



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**AGENT:** City and Country Group  
Bentfield Place  
Bentfield Road  
Stansted  
CM24 8HL

**APPLICANT:** Tendring Farms Ltd  
C/O Agent

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 20/01484/OUT

**DATE REGISTERED:** 10th November 2020

Proposed Development and Location of Land:

**Construction of medical centre and car parking.  
Land South of Long Road Mistley Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft. This policy direction is similar to Paragraph 117 of the NPPF that seeks to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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, built and historic environment. Furthermore, Paragraph 124 and 127 of the 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. Outside development boundaries, the policies seek to conserve and enhance the countryside for its own sake. The site currently represents a clear break between the Mistley and Lawford; the introduction of a two storey medical centre in this location fronting Long Lane will demonstrably urbanise the immediate character of the rural area. The development would set a harmful precedent for similar forms of future development, the cumulative impacts of which will result in significant harm to this rural and countryside character.

There are no overwhelming special circumstances or public benefits to the proposal to

depart from this core strategic policy of QL1 or SPL1 at this moment in time. To do so would undermine the integrity of the Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principles of which are in part to reassure residents and homeowners that unallocated sites such as this Countryside designation, will be protected from such speculative developments.

- 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, built and historic environment. Furthermore, Paragraph 124 and 127 of the 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.

Policy QL1 of the Tendring District Local Plan (2007) states that 'only development which is consistent with countryside policies will be permitted. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) that advises outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. This is consistent with, paragraph 170 of the Framework (NPPF) 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.

Policy QL9 of the Saved Tendring District Local Plan 2007 states that 'all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other criteria, the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features.' Furthermore, Policy EN1 of the Tendring District Local Plan 2007 states that 'the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted'. These criteria are also contained within Policy SPL3 and PPL3 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site comprises the existing road frontage and a 50 metre strip of undeveloped land behind. The existing pattern of development along this part of Long Road is one of road frontage ribbon development. The size of the proposed building, its access road, hard surfaced driveways and its associated paraphernalia. In relation to its setting, neighbouring a row of small, detached properties, totally overwhelms the residential character and fundamentally changes the setting of the Countryside area due to the likely depth, mass and scale of the main building. The development would 'significantly harm the landscape character', bring substantial built form to a green corridor between Mistley and Lawford.

Furthermore, the level of protection of the land has been increased as it is included within the 'Strategic Green Gap' of emerging policy PPL 6. The proposal would impact adversely upon the emerging local Green Gap and its character and would lead to further coalescence of surrounding settlements, ultimately leading to a loss of their rural setting contrary to the draft Policy PPL6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

- 3 Paragraph 8 of the NPPF states in economic terms, the planning system should help

build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. The provision of the more suitable 2 hectares of employment land as approved via the original outline approval 17/01181/OUT would be undermined by this unallocated site that is also not regarded as previously developed land. The proposal is therefore considered economically unsustainable and contrary to policies COM4 and ER3 of the Tendring District Local Plan (2007) and draft Policy PP6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

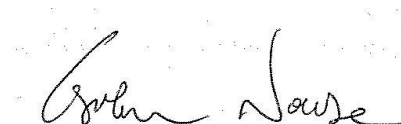
In Social terms Paragraph 8 of the NPPF states the planning system should aim to support a strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The loss of the open space and planting would erode this vital landscape mitigation measure, established as part of application 17/01181/OUT that was designed to foster a safe built environment, with accessible services and open spaces. Therefore, the proposal is contrary to the Social aspects of Paragraph 8 of the NPPF. Furthermore, the development would conflict with Policy QL9 and COM4 of Tendring District Local Plan (2007), whose provisions are also contained in Policy SPL3 the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which requires new development to make a positive contribution to the quality of the environment and protect or enhance local character.

- 4 The National Planning Policy Framework in Paragraph 124 and 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Also, that planning decisions should limit the impact of light pollution (see NPPF Paragraph 180 c). Policies QL9, QL10, QL11, COM4 and COM21 of the Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013- 2033 and Beyond Publication Draft (June 2017) state all new development should be compatible with surrounding land uses. Also, that new developments should minimise any adverse environmental impacts; development will only be permitted if it will not have a materially damaging impact on the privacy or other amenities of occupiers of nearby properties.

By reasons of the cramped nature of the plot, a proposed two storey medical centre due to its scale, massing and failure to relate well to surrounding development in terms of the grain and rhythm of built forms, fails to represent good design as required by paragraph 124 and 127 of the National Planning Policy Framework. In particular, a development of the scale proposed, would create a loss of privacy for occupiers of neighbouring properties in terms of overdominance, overlooking and light pollution. The proposal is therefore considered contrary to Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) and Policy SPL3 of the Tendring District Local Plan 2013- 2033 and Beyond Publication Draft (June 2017).

**DATED:** 1st February 2021

**SIGNED:**




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Graham Nourse  
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

National Design Guide 2109

Tendring District local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM2 Community Safety

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM6 Provision of Recreational Open Space for New Residential Development

COM8 Provision and Improvement of Outdoor Recreational Facilities

COM8A Proposed New Recreational Open Space

COM24 Health Care Provision

COM21 Light Pollution

ER3 Protection of Employment Land

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

HP5 Open Space, Sports & Recreation Facilities

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

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP5	Open Space, Sports & Recreation Facilities
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL6	Strategic Green Gaps
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

#### Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Tendring District Council, Strategic Green Gaps Review, 2020 (LUC)

Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond' Topic Paper: Strategic Green Gaps

#### 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 clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. 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) 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.