Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr Paul Chapman
The Bungalow
Poplar Terrace
Congerstone
Nuneaton
Leicestershire
CV13 6NE

Name and Address of Agent (if any)
Mr Stephen Clarke
Samson Clarke
104 Station Road
Ibstock
Coalville
Leics
LE67 6JJ

Part I - Particulars of Application

Date of Application	**Application No.**
19 May 2011	11/00399/FUL

Particulars and location of development:

ERECTION OF DWELLING, SUB-DIVISION OF EXISTING DETACHED GARAGE, CREATION OF NEW ACCESS AND RE-ALIGNMENT OF EXISTING ACCESS

The Bungalow Poplar Terrace Congerstone Nuneaton Leicestershire

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority, the proposed scheme constitutes the creation of a new dwelling outside the settlement boundary of Congerstone, with no special overriding justification and is therefore contrary to national guidance contained within Planning Policy Statements 1, 3 and 7, Core Strategy Policy 12 and Policies RES5 and NE5 of the Adopted Hinckley and Bosworth Local Plan.

2. In the opinion of the Local Planning Authority the lack of financial contribution to address the increase in pressure placed on Public Open Space facilities of the local area by the proposed development would not accord with Circular 05/05, Policies IMP1 and REC3 of the Adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space (2008).

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

Date :13 July 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will 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 permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning 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 Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning 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, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions 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, 14 October 2004 must be made within six months of the date of this notice.

4. If permission to develop land is 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 Part VI of the Town and Country Planning 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 114 of the Town and Country Planning Act 1990.

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