



APPLICANT: Mr David Marshall - Wambugu
Ltd
Mount View
Fox Street
Ardleigh
Essex
CO7 7PS

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01004/FUL **DATE REGISTERED:** 14th July 2023

Proposed Development and Location of Land:

**Proposed 3 bed detached eco bungalow and detached garage.
Land to The North of Mount View Fox Street Ardleigh Essex**

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 PRINCIPLE OF DEVELOPMENT

Adopted Local Plan Section 1 Policy SP3 sets out the Council's spatial strategy for development of new housing within the district. Whilst it seeks to focus the majority of new development to existing settlements, development will be accommodated within or adjoining settlements subject to their scale, sustainability and existing role within their district and, where relevant, across the wider strategic area. The supporting text explains that growth will be planned to ensure existing settlements maintain their distinctive character and role and to avoid coalescence to conserve their setting.

Local Plan Section 1 Policy SPL1 identifies a hierarchy of settlements where new development will be directed to. In areas outside of development settlement boundaries, these are considered to be part of the countryside. Policy SPL2 reiterates that outside of settlement boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies within the development plan.

For the purposes of the settlement hierarchy, Ardleigh is classed as a 'smaller rural settlement' where development is limited to smaller development within defined settlement boundaries consistent with local community needs. By reason of the site's location within the hamlet of Fox Street and outside of the settlement development boundary (SDB) for Ardleigh.

The site is not located in an area which is promoted as a centre or as a suitable location for further housing growth. Moreover, there are no policies within the development plan

which afford the proposal support in principle. Harm to the Council's spatial strategy to direct housing development to more sustainable locations would arise.

The proposal is located in the countryside and is beyond the scales and patterns of growth promoted under the Local Plan. The proposal would therefore conflict with Section 1 Policy SP3 and Section 2 Policies SPL1 and SPL2.

2 HARM TO THE CHARACTER OF THE AREA

Paragraph 126 of the National Planning Policy (NPPF) 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.

Policy SP7 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. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. Moreover, Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The site is located within a clear break in built form within an expanse of openness extending into the open agricultural fields beyond. The development of part of this undeveloped land would represent an unacceptable incursion into the countryside being uncharacteristic of its surroundings. Any built development in the countryside, by definition, leads to a loss of landscape and an alteration of landscape character. The introduction of urban form including buildings, access, fencing and domestic paraphernalia would be seen as an urbanisation of the site, thus eroding the sense of openness and its semi-rural character.

Consequently, the proposal would fail to reinforce local distinctiveness and integrate well within the wider landscape thus having a harmful effect on the character and appearance of the area. The development would conflict with Policies PPL3 and SPL3.

3 FAILURE TO DEMONSTRATE ECOLOGY IMPACTS

Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policy PPL4 states that, proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Insufficient ecological information has been provided and the application is contrary to the Local Plan Policy PPL4. The local planning authority are unable to assess, with certainty, the impacts on protected species and are unable to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.

4 FAILURE TO SECURE RAMS CONTRIBUTION

The applicant has not provided a completed Unilateral Undertaking to secure the required financial contribution in accordance with the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and the application is therefore contrary to adopted Tendring District Local Plan 2013-2033 and Beyond Section 1 Policy SP2, Section 2 Policy PPL4 and Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

DATED: 8th September 2023

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

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 2023 (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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Draft Ardleigh Neighbourhood Plan 2020 - 2033 (August 2022) (DANP)

Supplementary Planning Documents

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

Essex Design Guide

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.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- o LS4339/1 Topographical Survey
- o P02 Site Plan
- o P01 Amended Proposed Block Plan, Elevations and Floor Plans
- o Construction Method Statement

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.