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APPLICANT: Mr and Mrs Will and Dawn Felton
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/01932/FUL

DATE REGISTERED: 11th November 2021

Proposed Development and Location of Land:

**Proposed conversion of existing chicken shed (unused and previously part of working farm) into 123sqm 4 bedroom C3 dwelling.
Bushwood Rectory Road Weeley Heath 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 Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies outside of a defined settlement boundary in the 2013-2033 Local Plan, being approximately 1.5 kilometres outside of the settlement boundary of Weeley Heath to the north, and approximately 1.7 kilometres outside of the Little Clacton settlement boundary. The creation of a new dwelling in this location would extend beyond the area planned to provide growth for these settlements and cannot be considered an appropriate site for housing.

In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing and failing to meet the social and environmental strands of sustainable development.

In view of this, the proposal's conflict with policy gives rise to a significant degree of harm. The spatial strategy of Policy SP3 and place shaping principles of Policy SP7 reflect the Framework's sustainable development objectives and the proposal's conflict with both is given full weight. The principle of development is therefore not acceptable in this location.

Paragraph 80(c) of the National Planning Policy Framework (NPPF) (July, 2021) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. The Planning Statement adds that the scheme is reliant on this exception of special circumstance.

The site is located within a rural agricultural setting. The existing building is of no special visual merit, and the proposed design, which sees relatively minor alterations, will not be of an exceptional quality or innovative nature. Therefore the proposal would not sufficiently enhance the immediate setting of the site to justify a departure from the statutory plan-led approach as set out in policy SP3, and the development would therefore be contrary to the above national and local planning policies.

- 2 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Adopted Policy CP1 (Sustainable Transport and Accessibility) states proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

The proposed development fails to demonstrate adequate visibility splays from the proposed access in accordance with the speed of the road, which would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety. Furthermore, the proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility which is not in accordance with current safety standards. The intensification of that conflict and interference which this proposal would generate would lead to a deterioration in the efficiency and condition of the road to the detriment of highway safety, which is to the serious detriment of highway safety and fails to accord with the above national and local planning policies.

- 3 Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution.

Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

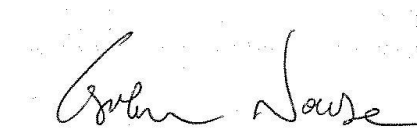
In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and Planning Practice Guidance (PPG) on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. Where a connection to a public sewer is not reasonable, the PPG sets out the following hierarchy of non-mains alternative solutions.

- Package sewage treatment plants (which may be offered to the sewerage undertaker for adoption),
- Septic tanks; and
- Cesspools (if no other solution is possible).

Question 11 of the submitted application form states that it is not intended to connect to a mains sewer. Instead, foul sewage will be disposed of by way of a septic tank. However, no details of the design of the septic tank have been provided, and no FDA1 Foul drainage assessment form has been received to demonstrate why connection to either a mains connection or through use of a package sewage treatment plant is not possible. The application has therefore failed to adhere with the hierarchy of non-mains alternative solutions and also failed to demonstrate that the development can be served by appropriate sewage disposal provision that will result in no harm to the environment. As such, the proposal is contrary to the above-mentioned national and local plan policies.

DATED: 6th October 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:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

DI1 Infrastructure Delivery and Impact Mitigation

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

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.