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**APPLICANT:** Mr and Mrs Charles Norgan  
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## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/00549/FUL      **DATE REGISTERED:** 23rd March 2021

Proposed Development and Location of Land:

**Proposed change of use of vacant stable accommodation and tractor store into a bungalow.  
Paddock adjacent to Bridge Cottage Main Road Ramsey Harwich**

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 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 (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, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

The adoption of the Local Plan 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. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that 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.

The application site is located outside of the settlement development boundary for Ramsey in the Tendring District Local Plan 2013-2033 and Beyond Section 2. Ramsey is

categorised as a Smaller Rural Settlement as defined in Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Section 2. It is considered that these smaller rural settlements are the least sustainable and the proposed development would extend beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Tendring District Local Plan 2013-2033 and Beyond Section 2, and 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 proposed dwelling.

The proposal fails to comply with the statutory plan-led approach to the location of future housing and conflicts with the Council's strategic approach to housing delivery.

- 2 Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Section 2 Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, and should respect or enhance local landscape character, views, open spaces and other locally important features.

Section 2 Policy SPL3 and Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 202 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Section 2 Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

The existing stable block and paddock, visible from the A120 trunk road is a common feature along this road towards Harwich where the openness on either sides of the road is retained albeit for natural boundary treatments such as hedging and trees. When entering Main Road from the A120, the first dwellings are just past the brick bridge where the brick bridge creates an entrance to the village. The stable block is outside of the settlement boundary and visibly outside of the village confines. A dwelling in this location would bring with it residential paraphernalia as well as hardstanding for a driveway to

and parking for the proposed dwelling which is approximately 110 metres from Main Road. The Conservation Area lies predominantly west abutting the application site, with views from the A120, Main Road and within the village itself given the sloping topography.

The presence of some existing landscaping on the southern boundary would not sufficiently shield the development from external views and any new landscaping would take some time to mature and cannot be relied upon to become permanent.

The proposal would erode the open and rural character of the application site and harm the views into the Conservation Area thereby failing to respond to the prevailing character of the area in conflict with the development plan policies.

- 3 Paragraph 110b of the National Planning Policy Framework seeks that applications for development ensure safe and suitable access to the site can be achieved for all users. Paragraph 112c of the NPPF states that applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles...and respond to local character and design standards.

Section 2 Policy SPL3 Part B of the Tendring District Local Plan 2013-2033 and Beyond states that new development (including changes of use) must meet practical requirements and access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

The proposal would intensify the use of an existing access onto Main Road (main distributor) very close to the Strategic Road Network junction (A120/B1352) where visibility, from the proposed site access and forward visibility along Main Road towards the A120, is not in accordance with current safety standards. The access is situated in an unacceptable arrangement close to the A120/B1352 junction such that vehicle manoeuvres on and off the hardened area are unexpected in relation to other road users. In particular, vehicles exiting the A120 roundabout and entering the B1352 (Main Road), the vehicles could either enter the proposed development site as well as continuing forward along Main Road, as a result a back-shunt type collision could occur resulting in an unacceptable degree of conflict, risk, and hazard to all highway users to the detriment of highway safety.

The proposal would introduce additional slowing and turning movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.

The main function of this highway is that of carrying traffic freely and safely between centres of population. The intensification of conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The necessary safety risk assessments have not been provided and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety and would therefore be contrary to Section 2 Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- 4 Paragraph 167 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Section 2 Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond states that development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as "more vulnerable" as in this case the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a "design event flood". The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.

The application site lies within the fluvial Flood Zone 3b, the functional floodplain. The proposed residential development is classified as 'more vulnerable'. Table 3 of the Planning Practice Guidance makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

The proposed development therefore falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. The submitted FRA also fails to provide information in relation to paragraph 167 c), d) and e) of the NPPF.

The proposed development is therefore contrary to Section 2 Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond, the National Planning Policy Framework and Planning Practice Guidance.

- 5 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme constitutes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 1300 metres from Stour and Orwell Estuaries SPA and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the adopted Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

**DATED:** 27th April 2022

**SIGNED:**




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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

SP4 Meeting Housing Needs

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

LP1 Housing Supply

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

PPL8 Conservation Areas

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

PPL10 Renewable Energy Generation

Supplementary Planning Documents

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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 reason(s) 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.