



**AGENT:** Steve Curley - Parker Planning Services  
Moulsham Mill Parkway  
Chelmsford Essex  
CM2 7PX

**APPLICANT:** Mr and Mrs Cole  
Acorn Cottage Farm Road  
Great Oakley Harwich  
Essex  
CO12 5AL

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 22/00969/FUL      **DATE REGISTERED:** 6th June 2022

Proposed Development and Location of Land:

**Proposed erection of one dwelling.  
Acorn Cottage Farm Road Great Oakley 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 Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and Paragraph 208 confirms 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 including, where appropriate, securing its optimum viable use.

Adopted 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, although adds that development will be accommodated at sites adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Policy LP8 (e) and (f) of the Adopted Local Plan, states that proposals for the residential development of backland sites must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting, or be

out of character with the area or set a harmful precedent for other similar forms of development.

Adopted Policy PPL8 states that 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.

The site falls adjacent to, but outside of, the Settlement Development Boundary for Great Oakley. The proposed development would therefore extend beyond the area planned to provide growth for this settlement. The dwelling, which would result in a hard urban edge to a defined settlement, will measure 7.1 metres in height across two storeys and will include a cartlodge building to the front, which overall is of a larger scale and footprint to neighbouring properties. As such the proposal has a scale and siting that appears detached, disconnected, and incongruous in relation to the dwellings to the south-west and those approved adjacent to the north-west and, therefore, is not in-keeping with the existing built form or overall character of development in this location.

Furthermore, the dwelling would result in a level of less than substantial harm to the setting of the Great Oakley Conservation Area by changing the existing rural setting with the introduction of a built form within a mostly undeveloped landscape which highly contributes to the significance of the Conservation Area, whilst also including a range of non-traditional features such as rooflights, PV panels, first-floor loggia and a prominent front porch. Given the Council can demonstrate a comfortable five year housing land supply and that one dwelling outside of a recognised Settlement Development Boundary would not generate significant economic benefits to the local area, the very minor level of public benefits do not outweigh this level of identified harm. The proposal therefore fails to accord with the aforementioned local and national planning policies.

**DATED:** 21st February 2024

**SIGNED:**




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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 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
- 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
- LP8 Backland Residential Development
- PPL2 Coastal Protection Belt
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- 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

## 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):

Drawing Numbers FPA.001 Revision D, FPA.002 Revision A, FPA.003 Revision G, FPA.004 Revision I, FPA.005 Revision F, FPA.006 Revision F, FPA.007 Revision E, FPA.008 Revision E, FPA.009 Revision E, FPA.010 Revision E, FPA.011 Revision E, and the documents titled 'Planning Statement' received 10th January 2024, 'Proposed Site Location Plan'. 'Construction Method Statement', 'Electric Vehicle Charging', 'Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment', and 'Factual Report of Investigation'.

## 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 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.