



AGENT: Stour Valley Design
Swan Corner
Mill Lane
Bradfield
Manningtree
Essex
CO11 2UT

APPLICANT: Mr Michael Nicholl
Blue Cedars
Back Lane West
Great Bromley
Colchester
Essex
CO7 7JE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00769/OUT

DATE REGISTERED: 17th June 2024

Proposed Development and Location of Land:

**Outline Planning Application (all matters reserved) - detached bungalow and garage on land adjacent to Blue Cedars.
Blue Cedars Back Lane West Great Bromley Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- Paragraph 83 states that Planning policies and decisions should avoid the development of isolated homes in the countryside. Adopted Local Plan Section 1 Policy SP3 sets out the Council's spatial strategy for development of new housing within the district. Whilst it seeks to focus the majority of new development to existing settlements, development will be accommodated within or adjoining settlements subject to their scale, sustainability and existing role within their district and, where relevant, across the wider strategic area. The supporting text explains that growth will be planned to ensure existing settlements maintain their distinctive character and role and to avoid coalescence to conserve their setting.

Local Plan Section 1 Policy SPL1 identifies a hierarchy of settlements where new development will be directed to. In areas outside of development settlement boundaries, these are considered to be part of the countryside. Policy SPL2 reiterates that outside of settlement boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies within the development plan.

For the purposes of the settlement hierarchy, Great Bromley is classed as a 'smaller rural settlement' where development is limited to smaller development within defined settlement boundaries consistent with local community needs.

By reason of the site's location outside of the settlement development boundary (SDB) for Great Bromley, it is considered that the site is not located in an area which is promoted as a centre or as a suitable location for further housing growth. Moreover, there are no policies within the development plan which afford the proposal support in principle. Harm to the Council's spatial strategy to direct housing development to more sustainable locations would arise.

The proposal is located in the countryside and is beyond the scales and patterns of

growth promoted under the Local Plan. The proposal would therefore conflict with Section 1 Policy SP3 and Section 2 Policies SPL1 and SPL2.

- 2 Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policy PPL4 states that, proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Insufficient ecological information has been provided and the application is contrary to the Local Plan Policy PPL4. The local planning authority are unable to assess, with certainty, the impacts on protected species and are unable to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.

DATED: 8th August 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 (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
HP5 Open Space, Sports and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
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
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020
(RAMS) Tending Provision of Recreational Open Space for New Development SPD 2008
Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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):

Site Plan - Drawing No. 28-2023-01P - Received 10.06.24

PROPOSED SITE PLAN - Drawing No. 28-2023-02P - Received 23.05.24

PROPOSED GROUND FLOOR PLAN - Drawing No. 28-2023-03P - Received 23.05.24

PROPOSED ELEVATIONS - Drawing No. 28-2023-04P - Received 23.05.24

PROPOSED GARAGE FLOOR PLAN AND ELEVATION - Drawing No. 28-2023-05P -
Received 23.05.24

Design & Access Statement - Received 23.05.24

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.