



**AGENT:** Mrs Dayle Bayliss - Dayle  
Bayliss Ltd  
Mulberry Tree Cottage  
Grove Road  
Bentley  
Ipswich  
IP9 2DD

**APPLICANT:** Mr Heley  
81 Lake Walk  
Clacton On Sea  
Essex  
CO15 2AE

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 22/00015/FUL

**DATE REGISTERED:** 11th February 2022

Proposed Development and Location of Land:

**Proposed single storey 2 bedroom property and formation of driveway to existing property.  
Land adjacent 81 Lake Walk Clacton On Sea Essex CO15 2AE**

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 Paragraph 130 of the National Planning Policy Framework 2021 requires that developments are sympathetic to local character and maintain a strong sense of place. Policy SP7 of Section 1 of the adopted Local Plan 2013-33 and Beyond seeks high standards of design, which respond positively to local character and context. Policies SPL3 and LP4 of Section 2 of the adopted Local Plan also require that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout relate well to its site and surroundings.

The new dwelling has an uninspiring, over-simplified form with a gabled roof that bears no resemblance to or replicates any of the features of the adjacent dwellings. The siting of the dwelling itself, hard against the left hand boundary yet having an awkward and jarring relationship with the right hand boundary neither enhances nor compliments how the dwelling presents to the public realm. The external appearance is overly-simple and bland.

The siting, poor layout, appearance and design would result in a harmful form of development contrary to the aims of the above national and local plan policies.

- 2 Paragraph 130 of the National Planning Policy Framework 2021 requires planning policies and decisions to create places with a high standard of amenity for existing and future users. Policy SP7 of Section 1 of the adopted Local Plan endorses this requirement. Adopted Local Plan Section 2 Policy SPL 3 (Part B) seeks to ensure that buildings are designed and orientated to ensure adequate daylight, outlook and privacy for future residents

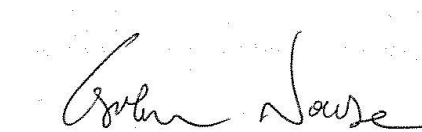
The proposed amenity space is not only inadequate in both size and its wedge-shaped is

incomparable to other garden configurations in the locale; but, in conjunction with being partially overlooked and dominated by existing built form would overall fail to meet the needs and expectations of residents, contrary to the aims of the above national and local plan policies.

- 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:** 11th May 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

SP6 Infrastructure and Connectivity

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Tending Provision of Recreational Open Space for New Development SPD 2008

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

Local Planning Guidance

Essex Design Guide

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.