Hinckley & Bosworth Borough Council

A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) Act 1990

REFUSAL OF CONSERVATION AREA CONSENT

Name and Address of Applicant
Mr Sean Lyall
6 The Fairway
Kirby Muxloe
Leicester
Leicestershire
LE9 2EU

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
4 October 2011	11/00765/CON

Particulars and location of development:

PARTIAL DEMOLITION OF MEETING HALL TO FACILITATE DEVELOPMENT

128 Main Street Markfield Leicestershire LE67 9UX

Part II - Particulars of decision

The Hinckley and Bosworth Borough Council refuses Conservation Area Consent for the execution of the works referred to in Part I hereof for the following reason(s) :-

1. In the absence of an approved, acceptable scheme of redevelopment, the demolition of the buildings and boundary treatments in the Markfield Conservation Area would create an unsightly gap in the street frontage contrary to the provisions of policy BE8 of the adopted Hinckley and Bosworth Local Plan 2001.

Date : 16 November 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES

1. It would be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse conservation area consent for the proposed works he may appeal to the Planning Inspectorate in accordance with Section 10 of the Planning (Listed Building & Conservation Areas) Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Hawk Wing, Room 3/23, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/) You must use a Conservation Area Consent Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a 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 Local Planning Authority having regard to the statutory requirements as set out in Section 10 of the Town and Country Planning Act 1990, to the provision of the development order and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within **six months** of the date of this notice.

4. If conservation area consent if refused whether by the Local Planning Authority or by the Secretary of State for the Environment 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 by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building & Conservation Areas) Act 1990.