

DECISION NOTICE

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

APPLICATION NO. 22/0484/FUL

Notice of determination in respect of Full Planning Application

TO: Countryside Partnerships (Eastern Home Counties) C/O Phase 2 Planning, 270 Avenue West
Skyline, 120 Great Notley, Braintree, CM77 7AA

The COUNCIL having considered your application to carry out the following development:-

Construct 173No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings

At: Land At Brook Farm Daws Heath Road, Hadleigh, Essex

does hereby give you notice of their decision to REFUSE PERMISSION for the said development as detailed on the submitted plans listed below:-

Plan Reference	Plan Type	Date Received
001.02	Location Plan	15th August 2022
300.10	Site Layout Plan	21st April 2023
310.01	Composite Plan Proposed	15th August 2022
311.01	Composite Plan Proposed	15th August 2022
312.01	Parking Layout	15th August 2022
313.02	Site Layout Plan	15th August 2022
314.01	Site Layout Plan	15th August 2022
315.01	Composite Plan Proposed	15th August 2022
316.01	Composite Plan Proposed	15th August 2022
317.00	Other	15th August 2022
318.01	Other	15th August 2022

Date 20th March 2024



Ian Butt
Director of Place and Communities

319.00	Other	15th August 2022
320.02	Composite Plan Proposed	28th March 2023
321.01	Composite Plan Proposed	28th March 2023
322.00	Composite Plan Proposed	15th August 2022
323.00	Composite Plan Proposed	15th August 2022
324.00	Composite Plan Proposed	15th August 2022
325.01	Composite Plan Proposed	28th March 2023
326.03	Proposed Floor Plans	24th April 2023
327.03	Proposed Elevations	24th April 2023
328.02	Proposed Floor Plans	24th April 2023
329.04	Proposed Elevations	28th March 2023
330.01	Composite Plan Proposed	15th August 2022
331.00	Composite Plan Proposed	15th August 2022
332.02	Composite Plan Proposed	12th January 2023
333.03	Composite Plan Proposed	12th January 2023
334.03	Composite Plan Proposed	28th March 2023
335.04	Composite Plan Proposed	28th March 2023
336.01	Composite Plan Proposed	15th August 2022
338.01	Composite Plan Proposed	12th January 2023
339.01	Composite Plan Proposed	24th April 2023
340.01	Composite Plan Proposed	12th January 2023
341.01	Composite Plan Proposed	12th January 2023
342.01	Composite Plan Proposed	12th January 2023
343.01	Composite Plan Proposed	12th January 2023
344.01	Composite Plan Proposed	12th January 2023
345.03	Composite Plan Proposed	28th March 2023
346.00	Composite Plan Proposed	12th January 2023
347.02	Composite Plan Proposed	28th March 2023
350.01	Composite Plan Proposed	15th August 2022
355.01	Street Scene	15th August 2022
356.01	Street Scene	15th August 2022
LV-0006/REV S3-P2	Landscaping	15th August 2022

For the following reason:-

1. The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework 2023. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated which either in isolation or in combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.

Date 20th March 2024



Ian Butt
Director of Place and Communities

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IMPORTANT – ATTENTION IS DRAWN TO THE ATTACHED NOTES



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INFORMATIVE

- 1 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.

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NOTES

(1) If the applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, he may appeal to the Secretary of State in accordance with Section 78 (i) of the Town and Country Planning Act 1990, within the following time periods:-

6 months (or 12 weeks if householder or minor commercial planning application) from the date on the decision notice in the case of a refusal,

6 months from the date on the decision notice for an appeal against conditions, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:-

28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made, or

28 days from the date the enforcement notice was served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – The LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Householder appeals can be made online at <https://www.gov.uk/appeal-householder-planning-decision> and Full Planning appeals can be made online at <https://www.gov.uk/appeal-planning-decision>. Appeals for proposals for extensions to dwellinghouses are householder appeals, all other appeals would be a full application appeal. Forms are also obtainable from the Secretary of State. The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from their Customer Services team on 0303 444 5000. The Secretary of State has power to allow a longer period for giving notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the LPA, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the LPA or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

(3) In certain circumstances, a claim may be made against the LPA for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) This decision is for PLANNING PURPOSES ONLY. It is necessary for your plans to be passed by the Borough Council under their BUILDING REGULATIONS (unless this has already been done or they are exempted therefrom)

Access and Facilities for the Disabled

If the permission relates to buildings or premises to which the public are admitted and/or comprises offices, shops, factory, railway premises, university, college or school, your attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970. The Code of Practice for Access for the Disabled to Buildings (BS 5810:1979), Access for Disabled People to Educational Buildings (Design Note 18:1984) and to Section 76 of the Town and Country Planning Act 1990.

Access and Facilities to be provided for Disabled People

The requirements and guidance can be found in Part M within Schedule 1 to the Building Regulations 1991 and in the accompanying approved documents to that regulation. Where proposals are controlled under the Building Regulations for access and facilities for disabled people early consultation with the Building Control Officer is advisable and recommended.

Access for the Fire Brigade

The provisions of Section 13, Essex Act 1987 (Access for Fire Brigade) shall apply to this development and will be determined at the Building Regulation stage. The plans deposited shall show that the building, the building as extended and/or any neighbouring building that may be affected by the proposal, has adequate means of access for the Fire Brigade.