



AGENT: Mr Andrew Brinkley –
Suffolk Building Design Ltd
11 East Street
Sudbury
CO10 2TP

APPLICANT: Mr M Gunton –
Oakley Carpentry Ltd
11 Grange Road
Wickham Bishops
Essex
CM8 3LT

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00136/FUL

DATE REGISTERED: 29th January 2024

Proposed Development and Location of Land:

**Proposed erection of two detached dwellings with garages and associated vehicular access (resubmission of 23/00161/FUL).
Harewood Surgery Harwich 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)

- Paragraph 205 of the National Planning Policy Framework December 2023 (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. Paragraph 208 of the NPPF states that when less than substantial harm to a designated heritage asset is identified, the harm must be weighed against the public benefits of the proposed development.

Policy PPL8 (Conservation Areas) of the adopted Local Plan are considered to be consistent with the NPPF in these respects. Policy PPL8 states that development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard for the desirability of preserving or enhancing the special character and appearance of the Conservation Area, especially in terms of a. scale and design, particularly in relation to neighbouring buildings and spaces; b. materials and finishes, including boundary treatments appropriate to the context; c. hard and soft landscaping; d. the importance of spaces and trees to the character and appearance; e. any important views into, out of, or within the Conservation Area.

The proposed dwellings, by reason of their scale, extent, height and form would result in an unacceptable erosion of the Conservation Area. The identified harm would amount to 'less than substantial harm' to this designated heritage asset. Given that the Council currently have a comfortable five-year housing land supply, there would not be any public benefits that would outweigh this level of less than substantial harm identified.

Therefore, the proposals are considered to be which is contrary to the aims of the above national and local plan policies.

DATED: 21st March 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 December 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
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL 9 Listed Buildings
- PPL10 Renewable Energy Generation
- PPL15 Safeguarding of hazardous substance site, south east of Great Oakley/south west of Harwich
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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 No. 831.21.03 - Existing Block Plan and Sections

Drawing No. 831.21.02A - Site Plan and Proposed Sections Elevations and Floor Plans

Drawing No. 821.21.01H - Block Plan Elevations and Floor Plans

Design and Access Statement - Received 29.01.24

Planning Statement - Received 12.02.24

Arboricultural Assessment and Method Statement - Received 29.01.24

Enviroscreen Report - Received 29.01.24

Ecological Appraisal and Impact Assessment - Received 29.01.24

Tree Constraints Plan - Received 29.01.24

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.