



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

APPLICANT: Mr Charlie Fillingham - Strutt
and Parker (Farms) Ltd
1 Whitbreads Business Centre
Whitbreads Farm Lane
Chatham Green
Chelmsford
Essex
CM3 3FE

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 17/02146/FUL **DATE REGISTERED:** 8th March 2018

Proposed Development and Location of Land:

**Change of use of former straw barn and surrounding land to a bus depot.
Retention of concrete/hardcore surfaced areas utilised for parking purposes.
Valley Farm Golden Lane 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design. The NPPF at paragraph 17 also states that the planning system should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

Saved policies QL9 and EN1 of the Tendring District Local Plan 2007 and emerging policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that development is appropriate in its locality and does not harm the character and appearance of the rural landscape.

In this instance the application involves the retention of significant areas of hardstanding utilised for the parking of staff vehicles and the company's fleet of buses/coaches. The parking area comprises of large areas of concrete hardstanding and plainings. These areas have been constructed recently within open agricultural fields to the north of the existing barn.

The presence of the hard surfacing along with the parking of large vehicles in this rural location represents an encroachment into open countryside and the urbanisation of a rural area to the significant detriment of its character. Whilst it is acknowledged that bunding and vegetation has been installed along the western boundary which limits views from the adjacent public footpath, it is evident that long distance views of the development from the east on the B1414 (Landermere Road/Thorpe Road) are present

which appear at odds with the undulating rural appearance of the landscape in this location.

Consequently, the development and particularly the presence of the parking areas to the north of the existing barn which extend out into open countryside, is considered to have a significant detrimental impact upon the rural character of the area. Furthermore, the absence of a landscape visual impact appraisal reinforces the view that the development and its impact upon the rural character of the area has not been fully justified.

- 2 Paragraph 32 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all people. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, saved Policy TR1a requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic.

The proposal involves 70 daily movements potentially 40 of which are buses. Golden Lane is a narrow, single track rural route. Between the site and either end of Golden Lane there are limited passing places resulting in damage to highway verges and other roadside land.

The introduction of the dramatic increase in potentially heavy vehicular traffic along the lane will increase the level of conflict with local residents and existing highway users. The large vehicles will also increase the risk of damage to the highway, and collisions between vehicles in the highway.

Taking all of the above into account it is considered that the development has a detriment impact upon highway safety on the grounds of safety and efficiency and is contrary to the aforementioned local and national planning policies.

DATED: 8th June 2018

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER5 Transport Depots

ER11 Conversion and Reuse of Rural Buildings

COM23 General Pollution

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tending District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

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 discussing those with the Applicant. 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.**
- 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

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.