



AGENT: Mr Board - ABC Planning
2 Thrift Cottages
Straight Road
Boxted
CO4 5RA

APPLICANT: Mr N Sibbons
Keelars Tye
Keelars Lane
Alresford
Essex
CO7 7EP

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01277/OUT

DATE REGISTERED: 14th September 2023

Proposed Development and Location of Land:

**Outline Planning Application (Access/Layout/Design and Scale to be considered) for new commercial units (Use Class E, Part G).
Land at Tenpenny Farm North of St Osyth Road Alresford Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 1 The proposal is for a main town centre use outside of any centre identified within the Local Plan. Further, the site is not within the Settlement Development Boundary of Alresford. Further still, the proposal is for development above the locally set threshold whereby an Impact Assessment should be carried out and the application is not supported by one. The proposal would therefore be contrary to the scales and patterns of growth promoted under Local Plan Policies SP3, SPL1 and SPL2, and Alresford Neighbourhood Plan policy ALRES1. In the absence of an Impact Assessment the proposal is also contrary to Local Plan Policy PP4.
- 2 The proposed development, characterized by the wide access road, extensive parking areas, and the addition of new build form in depth behind the residential dwellings to the south, and the prevailing frontage development on St Osyth Road further to the north-west would result in a discordant and incongruous form of development, impacting negatively on the established character of the area. The narrow 'landscaped zone' will not overcome these elements of harm because very significant landscaping is required to effectively screen the harmful elements of the development, in this location. The type of landscaping required will also take a very significant time to establish. Moreover, the screening of the development through landscaping will not address the fundamental harmful elements as outlined above. The proposal is therefore contrary to Local Plan policies SP7, PPL3, SPL3 and paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) 2023.
- 3 The application has failed to demonstrate the likely impact of the development proposal on a row of protected Oak trees located along the western boundary of the site (Tree Preservation Order TPO/16/05 White House Farm). In particular, no information has been submitted to demonstrate that a satisfactory juxtaposition between the protected trees and the proposed development can be achieved, ensuring the long-term survival of these protected trees. The proposal is therefore contrary to Local Plan policies SP7, SPL3 (a) and (d) and PPL3 (d,) and Alresford Neighbourhood Plan policy ALRES7.

- 4 The proposed wide access road with parking areas either side, coupled with the location of the refuse bins and the inevitable requirement for external lighting to illuminate the extensive hardstanding, parking areas and access roads will have a significant harmful impact on the residential amenity of occupiers immediately to the south by reason of increased noise and disturbance and light pollution during the hours of darkness in the winter months. The proposal is therefore contrary to Local Plan policies SP7 (bullet point 12), SPL3 (Part B criteria e) and paragraphs 130 (f) of the NPPF 2023.
- 5 The application has failed to demonstrate that the development will have no significant impacts upon any protected species on or near the site. Moreover, the submission is also not supported by an appropriate ecological assessment and the application has failed to demonstrate that the development proposal will minimise impacts on biodiversity, and/or result in no net loss in biodiversity. The proposal is therefore in conflict with Local Plan policy PPL4, Alresford Neighbourhood Plan policy ALRES7, and paragraph 180 of the NPPF 2023.

DATED: 9th November 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 Sept 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
SP3 Spatial Strategy for North Essex
SP5 Employment
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
HP1 Improving Health and Wellbeing
HP5 Open Space, Sports & Recreation Facilities
PP5 Town Centre Uses
PP7 Employment Allocations
PP13 The Rural Economy
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
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Design Guide

Tendingr Climate Emergency Action Plan 2020 - 2023

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Neighbourhood Plan

Alresford Neighbourhood Plan 2018-2033

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 reasons for the refusal, approval has not been possible.

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):

505-01-00 - Colour Elevations - Units 1-4

505-01-02 A - Location Plan

505-01-03 A - Site Plan

505-01-04 A - Floor Plans - Units 1-9

505-01-05 - Elevations - Units 1-4

505-01-06 - Elevations - Units 5-9

505-01-07 - Roof Plans - Units 1-9

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.](https://www.gov.uk/planning-inspectorate)

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.