



APPLICANT: Mr Andrew Hodgson
Hillside Cottage
Thorpe Road
Tendring
Clacton On Sea
Essex
CO16 9AR

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/01719/FUL **DATE REGISTERED:** 10th November 2021

Proposed Development and Location of Land:

**Proposed change of use of land for the siting of 3 shepherds huts with hot tubs for holiday use, provision of outdoor amenity space including hard and soft landscaping, pond and decking, and formation of vehicular access and parking area (part-retrospective)
Hillside Cottage Thorpe Road Tendring Clacton On Sea**

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 Due to the location, layout, and siting of the development adjacent to residential property, and the use of wood fired heated hot tubs, the proposal would result in unacceptable noise and disturbance and pollution for existing occupants. The proposal would therefore be contrary to the requirements of Local Plan Policies SP7 and SPL3, Part C criterion a), and Paragraphs 130 f) and 174 of the National Planning Policy Framework.
- 2 The proposal does not demonstrate that the access has sufficient forward visibility. Furthermore, it does not allow for the two way passing of vehicles which would lead to vehicles waiting on the highway. It has not been demonstrated that turning facilities for the largest vehicles using the site would be adequate. As a result, the proposal would create conditions prejudicial to highway safety, contrary to Local Plan Policy CP2, Policy SPL3, Part B criterion a), and Paragraph 111 of the National Planning Policy Framework.
- 3 The proposal fails to demonstrate adequate provision for the disposal of sewerage and waste water in order to protect the water environment and prevent pollution. As such, the proposal is contrary to Local Plan Policy PPL5 and Paragraph 174 e) of the National Planning Policy Framework.
- 4 Insufficient information has been submitted in order to demonstrate that the proposal would not be harmful to protected species, or that the recreational impact on sites protected for their biodiversity importance would be adequately mitigated. Therefore, the proposal is contrary to Local Plan Policy PPL4, SP3, Part A criterion d), and Section 15

of the National Planning Policy Framework.

DATED: 14th April 2022

SIGNED:



Graham Nourse
Assistant Director

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

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

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

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP8 Tourism

PP10 Camping and Touring Caravan Sites

PP11 Holiday Parks

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Supplementary Planning Documents

Essex County Council Development Management Policies 2011 (the Highways SPD)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

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. 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.