



APPLICANT: St Osyth Priory Estate Limited
Bentfield Place
Bentfield Road
Stansted
Essex
CM24 8HL

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/01562/VOC **DATE REGISTERED:** 21st October 2024

Proposed Development and Location of Land:

**Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved Plans), Condition 3 (Materials - Phase 1) and Conditions 4 (Materials - Phase 2) of application 18/01166/FUL to enable/allow details pertaining to the garage doors to be amended in order to regularise the doors in situ.
St Osyth Priory The Bury St Osyth 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 Paragraph 131 of the National Planning Policy Framework (NPPF 2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 adds that planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 210 c) outlines that local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 215 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates

well to its site and surroundings particularly in relation to its design and materials. Policy PPL8 seeks to ensure that any new development within a designated conservation area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of design and materials. Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

The installed garage doors present a more utilitarian, and in some places industrial aesthetic, in contrast to the traditional character. The requirement for the original timber doors would have been considered under paragraph 219 and 210 (c) of the NPPF with an ambition to provide a high-quality development in the setting of heritage assets which contributes to local character and distinctiveness. The installed doors do not deliver the same quality and are therefore considered to erode the traditional form and character of the estate.

The estate is situated within the St Osyth Conservation Area. The proposed garage doors are therefore considered discordant and incongruous and would result in a significant detrimental impact upon visual amenity, failing to preserve the character and appearance of the St Osyth Conservation Area, which in this location forms a traditional housing development comprising of traditional high-quality materials that preserve the character and appearance of the conservation area.

In addition, the Cartlodges E, D, C and A, which form part of the square at the north east corner of the development, can be experienced in the setting of the St Osyth Priory Scheduled Monument and Registered Park and Garden. In this respect, the installed doors are harmful and poor quality in terms of aesthetic. As a result, they would have a harmful impact upon the setting of the St Osyth Priory complex and St Osyth Priory Registered Park and Garden in respect of how these heritage assets are experienced and appreciated.

In this case there are no apparent public benefits that would outweigh the identified harm. Moreover, the proposals do not make a positive contribution to local character and distinctiveness and do not enhance or better reveal the significance of the identified heritage assets.

The proposed development therefore fails to accord with the local and national planning policies listed above.

DATED: 20th January 2025

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 2024 (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
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

- SPL1 Managing Growth
- SPL3 Sustainable Design
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL8 Conservation Areas
- PPL9 Listed Buildings

Supplementary Planning Documents:

- Essex Design Guide
- St Osyth Conservation Area Appraisal

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. 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):

- OC002-03-03 N
- OC002-03-03 J
- CC002-60-03 D
- CC002-60-04 E
- CC-0175-WFD-GT09 A
- CC-0175-WFD-GT08 A
- CC-0175-WFD-GT07 A
- CC-0175-WFD-GT06 A
- CC-0175-WFD-GT05 A
- CC-0175-WFD-GT04 A
- CC-0175-WFD-GT03 A
- CC-0175-WFD-GT02 A
- CC-0175-WFD-GT01 A

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/uploads/system/uploads/attachment_data/file/612222/Procedural-Guide-Planning-appeals-England-GOV.UK)
- 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/uploads/system/uploads/attachment_data/file/612222/Procedural-Guide-Planning-appeals-England-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.