



AGENT: Mr Jack Moreline –
Grow Design Studio
5 Partridge Drive
Fordham
Colchester
CO6 3NH

APPLICANT: Mrs Wooley
106A Holland Road
Clacton On Sea
Essex
CO15 6HB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 25/00098/FULHH **DATE REGISTERED:** 28th January 2025

Proposed Development and Location of Land:

**Householder Planning Application for fence to remain and be painted green.
106A Holland Road Clacton On Sea Essex CO15 6HB**

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 reasons

- Paragraph 135 of the National Planning Policy Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Local Plan Policy SP7 states development should reflect place shaping principles and where applicable respond positively to local character and context to preserve and enhance the quality of existing places and their environs. In addition, Local Plan policy SPL3 Part A, Clause e states that boundary treatments and hard and soft landscaping should be designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species. Further Local Plan policy SPL3 seeks new development that does not have a materially damaging impact on the amenities of occupiers of nearby properties.

The fencing installed is out of character with the landscaped pattern and planned layout of development in the immediate surrounding area and would harm both the prevailing open plan character and neighbouring residential amenity, the latter in terms of visual harm and enjoyment of a landscaped area clearly designed to be open for the visual enjoyment of residential occupiers along this section of Holland Road. The proposal to paint the fence green does not overcome these objections. Therefore, the proposal is considered to be contrary to the aims of the Framework and the above-mentioned Local Plan Policies.

DATED: 20th March 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
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
PPL12 The Gardens Area of Special Character, Clacton-On-Sea

Supplementary Planning Documents
Essex Design Guide

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 No. 1136_A_SC_01 - Site Plan
Drawing No. 1136_A_SC_02 - Block Plan
Drawing No. 1136_A_SC_03 - Site Layout Plan and Southwest Elevation

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.

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.