



Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
(ENGLAND) ORDER 2015

In pursuance of the powers exercised by it as District Planning Authority this Council, DOES
HEREBY GIVE NOTICE of its decision to REFUSE PERMISSION for the development detailed
below.

APPLICATION NO: 241015

APPLICATION DATE: 15 May 2024

PROPOSAL: Erection of 1 No. two storey dwelling and associated car parking

LOCATION: Highfields, Church Lane, Little Tey, Colchester, CO6 1HX

APPLICANT: Mr & Mrs Krayesteyn-Watts, C/O Planning Direct, The Furnace, The
Maltings, Ipswich, IP1 1SB

Reason(s) for refusal

1. The application site is in an unsuitable location for housing having regard to access to services and facilities. The development would fail to comply with Local Plan 2017 - 2033 policies SP1, SP3, SG1, SG2 and OV2 which together seek to direct growth towards sustainable and accessible locations. The proposal would also be contrary to the National Planning Policy Framework which seeks to secure sustainable development. The proposal is also contrary to policy SS11 Marks Tey which outlines areas of growth within Marks Tey of which the site is not one. The proposal is also contrary to policy MT04 of the Marks Tey Neighbourhood Plan which states that proposals outside the village settlement boundaries will not be supported.
2. The introduction of development in this location would alter the character and appearance of this site within the countryside and the open spaces between dwellings, replacing the open space with residential development and associated infrastructure. As such, the introduction of a dwelling, hardstanding, vehicle parking and associated domestic paraphernalia to this site would interrupt the openness of the application site, resulting in harm to the prevailing character and appearance of the area. Furthermore, the proposal is considered to be of a poor quality design in the context of the rural location being a design more akin to a suburban estate location that lacks local distinctiveness and will fail to assimilate successfully into the small village of Little Tey. As such the proposal will conflict with the

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

adopted Local Plan (2017-2033) policies:

- (i) SP7 which states that all development will respond positively to the local character and context to preserve and enhance the quality of existing places and their environs.
- (ii) OV2 which states that residential development proposals in the countryside, outside of defined settlement boundaries, will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity.
- (iii) ENV1 which states that the local planning authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. It goes on to state that development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with all other relevant policies.
- (iv) DM15 which states that development will respect and enhance the character of the site, its context and surroundings in terms of layout, townscape and/or landscape qualities. This policy also states that development must be designed to a high standard and positively respond to its context. The proposal is also contrary to policy MT05 of the Marks Tey Neighbourhood Plan which states that all development proposals should contribute in a positive way to the quality of the built environment and setting in the parish and development must be sympathetic to the existing character and history of Marks Tey including its built environment, and landscape setting. The development is also contrary to paragraph 135 of the NPPF (2023) which provides that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Date: 3 July 2024

Signed:



Karen Syrett
Place and Client Manager

Positivity 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 may be willing to provide pre-application advice in respect of any future application for a revised development provided, however this is a discretionary service and we do charge for such advice. Any request for further assistance must be submitted in accordance with our pre-application enquiry procedures that are set out on our website www.colchester.gov.uk/planning along with our current fees and other helpful information.

NOTES ON YOUR DECISION NOTICE – PLEASE READ THE BELOW IN FULL

Building in Accordance with the Plans

Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Colchester City Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions

Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Colchester City Council Planning Services.

Building Regulations

Did you know that this permission may require Building Regulations approval? For further information please contact the building control team on 01206 282436, or by emailing building.control@colchester.gov.uk or by visiting our website www.colchester.gov.uk/buildingcontrol

Archaeological Advice

Did you know that Colchester enjoys a significant rich and diverse archaeological heritage? To read how we aim to protect our wonderful heritage please visit our website <http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

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 against your local planning authority's decision then you must do so within the timescales listed below:

- For Householder Appeals – within 12 weeks of the date of the decision notice
- For Minor Commercial Appeals – within 12 weeks of the date of the decision notice
- For Advertisement Appeals – within 8 weeks of the date of the decision notice
- For all other appeal types – within 6 months of the date of the decision

Notwithstanding the above, if the planning application relates to the same (or substantially the same) land and development as is already the subject of an enforcement notice the appeal must be made within 28 days of the date of this notice and not the period set out above.

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 the relevant period set out above, from the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

For Householder applications use <http://www.gov.uk/appeal-householder-planning-decision>

For Full applications use <http://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by public 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.

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 planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Rights of Way

The applicant is reminded that the grant of planning permission does not entitle them to obstruct a Right of Way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice

If either the Local Planning Authority or the Secretary of State refuses permission to develop land, or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonable beneficial use in its existing state, nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him.