

**William Fuller**

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28<sup>th</sup> February 2024

Dear Mr Fuller,

**Land Adjacent to Autofarm Car Sales, Clacton Road, Elmstead Market: Response to Inspector's Request for Further Information in Respect of Representations to Draft Elmstead Market Neighbourhood Plan**

1. On behalf of our client, Mr Clarkson, we write to provide the following additional plans requested by the Examiner at the Public Hearing into the draft Elmstead Market Neighbourhood Plan on 8<sup>th</sup> February 2024:
  - ❖ Existing Settlement Boundary Plan (ref: LPP337\_23.03B);
  - ❖ Proposed Settlement Boundary Plan (ref: LPP337\_23.4B); and,
  - ❖ Land Registry Plan for Title No. EX849207.
2. The Existing Settlement Boundary Plan shows our client's land outlined in red and the Elmstead Market Settlement Boundary as currently proposed within the draft Neighbourhood Plan. The Proposed Settlement Boundary Plan shows our suggested amendment to the Settlement Boundary to incorporate our client's land (also outlined in red), as well as other developed land between Elmstead Market and Lanswood.
3. As discussed at the Public Hearing, and in our previously submitted representations, our proposed amendment to the Settlement Boundary is not limited to our client's land but seeks a consistent approach to managing development in Elmstead Market.
4. The draft Neighbourhood Plan identifies that the purpose of the proposed new defined settlement boundary for Lanswood is to take account of "*the quantum of approved development*". No distinction is made regarding the type of development (i.e. range of land uses) to be included within the new settlement boundary. However, the same approach has not been taken with the land between Elmstead Market and Lanswood.

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Aarti O'Leary, BSc(Hons), MA(Merit), MRTPI



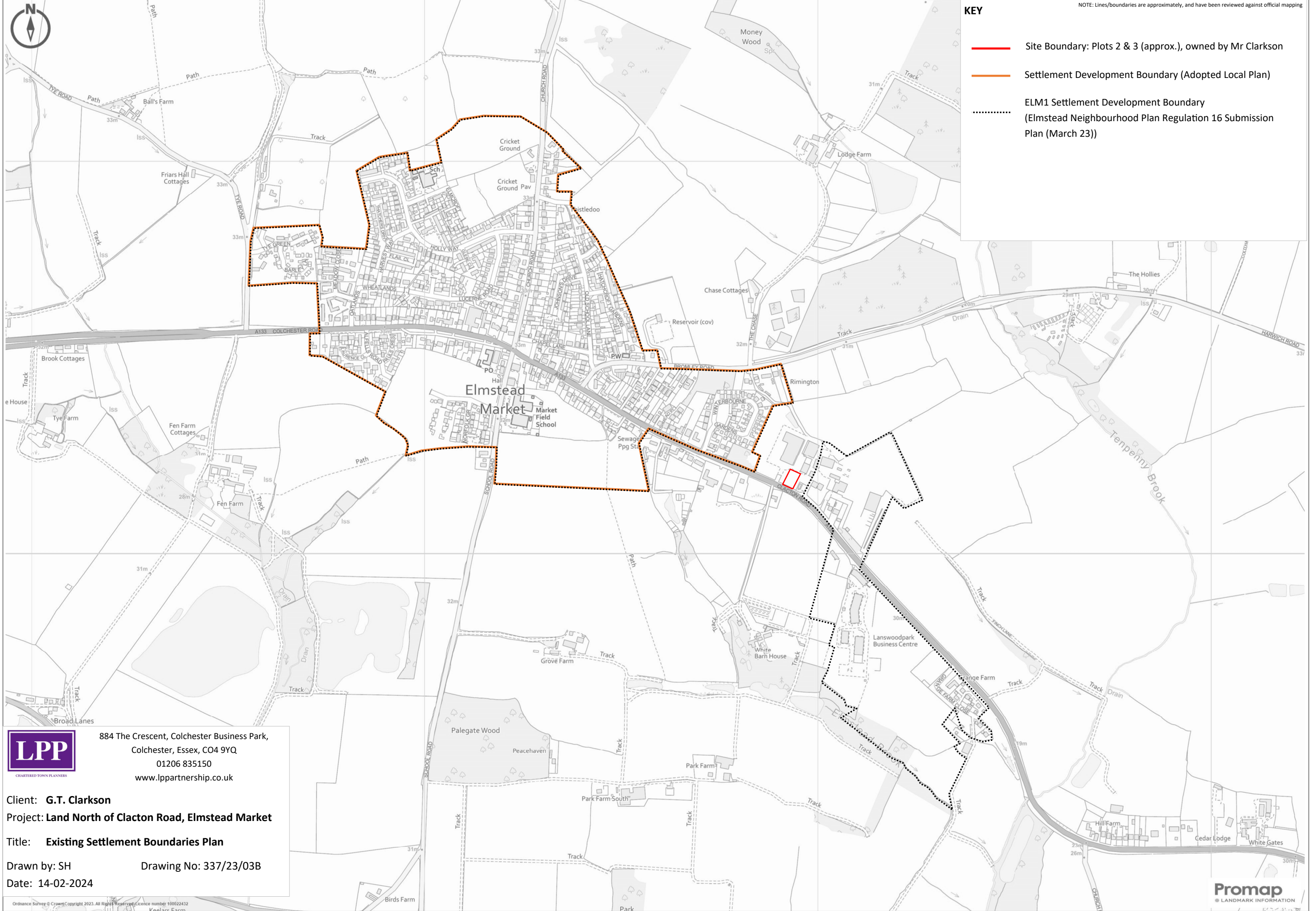
5. The supporting text to Policy SPL 2 in the Tendring Local Plan: Section 2 (2022) states that land outside settlement boundaries will be controlled to “*protect and enhance the character and openness of the countryside*” (paragraph 3.3.3.1). The area in which our client’s land is situated is not considered to represent open countryside, as it contains substantially sized buildings and provides no visual break between the newly constructed dwellings in the ‘Queen Elizabeth Mews’ development to the west and the Autofarm Car Sales plot to the east. The built-up appearance of this part of the settlement will be further strengthened following implementation of planning permission ref: **19/01874/AGRIC**.
6. In addition, further development within this area has been approved, which will add to the existing built form along this part of Clacton Road.
7. It is also considered that the Parish Council’s explanation for not including the intervening land within the two parts of the settlement boundary, i.e. it does not have a functional relationship with the settlement, serves no justifiable planning purpose. Such a position could prevent sustainable development from otherwise going ahead, which would fail the ‘basic conditions’ for the Neighbourhood Plan as set out in paragraph 8(2)(d) of Schedule 4B of the Town & Country Planning Act 1990 (as amended) and, therefore, should not in our view be accepted.
8. In light of the above, it is considered that the suggested amendment to the proposed settlement boundary put forward in our representations is required to comply with paragraphs 83 and 88 of the National Planning Policy Framework (December 2023) concerning rural development and ensure that future development proposals are not precluded from benefitting from the presumption in favour of sustainable development.
9. We trust this submission provides sufficient clarification as to our client’s position and the representations previously submitted at the Regulation 16 consultation stage. Should you require any further clarification, please do contact my colleague Georgina Brotherton or me using the details provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Aarti O'Leary', written in a cursive style.

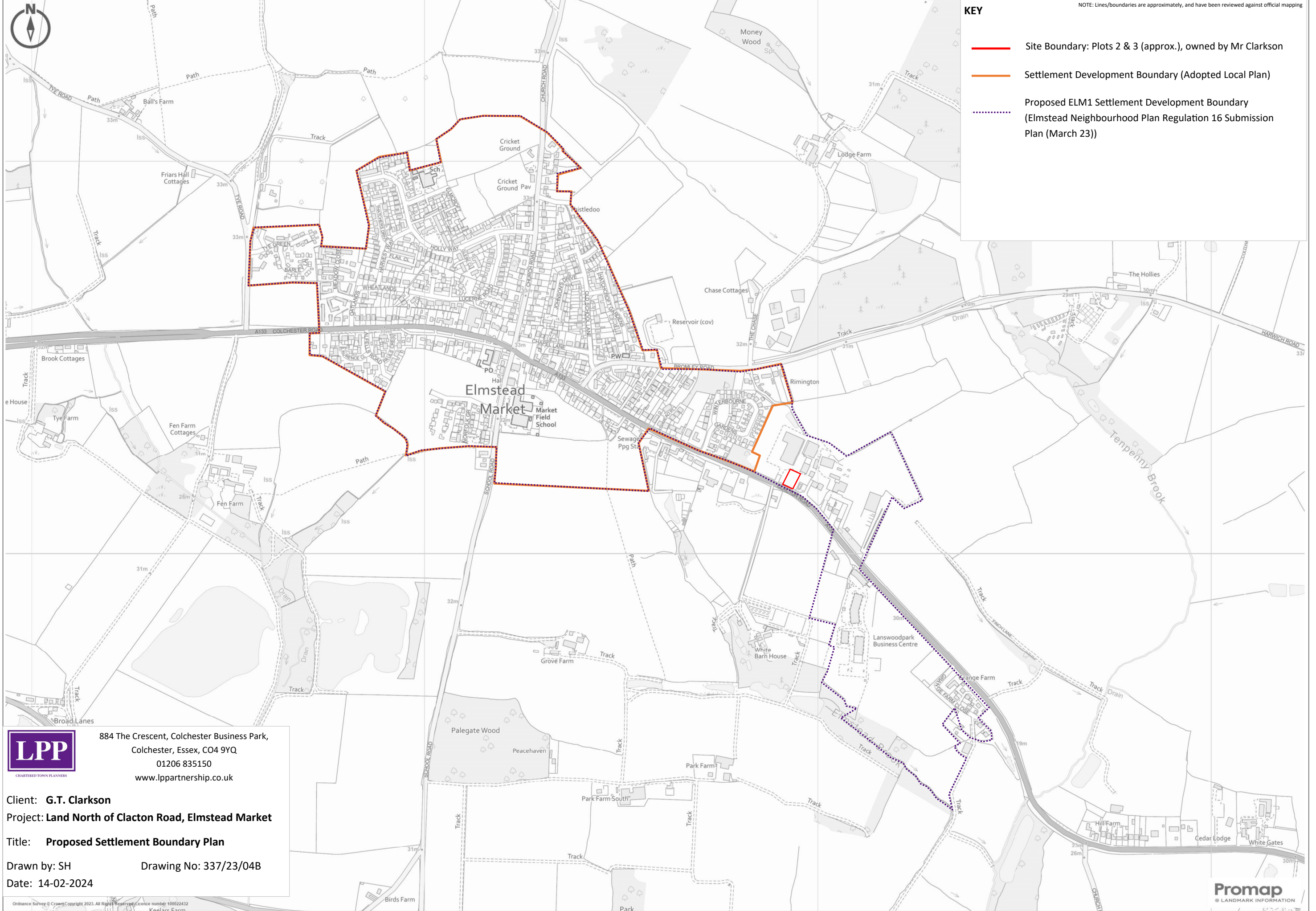
**Aarti O’Leary**  
**Lawson Planning Partnership Ltd**

Enc.



**LPP**  
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**Client:** G.T. Clarkson  
**Project:** Land North of Clacton Road, Elmstead Market  
**Title:** Existing Settlement Boundaries Plan  
**Drawn by:** SH  
**Date:** 14-02-2024  
**Drawing No:** 337/23/03B



**KEY**

- Site Boundary: Plots 2 & 3 (approx.), owned by Mr Clarkson
- Settlement Development Boundary (Adopted Local Plan)
- ⋯ Proposed ELM1 Settlement Development Boundary (Elmstead Neighbourhood Plan Regulation 16 Submission Plan (March 23))

NOTE: Lines/boundaries are approximately, and have been reviewed against official mapping

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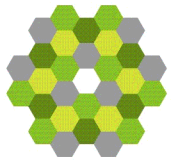
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Client: **G.T. Clarkson**  
 Project: **Land North of Clacton Road, Elmstead Market**  
 Title: **Proposed Settlement Boundary Plan**  
 Drawn by: SH      Drawing No: 337/23/04B  
 Date: 14-02-2024

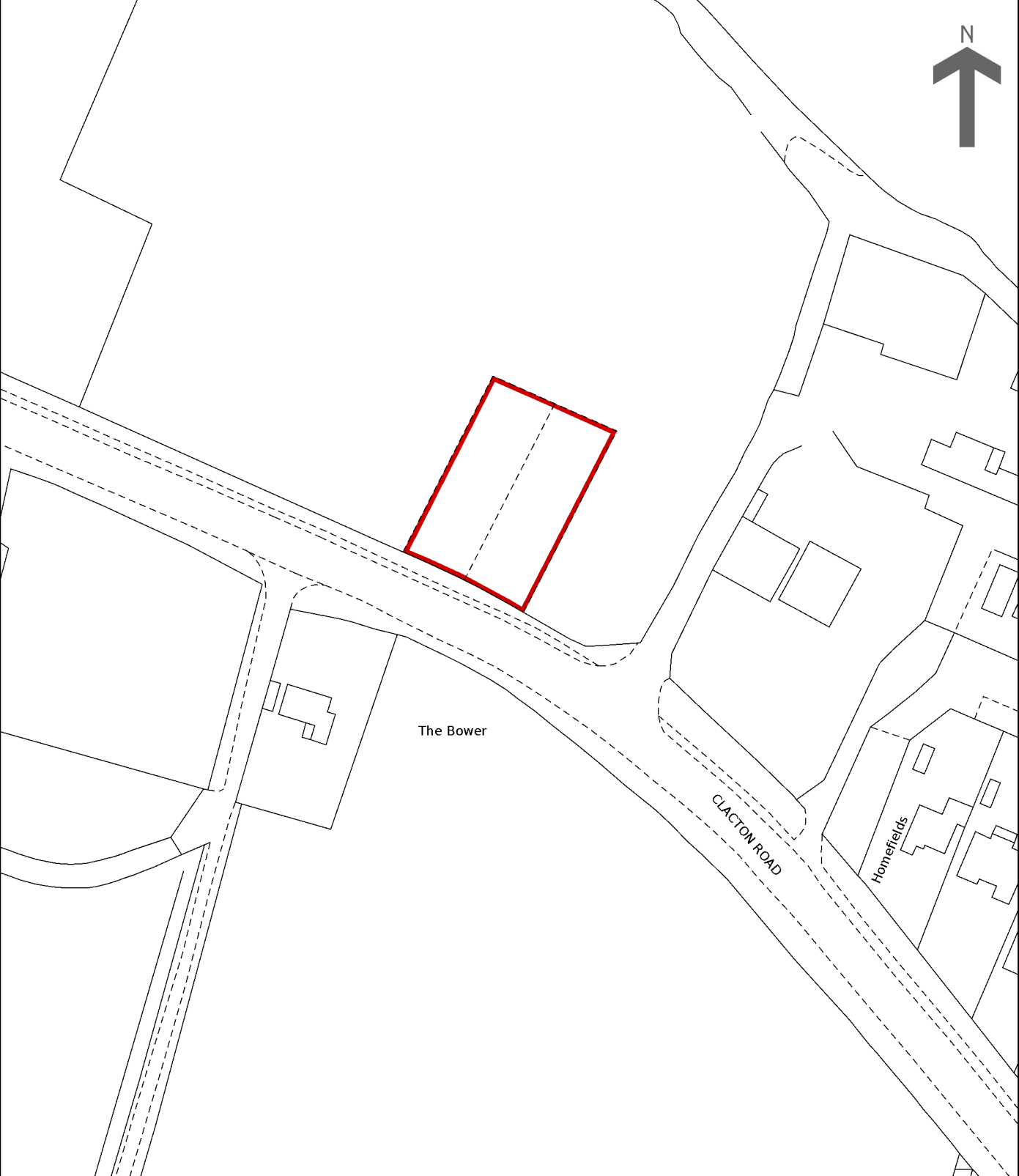
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# HM Land Registry Current title plan

Title number **EX849207**  
Ordnance Survey map reference **TM0624SE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Essex : Tendring**



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This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 03 February 2023 at 10:45:35. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Peterborough Office.