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14 September 2018

Dear Joshua Wainman - Mott MacDonald,

### HOUSEHOLDER PRE-APPLICATION ENQUIRY

REFERENCE NUMBER:	18/30138/PREAPP
ENQUIRY:	EXTENSION TO CAR PARK.
LOCATION:	MANNINGTREE RAILWAY STATION, STATION ROAD, LAWFORD, MANNINGTREE

Thank you for your Pre-Application Enquiry.

Based on the information you have submitted and having checked your proposals against the relevant planning history for your property and relevant planning legislation, we consider that a planning application is not required in this instance as it meets the criteria of Schedule 2, Part 8, Class A of the General Permitted Development Order (GPDO) 2015, as shown below:

***A. Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.***

Railway Undertaker:

In line with Section S.262 (1) of the Town and Country Planning Act (TCPA), Greater Anglia as the person authorised by any enactment to carry on any railway or light railway, qualify for permitted development rights.

Operational Land:

Section S.263 of the TCPA Greater Anglia's operational land comprises land used for the purpose of carrying on their undertaking and land in which an interest is held for that purpose. Network Rail acquired the land in June 1847 and Greater Anglia holds a leasehold of the land and the wider station. Whilst the car park expansion site is currently unused, it was transferred to Greater Anglia with the intention of being used for future operational purposes pertaining to Manningtree Station.

Required in connection with the movement of traffic by rail:

The submitted plans highlight case law (*English Clays Lovering & Co. v .Plymouth Corporation {1973} 2 All E.R 730*) which concluded a railway station car park is considered in connection with the movement of traffic by rail. The existing car park is integral to the operation of the car park and necessary for its



function and to allow people to arrive by car. Therefore, it has been demonstrated that the car park expansion is required for the movement of traffic by rail.

Wholly within a railway station:

Whilst the GPDO or TCPA do not provide a definition of what constitutes a train station, S.83 of the Railways Act 1993 confirms that a station comprises '*any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes*'. Further, case law (*South Eastern Railway v Railway Commissioners (1880)*) concluded that the term station can include an area used as a resting place for traffic. Therefore, it is concluded the car park expansion site is wholly within a railway station and meets this criterion.

**A.1** Development is not permitted by Class A if it consists of or includes—

- (a) the construction of a railway;
- (b) the construction or erection of a hotel, railway station or bridge; or
- (c) the construction or erection otherwise than wholly within a railway station of—
  - (i) an office, residential or educational building, or a building used for an industrial process, or
  - (ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

*The proposed development does not include the construction of a railway, hotel, railway station or bridge. Further, the works will not consist of or include an office, residential or educational building, or a building used for an industrial process, nor a shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.*

*Whilst the proposed works do involve the expansion of a car park, it has previously been established that the application site falls within an area wholly within a railway station. This point is further highlighted by detailed drawings within previous planning applications (references 99/01887/FUL and 07/01991/LUPROP) which clearly show the proposed application site has fallen within the curtilage of Greater Anglia for at least 20 years.*

It is concluded that the works adhere to Schedule 2, Part 8, Class A of the General Permitted Development Order (GPDO) 2015, and therefore planning permission is not required.

You may however need to apply for Building Regulations approval if you decide to proceed with the work. If you do proceed then please contact the Building Control Section on 01255 686111 or [BCInspections@tendringdc.gov.uk](mailto:BCInspections@tendringdc.gov.uk) for further advice.

Any views or opinions presented in this correspondence are solely those of the author and do not necessarily represent those of Tendring District Council. Any such communication is informal and is based exclusively on the information that has been provided. The informal views expressed are not binding in any way and the Council will not accept any liability in respect of such communication. If you require a formal determination this can be obtained through submitting a Certificate of Lawful Development application.

I hope you find the information above helpful, however if you have any queries please contact me.

Yours sincerely



Michael Pingram  
Planning Officer