



AGENT: Mr Andrew Haynes
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APPLICANT: Mrs Premwadee Haynes
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/00920/FUL

DATE REGISTERED: 5th July 2024

Proposed Development and Location of Land:

**Planning Application - Convert hay barn to ancillary annexe, including insertion of first floor.
60 Harwich Road Lawford Manningtree 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 Although described as an annexe, this proposal constitutes a self-contained dwelling by way of its size and separation from the host dwelling and has been assessed in accordance with local and national policies that relate to such developments.

The Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

The application site is located just over 1km to the west and outside of the nearest settlement development boundary for Lawford and Manningtree in the Adopted Local Plan. Lawford and Manningtree are categorised as a Smaller Urban Settlement as defined in Adopted Policy SPL1.

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 Local Plan Policy SP3 and Policy SP7 this is not considered an appropriate site for the proposed dwelling. The proposal also fails to accord with criteria a) of Policy LP7 for a Self Build reinforcing the failure to comply with the housing policies of the Tendring District Local Plan 2013-2033 and Beyond and the Council's strategic approach to housing delivery.

The proposal fails to comply with the statutory plan-led approach to the location of future housing.

- 2 The proposed sheeted roofing and natural or black vertical cladding aims to retain an appearance that consciously likens it to an agricultural building although the solid mass created will appear overbearing in this setting. The proposed use of UPVC framed windows and doors, albeit to match the cladding, introduces irregular and discordant features, which would be domestic in appearance and at odds with the rural and agricultural appearance of the building. Consequently, there is no balance or consistency contributing to the design making it unacceptable.

The proposal lies at the northern end of a cluster of outbuildings in rural surroundings and although it cannot be seen directly from Harwich Road it has the potential to be a prominent and incongruous feature in its setting contributing to the gradual erosion of the countryside and the rural character of the area. The proposal is not considered to preserve or enhance the special character and appearance of the Dedham Vale AONB and does not protect or reinforce the identified positive landscape qualities.

The proposed backland development is considered as "tandem" development using a shared access as the new dwelling will be sited behind the existing dwelling of 60 Harwich Road. The development creates a long and narrow driveway, running directly adjacent to the existing dwelling of 60 Harwich Road causing undue disturbance and loss of privacy to residents by way of the vehicular access passing unreasonably close to the eastern elevation where two windows and door exist causing noise and loss of privacy to the occupiers.

Further, the proposal is considered a form of development out of character with the linear form of development along this part of Harwich Road which has a well-defined settlement pattern and would set a harmful precedent for other similar forms of development.

The proposed development is therefore contrary to Policy SP7, SPL3, PPL3 and LP8 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- 3 Due to the design of the proposal, two first floor windows face west overlooking the land at 59 Harwich Road. The plans do not show what rooms the windows serve. Although the windows do not overlook private sitting out areas close to the house of 59 Harwich Road, the windows are located directly on the boundary and the windows will only have views into the neighbour's land which will have a significant impact on the privacy of the neighbouring residents.

The proposed development is therefore contrary to Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- 4 Given the nature of the existing building, a barn to be converted or rebuilt, there is a potential for wildlife and their habitats, in this case the barn provides a likely habitat for bats and a Preliminary Ecological Survey is required in order that the impacts to wildlife and their habitats can be properly assessed.

Policy PPL4 states that any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

Paragraph 180 of the National Planning Policy Framework requires that planning decisions protect and enhance sites of biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been

addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

National Planning Practice Guidance for the Natural Environment confirms that an ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Standing advice from Natural England confirms that if there is suitable habitat on the site to support protected species a survey is required. In this case the Natural England standing advice verifies that buildings with features suitable for bats, or large gardens in suburban and rural areas as likely habitats for protected species. No such information has been provided with this application and therefore the effects on protected species and their habitats are not able to be fully considered. As such, the proposal is in conflict with the afore-mentioned policies, guidance, advice and the Framework.

The applicant has not provided a preliminary ecology survey and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to Policy PPL4. In this case it is unknown whether significant harm will be caused.

DATED: 6th September 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
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP7 Self-Build and Custom-Built Homes

LP8 Backland Residential 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
 DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
 Essex Design Guide
 Technical housing standards: nationally described space standard Published 27 March 2015
 Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

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):

Plan 1 Site location plan 1:1250
 Plan 2 Block plan 1:500
 Plan 3 Elevations proposed 1:100
 Existing and proposed floor plans 1:100
 Existing and proposed roof plans 1:100
 Existing elevations
 Internal section plan 1:50
 Planning Application Statement
 Letter dated 13/7/2024 titled Supplementary Information

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.**
- Please ensure that you have read the latest procedural guidance for appeals prior to submitting an appeal. The latest guidance can be found at [Procedural Guide: Planning appeals – England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guide-to-planning-appeals)
- 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.](https://www.gov.uk/government/publications/planning-appeals)

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.