DCAPLFRM - Decision Notice

Hinckley & Bosworth Borough Council

A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) Act 1990

REFUSAL OF LISTED BUILDING CONSENT

Name and Address of Applicant
Mr David Newman
Church Farm
8 The Green
Orton On The Hill
Atherstone
Leicestershire
CV9 3NG

Name and Address of Agent (if any)
Mr Tim Bailey
Bailey Design Limited
The Manor House
Lichfield Street
Tamworth
Staffordshire
B79 7QF

Part I - Particulars of Application

Date of Application	**Application No.**
22 August 2011	11/00630/LBC

Particulars and location of development:

EXTENSIONS AND ALTERATIONS TO DWELLING.

Church Farm 8 The Green Orton On The Hill Atherstone Leicestershire

Part II - Particulars of decision

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

In the opinion of the Local Planning Authority, the proposal by virtue of its siting, scale, mass and overall visual appearance results in an incongruous and uncharacteristic extension to the simplistic form of this Listed Building, contrary to the requirements of Policies BE4 and BE5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained with Planning Policy Statement 5.

Date :17 October 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 listed building 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** of the date of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, 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 Listed Building 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.

4. If listed building 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.

RLBNOTES