



TENDRING DISTRICT COUNCIL

Planning Services

Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE

AGENT: Mr John Pearce - Brooks Leney
Hyntle Barn
Hill Farm
Hintlesham
Ipswich
IP8 3NJ

APPLICANT: Ms Charlotte Bennett - DAG
Properties
1 Landermere Road
Thorpe-Le-Soken
Essex
CO16 0LG

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/02014/FUL **DATE REGISTERED:** 24th November 2021

Proposed Development and Location of Land:

**Proposed erection of seven dwellings and three garage buildings.
Land off Connaught Road Weeley Essex CO16 9EL**

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 site lies outside of the extended Settlement Development Boundary of Little Clacton as set out within the emerging Tendring District Local Plan 2013-2033 and Beyond and Main Modifications document. Following the adoption of Section 1 of the 2013-33 Local Plan there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5-year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

The proposed development would extend beyond the area planned to provide growth for this settlement. Having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan 2013-2033 Section 1 Policy SP3 and Policy SP7 this would not be an appropriate site for the housing proposed. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. This plan-led approach is endorsed through the NPPF as the means to bring sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. In view of this, the proposal's conflict with policy gives rise to a significant degree of harm.

- 2 The development of the remainder of Connaught Road up to Weeley Road would reduce the amount of space between the edge of the village and the houses to the north and be seen as an encroachment into the countryside, appearing prominent and visually harmful as you enter the village from Weeley. The retention of this portion of the remaining open field is important to maintain a sense of spaciousness and maintain the character of both the landscape and the village separation.

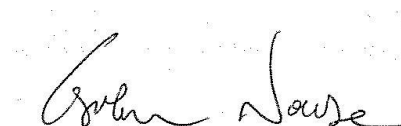
The proposal would be harmful to the character and appearance of the area and the local landscape as it would result in encroachment into countryside and visual harm. As a result, the proposal would be contrary to saved Policy EN1, adopted Policy SP7, emerging Policies PPL3 and LP7, and Section 12 of the National Planning Policy

Framework.

- 3 In the absence of a unilateral undertaking in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD, the Council cannot be certain that the proposal would not harm habitat sites of ecological interest. The proposal is therefore contrary to adopted Policy SP2 and Section 15 of the National Planning Policy Framework.
- 4 In the absence of a unilateral undertaking in accordance with the Provision of Recreational Open Space for New Development SPD, the public open space and recreation infrastructure requirements of the development would not be met. The proposal would thereby be in conflict with saved Policy COM6 and emerging Policy LP5, and Section 8 of the National Planning Policy Framework.

DATED: 19th 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)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM31A Sewerage and Sewage Disposal

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)

Relevant Section 1 Policies (adopted)

- 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

Relevant Section 2 Policies (emerging)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Provision of Recreational Open Space for New Development

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

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.