



APPLICANT: Mr Charlie and Mrs Katie
Sanderson
The Barn
Swan Road
Beaumont Cum Moze
Essex
CO16 0AN

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/01258/FUL

DATE REGISTERED: 19th August 2024

Proposed Development and Location of Land:

Planning Application - Change of use from disused grazing land to a small scale glamping site with 2 glamping pods and a holiday lodge.

Land Lying to The South of Elm Farm Swan Road Beaumont Cum Moze

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 settlement development boundary. Those areas 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 Beaumont-cum-Moze in the Local Plan. Beaumont-cum-Moze is categorised as a Smaller Rural Settlement as defined in Policy SPL1. It is considered that these smaller rural settlements are the least sustainable necessitating reliance on the private car for journeys 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 while having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 and 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 leading to unsustainable development in the countryside.

- 2 The proposal to change the use of the application site to a glamping site will adversely alter the character and appearance of the land. Although the proposed buildings are single storey, the lodge notwithstanding its natural timber appearance, in view of its size and scale will appear incongruous in the landscape along with the other structures which includes two glamping pods, the shower/toilet block and hot tubs will urbanise the field. The proposed natural mound, whether for privacy or for other reasons that are not known introduces an unfamiliar topography to the site which is uncharacteristic and unacceptable. The agricultural land surrounding the site is largely flat with no harsh undulations. The use of Laurel hedging for the separation of plots from each other and to enclose the parking area is not acceptable; it is more commonly seen in a residential setting and is not suitable for the rural countryside location. The buildings on the application site, coupled with the hardstanding required to facilitate the development and the potential for lighting during darkness will erode the rural character and appearance of the immediate area.

The proposal is considered contrary to Policies SP7, SPL3, PPL3 and the National Planning Policy Framework by virtue of extending into open countryside, the siting of buildings across the site with an uncharacteristic mound, hardstanding and Laurel hedging resulting in an inappropriate form of development detrimental to the character and appearance of the area.

- 3 The field is served by an existing vehicular access and metal gate however the proposal will intensify its use. The proposed access is a width of 3.6 metres, such that it would be difficult for two cars to comfortably pass one another on the drive preventing ease of access into the site from Swan Road if a vehicle is exiting the site at the same time causing conflict detrimental to highway safety. In the same way, it would be difficult for a refuse lorry to access and turn within the site and this would be the same for a tanker to access the site for emptying of the proposed septic tank as it is not considered safe to do either from the roadside.

Essex Highways have confirmed that there is inadequate information in relation to the speed of traffic on the road and the proposed visibility splays.

The application site is situated on a stretch of Swan Road that is subject to a 60-mph speed limit. The Access Plan shows visibility splays of 75.232 metres in a northerly direction and 184.403 metres in a south westerly direction taken 2.5 metres back from the highway in the centre of the entrance. The Essex Design Guide confirms that an access on streets with speeds above 37mph should be designed to Design Manual for Roads and Bridges (DMRB) criteria which states visibility splays on a 60mph road requires a sight line of 215 metres in both directions and it is therefore considered that the visibility splays proposed are substandard. In addition, there is uncertainty as to whether the visibility splays can be achieved within the limits of public highway and/or land in the control of the applicant as they appear to cross third party land. No speed surveys of the road have been undertaken, as such, the precise visibility splay requirements have not been identified and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety.

Therefore, the development is contrary to Policies SP7, SPL3, CP2 of the Local Plan and the National Planning Policy Framework.

- 4 Given the nature of the application site, a previously grazed field now partially overgrown

in places, enclosed by mature hedging and mature trees, there is a potential for wildlife and their habitats. In this case bats could use the land for foraging or commuting, the land could also provide habitats for breeding birds, reptiles, invertebrate and protected plants 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 veteran trees, meadows, grassland and pasture on the land or linked to the site (by similar habitat) or rough grassland, scrub and hedgerows on or next to the site 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: 17th October 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
- 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
- PP8 Tourism
- 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
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)
Essex Design Guide

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.

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 Title. LOCATION PLAN Sheet 101 received 14/10/2024
Drawing Title. BLOCK PLAN Sheet 102
Drawing Title. ACCESS PLAN Sheet 103
Response to ECC Highways comments received 14/10/2024
Three bedroom lodge product specification
Glamping pod product specification
The Burrows statement

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-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.](#)

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.