



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Matthew Barker - Eaton Stevens Associates Ltd Heathers Colchester Road Wix Manningtree CO11 2RT	APPLICANT:	Adeshanu Ltd C/O Agent
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00862/OUT **DATE REGISTERED:** 1st July 2020

Proposed Development and Location of Land:

Demolition of existing house and erection of 7 no. dwellings (considering access).

Land at and R/O Bridgefoot House Church Hill Ramsey

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 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise as set out in (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to adopted albeit outdated policies, according to their degree of consistency with the policies within it.

Section 1 of 2013-2033 Local Plan was adopted on the 26th January 2021 and therefore also forms part of the 'development plan'. The adoption confirms that the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found to be 'sound' and there is no housing land supply shortfall; the Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. Although the Framework requires that Councils significantly boost the supply of housing, this substantially tempers the amount of weight that can reasonably be attributed to the benefit of further new housing. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries.

Policy SP3 (Spatial Strategy for North Essex) of the 2013-2033 Local Plan states, amongst other things, that development will be accommodated within or adjoining settlements, according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. New housing development should be focused towards the larger urban areas and to within settlement development boundaries. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable, limiting the

need to travel and offering a genuine choice of transport modes.

While Saved Policy HG3 of the Local Plan permits residential development within defined development boundaries of towns and villages (subject to a number of criteria), the site is located outside the settlement development boundaries for the area, in both the 2007 and 2013-2033 Local Plans. Accounting for the current housing land supply situation, there is no requirement to consider housing growth outside of these boundaries as the planned growth for the District to meet housing need has been established.

No essential need has been identified such as, for example, to house rural workers, and the proposal is not for an exception site to deliver affordable housing. Due to its location, the proposal would therefore be contrary to the housing policies of the development plan and the Council's strategic approach to housing delivery.

- 2 Paragraph 170 of the National Planning Policy Framework (2019) states that planning decisions should recognise the intrinsic character and beauty of the countryside. Paragraph 127 of the NPPF states that new development should add to the overall quality of the area; create places that are safe; are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting. Policy EN1 of the adopted Tendring District Local Plan (2007) seeks to ensure that new development does not harm the appearance of the landscape. Adopted policy EN2 states that Local Green Gaps will be kept open and essentially free from development, to prevent the coalescence of settlements and to maintain the rural settings that they currently enjoy - in this case Ramsey and Dovercourt. Furthermore, adopted policy HG13 states that backland development will only be permitted where, amongst other things, the proposal would not be out of character with the area or set a precedent for other similar forms of development. Adopted Policy QL11 and Emerging Policy SPL3 requires that all new development should make a positive contribution to the quality of the local environment, protect or enhance its character and minimise any adverse environmental impacts.

The proposed development would fail to maintain or enhance local character and distinctiveness, it would not relate to its surroundings and would fail to respect or enhance views, existing street patterns, and other locally important features for the following reasons:

The application site is located in a part of Ramsey where the existing pattern of development is predominantly linear with small groups of houses fronting onto Church Hill, and with fields and woodland behind, thereby maintaining a rural setting. Whilst overgrown, the current undeveloped nature of the site positively contributes to maintaining an open countryside buffer between Ramsey and Dovercourt. The development of 7no new dwellings in this backland location would fail to maintain local character or distinctiveness, and would result in harm to the rural appearance of the area, as well as diminishing the designated Local Green Gap. The development would have a significant urbanising effect on the character of the area which would be highly visible from the Public Right of Way immediately adjacent to the site.

Furthermore, the Council considers that the development would also detract from the experience that users of the adjacent Public Right of Way enjoy; walkers would lose views across the field and instead would likely end up walking down a narrow corridor between Whinny Grove and high boundary treatments, along the rear gardens of properties. Such an arrangement is considered poor design with exposed rear garden boundaries appearing as stark and alien features, contrasting to the existing green appearance of the site. The Council also note that the development would necessitate the demolition of a dwelling that has only relatively recently been constructed, which would inevitably lead to a waste of natural resources.

When these factors are all taken into account it is considered that the proposed development fails the environmental strand of sustainable development, and as such

it is contrary to the NPPF, as well as policies EN1, EN2, HG13, QL11 of the adopted Tendring Local Plan (2007) and policies LP8, SPL3, PPL3, and PPL6 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

- 3 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment; and that this will include protecting and enhancing sites of biodiversity value and moving from a net loss of biodiversity to achieving net gains for nature.

Policy EN6 and EN6a of the adopted Tendring District Local Plan (2007) state that development proposals will not be granted planning permission unless existing local biodiversity and geodiversity is protected and enhanced, as well as protected species. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

In this case, the applicant has provided no information or assessment concerning the ecology of the application site and its immediate surroundings, including the designated Local Wildlife Site at Whinny Grove. Without this information it is not possible to assess the ecological baseline of the site, or what the potential ecological impact of the development would be and what mitigation would be required in order to minimise its impacts upon local ecology. It has not been demonstrated to the Local Planning Authority that the development would not give rise to unacceptable impacts on wildlife habitats or ecology, contrary to the policies and legislation listed above.

- 4 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment and that this will include recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of trees and woodland.

Policy EN1 of the adopted Tendring District Local Plan (2007) states that the quality of the district's landscape and its distinctive local character will be protected, and reference is made to the particular need to protect woodland and trees that contribute significantly to local distinctiveness, including the setting and character of settlements. Development which would significantly harm landscape character or quality will not be permitted. The woodland at Whinny Grove is also protected by a Tree Preservation Order (TPO). It is a criminal offence to cut down, top, lop, uproot, wilfully damage or destroy a tree protected by such an order, or to cause or permit such actions, without the local planning authority's permission. The effect of a proposed development on trees and other landscape features is therefore an important consideration in the determination of this application.

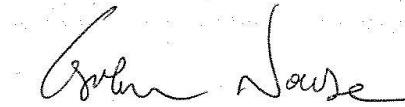
In this case, the applicant has provided no information concerning the woodland and trees immediately adjacent to the site or an assessment as to how the development might impact upon them. Without this information it is not possible to assess what impact the development could have on the trees and woodland or be certain that the development would not have an unacceptable impact on them and their ecological and landscape value, contrary to the policies and TPO listed above.

- 5 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SPL3 of the Emerging Tendring District Local Plan states that planning permission will only be granted where, amongst other things, access to the site is practicable, the highway network will be able to safely accommodate the additional traffic the proposal will generate and that all new development should meet functional requirements, including providing practicable access to the site and the highway network will be able to safely accommodate a proposal.

Approval is sought for the access arrangements in this case, and it is considered that the applicant has not provided sufficient information for the Local Planning Authority to fully assess the proposed access arrangements, including visibility splays, and footway works on Church Hill, in order to demonstrate that the requirements of the Highway Authority can be met and that the proposal is acceptable both in terms of highway safety and appearance. The proposal is therefore contrary to the above policies.

DATED: 30th April 2021

SIGNED:



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:

National Planning Policy Framework 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan (2007) (part superseded)

QL11	Environmental Impacts and Compatibility of Uses (superseded in part)
QL12	Planning Obligations
HG7	Residential Densities
HG9	Private Amenity Space
HG13	Backland Development
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11C Regionally	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Important Geological/Geomorphological Sites
EN23	Development within the proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreational Facilities

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL6 Strategic Green Gaps

PPL7 Archaeology

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Parking Standards 2009

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 Agent. 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 reasons 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.