



**AGENT:** Mr James Bettinson - Beverley  
Ann Design Ltd.  
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London  
N1 7GU

**APPLICANT:** Mr Carl Chapman - Featherfields  
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Essex  
CO16 0LH

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/00019/FUL

**DATE REGISTERED:** 1st May 2024

Proposed Development and Location of Land:

**Proposed change of use from agricultural land to a bird sanctuary and rescue including a maximum of 12 portacabins and aviaries with hardstanding, parking and planting.  
Featherfields Maltings Lane Kirby Le Soken Essex**

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 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.

Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a development settlement boundary. Those without a settlement development boundary are considered to be part of the countryside.

The application site is located outside of the settlement development boundary for Kirby Le Soken in the Local Plan. Kirby Le Soken is categorised as a Smaller Rural Settlement as defined in Policy SPL1. It is considered that these smaller rural settlements are the least sustainable and the proposed development would extend far beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Local Plan and having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 this would not be an appropriate site for development.

The proposal fails to comply with the statutory plan-led approach and conflicts with the Council's strategic approach for growth.

- 2 The site lies within the Walton Backwaters, Horsey Island & Irlams Beach Coastal Protection Belt as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP).

TDLP Policy PPL2 states that within the Coastal Protection Belt, the Council will protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there.

The proposal would have a demonstrably harmful impact upon the character and undeveloped nature of the Coastal Protection Belt designation. Moreover, there is no compelling functional or operational requirement for the development to be located within the Coastal Protection Belt and the proposed development is therefore contrary to Policy PPL2 a.

- 3 The proposal lies within the Hamford Coastal Slopes Landscape Character Area (LCA) as defined and described in The Tendring District Council Landscape Character Assessment. The LCA is defined as gently sloping land encircling and forming part of the setting of the open Marshes of Hamford Water National Nature Reserve. Low, scrubby, and intermittent hedgerows divide regimented fields with scattered farmsteads and manorial halls forming a dispersed settlement pattern. Any changes in the landscape on the coastal slopes has the potential to be highly visible from Hamford Water.

The introduction of 12 Portacabins/containers with associated hardstanding and car parking would introduce harmful, incongruous elements into the landscape, contributing to the gradual erosion of the countryside and the rural character of the area and causing significant harm to the character and appearance of the undeveloped coastline.

The scheme would degrade the character of the area and diminish the existing quality of the rural landscape and would therefore not respond positively to local character and context, contrary to policies PPL3, SPL3 and SP7.

**DATED:** 26<sup>th</sup> June 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 December 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

##### Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development  
 SP3 Spatial Strategy for North Essex  
 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  
 PPL1 Development and Flood Risk  
 PPL2 Coastal Protection Belt  
 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

Supplementary Planning Documents

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

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 Number: 0159-A-001 Revision status: 00

Drawing Number: 0159-A-200 Revision: 01

Drawing Number: 0159-A-004 Revision status: 00

Drawing Number: 0159-A-202 Revision: 01

Drawing Number: 0159-A-201 Revision: 01

Drawing Number: 0159-A-003 Revision status: 00

Drawing Number: 0159-A-203 Revision: 01

Drawing Number: 0159-A-005 Revision status: 00

Flood Risk Assessment dated March 2024

Letter dated 15 May 2024 from the applicant to Essex Highways as statement of use

Email dated 20 May 2024 confirming proposed use of a sewage treatment plant.

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.