



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr David Poole - City & Country
Bentfield Place
Bentfield Road
Stansted
CM24 8HL

APPLICANT: Messers R.A, T.R, D.R, A.I
Sargeant
The Priory
St Osyth
Essex
CO16 8NZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00645/FUL **DATE REGISTERED:** 14th July 2020

Proposed Development and Location of Land:

**Erection of 4no. holiday caravans.
Land Adj Thorpe Cross Lodge 26 Frinton Road Thorpe Le Soken 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)

- Paragraph 108, at b), of the National Planning Policy Framework 2019 (NPPF) requires that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy ER16 (b) of the Adopted Tendring District Local Plan states that proposals for tourism and leisure users will be permitted provided that there is suitable vehicular access to the site. Policy QL10 (i) of the Adopted Tendring District Local Plan requires that access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Policy TR1a of the Adopted Tendring District Local Plan states that proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic. Policy CP2 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved.

As far as can be determined from the submitted plans the applicant fails to demonstrate the provision of a visibility splay, commensurate with the current standards, between users of the access and those already within the highway, which would constitute an unacceptable degree of hazard and danger to pedestrians and motorists.

The proposal would lead to the intensification of vehicular use of Public Footpath No. 14 (Thorpe Le Soken) which will constitute a danger to pedestrians and motorists contrary to highway safety. The lack of such visibility and intensification of a vehicular use of a footpath would result in an unacceptable degree of hazard to all road users and users of the public footpath to the detriment of highway safety. As such the proposal is contrary to the recommended minimum standards for highway safety and contrary to Policies ER16 (b), QL10 (i) and TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

- 2 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character, and reflect the identity of local surroundings. Saved Policy QL9, QL11 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. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

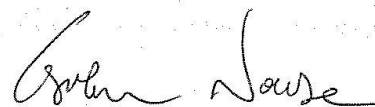
The proposal; by necessitating a vehicular carriageway and junction and effectively enclosing a public footpath and creating structures in the setting of a footpath to replace open countryside; would result in significant harm to the character and appearance of the area by urbanising the site and its setting. As such the proposal is contrary to Policies TR4, QL9 (iii), QL11 and EN1 of the adopted Tendring District Local Plan; Policies SPL 3 and PPL 3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017); and, the provisions of the National Planning Policy Framework.

- 3 Policy ER16 c) of the Adopted Tendring District Local Plan requires that a tourism and leisure use should not cause undue disturbance by reason of noise. Policy QL11 (ii) of the Adopted Tendring District Local Plan requires that development should not have a materially impact on any amenity of occupiers of nearby properties.

The proposal, by creating activity at land adjoining a rear garden to a residential property, would create a material detriment to residential amenity contrary to Policies ER16 and QL11 of the adopted Tendring District Local Plan and Policy SPL 3 of the the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

DATED: 8th September 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

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

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL7 Rural Regeneration
- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- ER16 Tourism and Leisure Uses
- ER20 Occupancy Timescales
- EN1 Landscape Character
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR4 Safeguarding and Improving Public Rights of Way
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SP6 Place Shaping Principles
- SPL3 Sustainable Design
- PP10 Camping and Touring Caravan Sites
- PP13 The Rural Economy
- PPL3 The Rural Landscape

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 determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also 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) 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.