



APPLICANT: Mr Jack Nethercott –
Prime Oak
The Millworks
Heath Mill Road
Wombourne
WV5 8AP

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/01853/FULHH **DATE REGISTERED:** 6th January 2025

Proposed Development and Location of Land:

Householder Planning Application - erection of oak framed garage with first floor home office, entertainment and gym space.
Jasmine Cottage Tendring Road Thorpe Le Soken Clacton On Sea

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 The proposed outbuilding having an overall height of 6.1m and a footprint of 114sqm is considered excessive in size and scale in comparison to the host dwelling which is just 0.6m taller and has 4sqm less footprint. As a result of this substantial size, the proposal gives the appearance of being a separate planning unit rather than a subservient addition, which is further exacerbated by the proposal being sited 19.5m away from the host dwelling, resulting in an incongruous form of development which would detract from the visual amenities of the area. The proposal is therefore contrary to the provisions of paragraphs 131 and 135 of the National Planning Policy Framework (2025) and TDLP policies SP and SPL3.
- 2 The proposed outbuilding is situated upon land that was formerly a part of Thorpe Green which has historically been undeveloped. The size and scale of the outbuilding has an urbanising effect that does not preserve the positive contribution the land makes to the setting of the Grade II Listed Building and the way it is experienced in open and spacious surroundings with an unobstructed relationship with Thorpe Green. Further, the siting and excessive size of the outbuilding would erode the appreciation of the historic relationship 'Millington House' has had with Thorpe Green, and detract from the views of the Listed Building gained across the green during winter when the trees have dropped their leaves.

This harm is considered to be less than substantial harm, however, as the outbuilding will be used for residential purposes, there are no public benefits that would outweigh the level of harm identified. The proposal is therefore contrary to the provisions of paragraphs 212 and 215 of the National Planning Policy Framework (2025) and TDLP policies SPL3 and PPL9.

DATED: 2nd May 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 2025 (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
PPL3 The Rural Landscape
PPL9 Listed Buildings

Supplementary Planning Documents
Essex Design Guide

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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. 94019/01
- Drawing No. 94019/02
- Drawing No. 94019/03

- Drawing No. 94019/04
- Drawing No. 94019/05

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.