
Appeal Decision

Site visit made on 14 July 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/P1560/W/20/3245575

5 Singer Avenue, Jaywick, Clacton-on-Sea, Essex CO15 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Linda Barber against the decision of the Tendring District Council.
 - The application Ref 18/01965/FUL dated 6 November 2018, was refused by notice dated 30 July 2019.
 - The development proposed is change of use of land for siting of mobile home for holiday occupancy.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately reflects the proposed development.
3. I observed in my site visit that the development has already been carried out and that a mobile home is currently located at the appeal site. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effects of the proposed development on the regeneration objectives for the area.

Reasons

Effects on regeneration

5. The appeal site is located in Jaywick, in an area dominated by one storey residential dwellings, located in relatively small plots and in close proximity to, although slightly set back from, the main road. In close proximity to the appeal site is a caravan holiday park which provides land for the stationing of mobile homes.
6. The Tendring District Local Plan 2007 (the Local Plan) planned for the area's development needs up to 2011 only. As such it is out of date in terms of paragraph 11 of the National Planning Policy Framework (the Framework). It remains, nonetheless, part of the development plan for that area.

7. Paragraph 213 of the Framework states that due weight should be given to existing adopted policies according to their degree of consistency with the Framework.
8. Policy QL6 of the Local Plan identifies Jaywick as an Urban Regeneration Area and states that, within those areas, permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. Policy CL16 of the Local Plan (Planning Controls in Jaywick) specifically states that permission will not be granted for the stationing of caravans except on an authorised caravan site. The present proposal, therefore, is in clear conflict with this Policy.
9. I do not have any evidence before me which supports that there is a shortage of available places within the area for the siting of mobile homes for holiday use and, consequently, an identified need that cannot be reasonably meet in an alternative location.
10. I accept that evidence has been submitted in order to corroborate that the plot was previously used as a 'dumping ground'. I also accept that the present proposal would support the regeneration of the area by bringing in a leisure use. Nevertheless, in the absence of any clear evidence which details why there is a need for this type of development in the proposed location, I find that the proposal would adversely impact the regeneration objectives for the area, which are linked with the managed regeneration of residential accommodation in Jaywick.
11. In conclusion, the proposed development would, due to its location, be contrary to the objectives of Policy QL6 and CL16 of the Local Plan which aim to set out the regeneration strategy and the types of development that are appropriate in Jaywick, and the Framework.

Planning balance

12. It is accepted by the Council that the Local Plan is not up to date. In such circumstances, in line with footnote 7 to paragraph 11 d) of the Framework, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 213 of the Framework states that due weight should be given to existing adopted policies according to their degree of consistency with the Framework.
13. As Policy QL6 of the Local Plan aims to ensure that development in Jaywick reinforces or enhances the function, character and appearance of the area and contribute to regeneration, I find that the policy is broadly consistent with the Framework and give it full weight. Policy CL16 of the Local Plan, on the other hand, is more detailed and restrictive than policies included in the Framework as it aims to exclude a specific form of development from an area, namely the stationing of caravans in an area of managed regeneration. Consequently, I give this policy limited weight.
14. The benefits of the proposed development primarily relate to the positive contribution that the proposed development would make to the regeneration of the area, by bringing in a leisure use into a plot that was previously unoccupied and being misused. The proposal would also bring some wider economic

benefits relating to the building of the mobile home with associated hardstanding and spending potential of future occupants.

15. Nevertheless, the Framework requires me to consider the benefits of estate regeneration, namely the Council's objectives for Jaywick, and the long term impacts of the development. These factors weight heavily against the proposal.
16. As I have found that the proposal would not support the Council's objectives for the regeneration of Jaywick, overall and in accordance with paragraph 11 of the Framework, the benefits of the proposal would be comfortably outweighed by the harm identified when assessed against the policies in the Framework as a whole.

Other Matters

17. The appeal site falls within the "Zone of Influence" for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS).
18. It is anticipated that, without mitigation, new dwellings in this area and of this scale could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.
19. Therefore, by virtue of its protected status, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (CHSR) would be required, were I minded to allow the appeal. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter.

Conclusion

20. For the reasons given above, I conclude the appeal should be dismissed.

Andre Pinto

INSPECTOR