



AGENT: Mr Mark Amos - MSA Design
130 High Street
Wivenhoe
Colchester
Essex
CO7 9AF

APPLICANT: Mr Phil Birch
Creek Cottage
Brightlingsea Road
Thorrington
Colchester
Essex
CO7 8JJ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/01677/FULHH

DATE REGISTERED: 18th November 2024

Proposed Development and Location of the Land:

Householder Planning Application - Construction of treehouse (retrospective application).

Creek Cottage Brightlingsea Road Thorrington Colchester

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions:

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in strict accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Drawing No.'s

- 115 P001 - Proposed OS and Block Plans
- 115 P010 - Existing OS and Block Plans
- 115 P002 Rev A - Proposed Roof Plan and Photos
- 115 P003 Rev A - Proposed Elevations

REASON: For the avoidance of doubt.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non-Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

2 COMPLIANCE PRIOR TO FIRST USE: INSTALLATION & MAINTENANCE OF WILLOW SCREENING

CONDITION: Within 2 months of the date of this permission and prior to the first use of the development hereby approved, the willow screening shown on approved drawing no. 115 P003 Rev A - Proposed Elevations shall be first installed in accordance with the approved details and maintained in the approved form in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, and in the interest of the amenity of neighbouring residents to minimise overlooking and loss of privacy.

3 COMPLIANCE PRIOR TO FIRST USE: REMOVAL OF DECKING

CONDITION: Within 2 months of the date of this permission, and prior to the first use of the development hereby approved, the decking to the left side (south facing elevation) of the treehouse shall be removed in its entirety in accordance with approved drawing no. 115 P003 Rev A - Proposed Elevations and maintained in the approved form in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, and in the interest of the amenity of neighbouring residents to minimise overlooking and loss of privacy.

4 COMPLIANCE PRIOR TO FIRST USE: REMOVAL OF WINDOW

CONDITION: Within 2 months of the date of this permission, and prior to the first use of the development hereby approved, the window to the front (east elevation) of the treehouse (facing towards the host dwelling) shall be removed in its entirety in accordance with approved drawing no. 115 P003 Rev A - Proposed Elevations and maintained in the approved form in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, and in the interest of the amenity of neighbouring residents to minimise overlooking and loss of privacy.

5 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS CCTV

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no CCTV shall be installed of the hereby approved development except pursuant to the grant of planning permission on an application made in that regard.

REASON: For the avoidance of doubt, and in the interest of the amenity of neighbouring residents to minimise overlooking and loss of privacy.

DATED: 28th February 2025

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:

NATIONAL:

National Planning Policy Framework December 2024 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:

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

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

INFORMATIVES:

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. An assessment of the amended development has been made against all material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable development, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

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 <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/procedural-guide-to-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.