



TENDRING DISTRICT COUNCIL
Planning Services
Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE

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

APPLICANT: Mr N Neal and S Geisha
 C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01057/FUL **DATE REGISTERED:** 18th August 2020

Proposed Development and Location of Land:

**Provision of an additional car park for the Two Village Primary School.
 Land adjacent of Two Village School Mayes Lane Ramsey**

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 proposal would be harmful to the character and appearance of the area and local landscape and the countryside setting of the settlement. As a result, the proposal would be contrary to saved Policy EN1, adopted Policy SP7 and emerging Policy PPL3. It would be at odds with Section 12 of the National Planning Policy Framework.
- 2 In the absence of a satisfactory heritage statement the Council cannot be certain that the proposal would not harm the significance of the Grade I listed St Michael's Church. As such, the proposal is contrary to Paragraph 194 of the National Planning Policy Framework. Nevertheless, it is likely that less than substantial harm would result to its significance and setting, and the weight given to the public benefits would not outweigh this harm. Consequently, the proposal would be contrary to saved Policy EN23 and emerging Policy PPL9.
- 3 The proposal fails to provide safe accessibility for pedestrians and those with disability and reduced mobility. As such, the proposal is contrary to saved Policy TR3a and adopted Policy SP7, and the Highways SPD. For the same reasons, the proposal would also be at odd with Section 9 of the Framework.

DATED: 21st January 2022

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 July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

COM21 Light Pollution

TR1A Development Affecting Highways

TR3A Provision for Walking

TR7 Vehicle Parking at New Development

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

SP7 Place Shaping Principles

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL6 Strategic Green Gaps

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Positive and Proactive Statement

The Local Planning Authority has sought to act positively and proactively in determining this application by seeking to discuss matters of concern 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.