



AGENT: Mr Martin Love - BowersCAD
9 Burns Close
Maldon
Essex
CM9 6DN

APPLICANT: Mr Darren Sell
Darmel Lodge
Brightlingsea Road
Thorrington
Colchester
Essex
CO7 8JH

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01460/FUL

DATE REGISTERED: 16th October 2023

Proposed Development and Location of Land:

**Proposed new chalet bungalow to the rear of Darmel Lodge with new access, and retention of existing bungalow (Darmel Lodge).
Darmel Lodge Brightlingsea Road Thorrington Colchester**

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, 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.

The site lies outside the Settlement Development Boundary (SDB) for Thorrington as designated within the adopted Local Plan. As such, the proposal by reason of the site's location is contrary to Policies SP1, SP3, SPL1 and SPL2 of the adopted Local Plan whereby the proposal fails to meet the sustainability aims and objectives of these policies in terms of achieving sustainable development by directing future housing growth to within the existing settlements. The site is therefore not suitable for new housing and the Council presently has a healthy five year housing land supply resulting from the implementation of larger housing schemes approved for the district prior to the adoption of the current Local Plan whereby the plan policies contained within the current plan relating to housing growth and allocations are up to date.

- 2 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.

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 (b) states that proposals for the residential development of backland sites must include a safe and convenient means of vehicular and pedestrian access/egress that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene, and long or narrow driveways will not be permitted. Criterion (e) and (f) state that proposals must not be out of character with the area or set a harmful precedent for other similar forms of development.

The dwelling is to be accessed via a new 70m long access point from Brightlingsea Road to the east (in-between Darmel Lodge and Southaw). This section of Brightlingsea Road has a distinct prevailing character consisting of residential properties running north to south fronting onto Brightlingsea Road, and against this context a dwelling sited clearly to the rear of the existing building line would not conform with the areas prevailing character, and would instead appear as a harmful intrusion into the countryside. Moreover, the proposed lengthy access road designed to serve a single dwelling is incongruent with the surrounding area's character. This is particularly evident where the access road widens upon intersecting with Brightlingsea Road, creating an overly intrusive and discordant feature that detracts from the area's established ambiance and visual coherence.

There proposal is therefore contrary to paragraph 135 of the NPPF and the above mentioned Local Plan Policies.

DATED: 21st February 2024

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 (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:
SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports and Recreation Facilities
DI1 Infrastructure delivery and impact mitigation

LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP8 Backland Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility

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 700/0S, BC/1235/2, BC/1235/3, BC/1235/5 and the document titled 'Design and Access Statement'.

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.