

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	18/3/2025
EIA Development - Notify Planning Casework Unit of Decision	NO	
Team Leader authorisation / sign off:	ML	19/03/2025
Assistant Planner final checks and despatch:	ER	19/03/2025

Application: 25/00045/FUL **Town / Parish:** Beaumont Parish Council

Applicant: Ms Beach

Address: Land to rear of Taylor Cove Harwich Road Beaumont

Development: Planning Application - Erection of 2.1 metres high timber fencing along southern boundary of the site for a distance of 100 metres.

1. Town / Parish Council

Beaumont Parish Council No comments received

2. Consultation Responses

n/a

3. Planning History

18/01087/FUL	Creation of manège exercise area associated with adjacent grazing land and stables.	Approved	08.11.2018
04/00975/FUL	Proposed entrance gates to Taylor Cove and Danes Croft	Approved	03.07.2004
18/01276/FUL	Proposed new stables and change of use of agricultural land to grazing for horses.	Approved	08.11.2018
18/01497/FUL	Proposed front wall with railings.	Approved	29.11.2018
19/00011/DISCON	Discharge of Condition 4 (Waste Management Plan), Condition 7 (Floodlighting) and Condition 9 (Boundary Fencing) of application 18/01276/FUL.	Approved	22.02.2019
24/00721/FUL	Full Planning Application - Relocation of existing double field shelter comprising of a hay/storage barn and a stable onto a new concrete base with fenced corral.	Approved	07.11.2024
25/00182/DISCON	Discharge of conditions application for 24/00721/FUL - Condition 3 (Biodiversity Enhancement Strategy) and Condition 4 (Biodiversity Net Gain Plan)	Current	

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

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 (adopted January 2021)

SP 7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

7. Officer Appraisal (including Site Description and Proposal)

Proposal/Site Context

This application seeks planning permission for the erection of larch tanalised close boarded fencing panels measuring 2.134 metres in height which includes a concrete gravel board supported by concrete posts for a distance of 100 metres from the point at where the rear gardens of Danescroft and Chota Gur meet running southeast behind Chota Gur, Maple House and Hall Cottages.

The application site is outside of any settlement development boundary however lies within the Walton Backwaters, Horsey Island and Irlams Beach Coastal Protection Belt.

Design and Appearance

The proposed closed board fence will be a distance of 0.10 metres from the existing boundary. The wooden fencing gives a natural appearance and is commonly used to demarcate a residential boundary. In this case it is acknowledged that the fencing is on the edge of a field with an equestrian use however the fencing is in a position at the end of the back gardens of the residential properties thereby defining that boundary by creating a divide offering privacy and security. For that reason, the proposal is considered acceptable and would result in no material harm to visual amenity given its height and siting.

The proposed fencing cannot be seen from Harwich Road, however it will be able to be viewed from the public footpath that runs along the eastern side of the site and by the neighbouring occupiers. The proposal is not considered to significantly harm the landscape character and quality of the undeveloped coastline, regarded as a minor development on the edge of the field for existing private equestrian use, adjacent to the settlement development boundary of Beaumont-cum-Moze and the back gardens of residential properties.

Impact on Residential Amenities

The fence is 2.134 metres in height located behind the existing various residential boundary treatments. The closest dwelling to its rear boundary shared with the equestrian land is that of Maple House at a distance of 41 metres. Taking this into account there will be no significant impact to any neighbouring amenities in terms of loss of light, loss of privacy or outlook.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other considerations

One objection has been received and raises the following concerns:

1. detrimental impact on the landscape - the proposal significantly and negatively impacts others' enjoyment and sense of space in the countryside and views from their properties.
2. The spurious grounds of the application also cause concern.
 - a) The application is apparently concerned with "land to the rear of Taylor Cove" - it is self-evident from the illustration that the land affected would in fact be to the rear of a number of other properties but not Taylor Cove.
 - b) The inference that vehicular access could be gained via the currently up-for-sale Chota Gur is misleading and any concerns that there may be relating to unauthorised pedestrian access will be naturally addressed by the sale and likely building of additional property.
 - c) The "access through farm" indicated in drawing 0/a100/pr/001 a has been agreed for emergency use only.
3. Whilst I am sympathetic to the applicant's concern for their horses, it is their choice to locate them along the residential boundary. The field is a large one and if there is concern of the horses accessing hazards in other people's gardens I'm sure there is adequate space available to afford safe distance

Officer comments:

Point 1 - it is recognised that the proposed fencing will intervene with existing views from the neighbouring properties however the outlook of the occupiers will not be adversely affected given the height and siting of the fence.

Point 2a – the location of the fence is described in the report.

Points 2b, 2c and 3 – the matters raised here are not material planning considerations.

No other representations have been received.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in 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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any

successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is dwg no 0/A100/PR/001 Rev A received 20 January 2025

Dwg no 0/A200/PR/001

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

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. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

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.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity Enhancements 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>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B.

Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO