quality will not be approved. Saved Policy EN3 and emerging policy PPL2 concern land designated as Coastal Protection Belts, which this land is. These policies state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted to protect the open character of the undeveloped coastline not only in terms of visual amenity but in terms of access to the natural environment.

Consistent with this paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

The site is considered as part of the St Osyth Coastal Slopes Landscape Character (Tendring Landscape Character Assessment). While it is relatively featureless, the flat and exposed nature of the site allows views of the village in its countryside setting, particularly from the surrounding footpaths that run along the eastern side of the site and to the south adjacent to Warren Farm. The site, as a characteristic part of the St Osyth Coastal Slopes, makes an important contribution to the discreet and rural setting of the village. Its openness means that it cannot accommodate development without undue

harm to the landscape, making the site fairly susceptible to development. The construction of a car park in this location would result in the loss of an attractive area of open countryside, adversely affecting the character and setting of the village and diminishing users' enjoyment of the surrounding footpath network. This would undermine the distinctive identity of the settlement, would not conserve or enhance the rural character of the landscape and would be in direct conflict with the aims and aspirations of the Coastal Protection Belt to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development that would harm visual amenity and access to the natural environment.

The Tendring Landscape Character Assessment also states that a key characteristic of the St Osyth Coastal Slopes designation is the character and pattern of existing rural lanes and informal tracks which, run up and down the slopes. The assessment goes on to state that these informal lanes should be conserved and that the upgrading of rural lanes and the introduction of urbanising elements such as those proposed as part of this application, including concrete kerbs and lighting will not be appropriate. It is evident therefore that the proposed development would result in a change to the current informal track to a more heavily engineered carriageway including raised kerbs, road markings, signage and potentially lighting. This would have an additional urbanising effect which would be detrimental to the appearance of the surrounding area and contrary to the guidance contained in the landscape character assessment and the aforementioned planning policies.

Overall the development would result in the urbanisation of the site, including the informal track, and would therefore result in significant harm to the countryside setting of the village, the Coastal Protection Belt designation and for users' enjoyment of the adjacent footpath network.

- 2 Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

Furthermore, Paragraphs 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Specifically Paragraph 196 of the NPPF states 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.

Additionally, Saved Policy EN23 of the Tendring District Local Plan (2007) and Policy PPL9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that proposals for development that would adversely affect the setting of a listed building will not be permitted.

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The principle heritage assets for consideration are:

- The St Osyth Conservation Area;
- Grade I Listed Church of St Peter and St Paul (List Entry ID: 1111513); and
- Grade II Listed Warren Farm House (List Entry ID: 1337161).

The proposed development will cause harm to all three of these heritage assets.

The proposal will have a fundamental change in the immediate setting of the church and result in an adverse change to this aspect of agrarian setting which has been fundamentally unchanged, in terms of land use, for hundreds of years and likely since the church was constructed. Considering this adverse change, and other considerations such as environmental and diurnal changes in the setting, the impact is considerable to this Grade I listed building.

The impact to the Conservation Area is also considered in the same light as outlined above for the church, although with the addition of a direct impact which may arise from the new access road which has potential to have a direct impact on the character and appearance of the conservation area.

The proposed development will also result in considerable change to the historic approach to Grade II listed Warren Farm House. Historic maps show that this track is the historic route to the farmhouse. The proposed development will detract from this route, in terms of the change of land use. This will adversely affect how the farmhouse is appreciated and experienced in its agrarian setting. The farm is historically an isolated farmstead outside of the settlement, this proposal will detract from the experience and understanding of this relationship.

The proposal will cause 'less than substantial harm' to the setting and significance of the three designated heritage assets (one of which is Grade I listed), the public benefits of which are considered to be outweighed by the harm identified.

DATED: 19th March 2020

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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM3 Protection of Existing Local Services and Facilities

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Tendring Landscape Character Assessment

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.