



APPLICANT: Mr Timothy Bichara
Crossways
Wignall Street
Lawford
Essex
CO11 2JL

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 25/00630/FULHH **DATE REGISTERED:** 25th April 2025

Proposed Development and Location of Land:

**Householder Planning Application - Installation of a 2.65m acoustic fence to minimise noise in garden.
Crossways Wignall Street Lawford 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 The site is located upon a corner plot setting shared with Wignall Street and Hungerdown Lane and forms a prominent and noticeable feature within the public realm. The proposal seeks to replace and increase the fence to 2.65m along part of the northern and the entire eastern boundaries of the site and will enclose large elements of the side garden serving the main house, appearing as a noticeable feature within the public street scene. Whilst the existing site has permission for 1m high fencing to part of the side boundary, the installation of 2.65m high close boarded fencing along part of the northern boundary and the entire eastern boundary would exacerbate its prominence further within the street scene, appearing as an incongruous feature which would be significantly detrimental to the appearance and character of the site and locale.

The proposal is therefore contrary to paragraphs 135 of the National Planning Policy Framework (2025) and policies SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 2.

- 2 The site is located within the Lawford Conservation Area. The 2023 Conservation Area Character Appraisal and Management Plan for the area makes special reference to the open nature and verdant views of this section of the street scene.

The proposed 2.65m high fencing will appear as a prominent feature which would obscure large elements of the side of the host dwelling, as well as disrupting the established open character of the street scene, thereby harming the character and appearance of the Lawford Conservation Area. Furthermore, the proposal would obstruct some views to the nearby Grade II Listed Building 'The Kings Arms' to the north-east, resulting in a significant impact to the way this building is experienced. The proposal therefore results in a level of less than substantial harm to the significance of this Grade II Listed Building and character and appearance of the Lawford Conservation Area, and on this occasion, there are minimal

public benefits identified that outweigh this harm.

The proposal is therefore contrary to paragraphs 210, 212, 213 and 215 of the National Planning Policy Framework (2025) and policies PPL8 and PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 2.

DATED: 20th June 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 2025 (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
PPL3 The Rural Landscape
PPL8 Conservation Areas
PPL9 Listed Buildings

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:

Lawford Conservation Area Character Appraisal and Management Plan 2024
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. 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 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):

Site Plan - Rec'd 17/04/25

Pa-01-B - Proposed Block Plan - Rec'd 25.04.25

Pa-02-B - Proposed Elevations - Rec'd 25.04.25

Pa-03-B - Proposed Elevations (2) - Rec'd 25.04.25

Acoustic Fence Assessment - Rec'd 17/04/25

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/444444/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/444444/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.