



TENDRING DISTRICT COUNCIL
Planning Services
Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mrs Sharon Smith - Fisher
 Jones Greenwood
 Charter Court
 Newcomen Way
 Colchester Business Park
 Colchester
 CO4 9YA

APPLICANT: Brown - AH Brown Farm
 Limited
 C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01543/OUT **DATE** 16th November 2020
REGISTERED:

Proposed Development and Location of Land:

Erection of three single storey dwellings.
Old Larges Farm Yard Kirby Road Great Holland Frinton On Sea

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 proposal is for development in a countryside location beyond the Settlement Development Boundaries of a village, and would harm its landscape setting and the visual amenity of the area. The scheme would also erode a Local Green Gap. As such the proposal is not an appropriate location for further housing development, contrary to the spatial approach to housing delivery and development plan Policies EN1, EN2, SP3 and SP7, and the policies of the Framework.
- 2 In the absence of a Unilateral Undertaking to address the necessary contributions, in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy and the Council's Open Space and Play Supplementary Planning Documents, the proposal would be contrary to development plan Policies EN11a, QL12, SP2 and COM6, and the policies of the Framework.

DATED: 3rd June 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:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance
Adopted Tendring District Local Plan 2007 (part superseded)

QL2 Promoting Transport Choice

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

COM21 Light Pollution

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

SP4 Meeting Housing Needs

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP3 Green Infrastructure

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex County Council Development Management Policies 2011

Essex County Council Parking Standards Design and Good Practice Guide 2009

Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Tendring Landscape Character Assessment 2001

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 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.