

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: TENDRING DISTRICT COUNCIL (“the Council”)

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land lying to the northwest of Rectory Lane, Ramsey, Essex CO12 5HA comprising 1.32 hectares, or thereabouts, shown edged red on the attached plan (“the Land”). The Land is formerly known as River View Barn.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the creation of a new vehicular access from the Land onto Tinker Street/A120 – the latter, recognised as a major trunk road and part of the national highway network. The access has been created by the removal of approximately 5metres of hedgerow, clearance of land and the carrying out of engineering works to lay hardstanding and erect a gate to formalise the access.

4. REASONS FOR ISSUING THIS NOTICE

It appears to Council that the above breaches of planning control have occurred within the last ten years. The development described in section 3 of this Notice (“the Operational Development”) does not benefit from planning permission and results in unacceptable risk of harm to the safety of both users of the access and the adjacent highway.

Having previously been used as a small holding for agriculture and livestock, the Land is wholly bounded by mature trees and hedgerows and comprises mainly scrubland and meadowland. A steel framed agricultural barn with adjacent lean-to store are sited in the northeast corner of the Land, to the west of an existing vehicular access onto the Land from Rectory Lane.

Rectory Lane runs along the southern boundary of the Land and is a private road but with a public right of way (Ramsey 39). Vehicular access to the lane is off the A120 Ramsey roundabout to the east of the Land. However,

vehicular access along Rectory Lane is restricted by a locked gate at the west end of the lane, adjacent to Ramsey Hill Garage to the south of the lane.

The Land, was purchased by the current owner last year (2023), It is the Council's understanding that the Land which had been unused for several years, was purchased with no right of easement to use Rectory Lane as a vehicular access to the land and the landowner of lane has refused right of access to the lane by the owner of the Land. Notwithstanding any separate public right of way matters, the Land is therefore landlocked currently and it is for this reason that the owner of the Land has created the vehicular access off the A120 (the Operational Development).

The Operational Development is contrary to both national and local planning policies.

The National Planning Policy Framework 2023 ("the NPPF") sets out the national planning policy for development that involve highways.

Paragraphs 11 and 12 of the NPPF refers to how plans and decisions should be in accordance with an up to date development plan and in this matter Tendring's Local Plan 2022 is up to date and awarded full weight. Furthermore, the Local Plan contains relevant policy in respect of the site subject to this notice and there are no indications that the adopted plan should not be otherwise followed.

Paragraph 114 of the NPPF details how development proposals should ensure that *"any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

Furthermore, paragraph 115 of the NPPF goes on to detail how *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

The access is contrary to Policy SP3 (Sustainable design) within Section 2 of the Tendring District Local Plan 2013-2033 and Beyond ("the Local Plan") sets out that all new developments including change of use *"should make positive contributions to the quality of the local environment and protect or enhance the local character, specifically part A (d) the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity."*

Additionally, Policy SP3 (Sustainable Design) development must comply with the practical requirements including:

- a) *access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.*

Policy PPL3 (Rural Landscape) of the Local Plan sets out the Council's position on protecting the rural landscape of the district, stating 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, including to:*

- *estuaries, rivers and undeveloped coast.*
- *skylines and prominent views including ridge-tops and plateau edges;*
- *traditional buildings and settlement settings.*
- *native hedgerows, trees and woodlands;*
- *protected lanes, other rural lanes, bridleways, and footpaths; and*
- *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.”*

Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

The location of the Land and unauthorised access is outside of Ramsey village boundaries and is considered within a rural area.

Local Plan Policy CP2 (Improving the Transport Network) states that *“Proposals will not be granted planning permission if there would be an unacceptable impact on highways safety, or the residual cumulative impact on the road network would be severe.”*

The Council therefore considers that the Operational Development is contrary to the policies detailed above and creates unacceptable harm to the safety of highway users and users of the Land, given its location directly off the A120 major trunk road, where a 60mph limit is in effect. National Highways have been consulted and have provided a holding objection to any planning application if one were to be forthcoming.

The Council is of the view that the harm caused by the Operational Development cannot now be appropriately mitigated against and that planning permission should not be granted to remedy the identified breaches of planning control.

5. WHAT YOU ARE REQUIRED TO DO

- a) Cease the use of the new access off the A120 onto the land.
- b) Remove the hardstanding laid to formalise the access.
- c) Remove any and all waste generated from the above works to an authorised place of disposal.

6. TIME FOR COMPLIANCE

For requirement a), immediately from the date this notice takes effect.
 For requirement b), three (3) months from the date this notice take effect.
 For requirement c), six (6) months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10th of July 2024 unless an appeal is made against it beforehand.

Dated: 7th June 2024

Signed:

A handwritten signature in black ink, appearing to read 'J Pateman-Gee', written over a horizontal line.

John Pateman-Gee
Head of Planning and Building Control

On behalf of: Tendring District Council, Council Offices, Station Road,
CLACTON-ON-SEA, Essex. CO15 1SE

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice. Your rights of appeal and the process by which you may make an appeal are set out in the enclosed "Enforcement Information Sheet" and "Planning Inspectorate Leaflet".

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

SERVICE

Copies of this notice have been served on: -

Mr James Wenman
10 Sunningdale,
Fen Road,
Cambridge
CB4 1UN

PATRICIA WENMAN
10 Sunningdale,
Fen Road,
Cambridge
CB4 1UN

Care of The Company Secretary
Bridge House, 1 Walnut Tree
Close, Guildford GU1 4LZ and Care of National Property Management and Disposal,
Ash House,
Falcon Road,
Sowton,
Exeter
EX2 7LB

Occupier
Land Lying to The North-west of
Rectory Lane
Ramsey
Essex
CO12 5HA

Mr James Wenman

Land Lying to The North-west of
Rectory Lane
Ramsey
Essex
CO12 5HA

The Owner(s) and Occupier(s) and other person(s)/body(ies) with an interest in Land
Lying to The North-west of Rectory Lane Ramsey Essex CO12 5HA

Continuation of Annex
Relevant Planning Policies
Tendring District Local Plan 2013-2033 and Beyond