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
J.S. Bloor Homes
Ashby Road
Measham

DE12 7JT

Name and Address of Agent (if any)
Tetlow King Architects
Lone Barn Studio
Stanbridge Lane
Romsey
Hampshire
SO51 0HE

Part I - Particulars of Application

Date of Application	**Application No.**
3 February 2009	09/00077/FUL

Particulars and location of development:

SUBSTITUTION OF HOUSE TYPES (PLOTS 76-80)

Land Rear Of Oaklands Breach Lane Earl Shilton 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 applicant has failed to demonstrate how they have formulated a design that is of a sufficiently high standard and layout, creating an inappropriate form of development with poor street frontage, dominated by car parking and boundary treatments that would be out of keeping with the character and appearance of the wider residential development. The proposed development would therefore be contrary to Planning Policy Statement 3 and to Policies BE1 and RES1 (j) of the adopted Hinckley and Bosworth Local Plan, as well as the adopted Supplementary Planning Guidance: New Residential Development.

2. In the opinion of the Local Planning Authority the proposed layout, by virtue of the additional plot frontages onto Breach Lane and the creation of pedestrian accesses through the existing mature hedgerow and grassed verge, would have an adverse effect on the character and appearance of this narrow rural lane. The proposed development would therefore be contrary to Planning Policy Statement 3 and to policies BE1 and RES1(j) of the adopted Hinckley and Bosworth Local Plan and to the Borough Council's Supplementary Planning Guidance on New Residential Development.

3. In the opinion of the Local Planning Authority, the proposed layout, by virtue of the additional plot frontages onto Breach Lane and the creation of pedestrian accesses through the existing mature hedgerow and grassed verge, would have an adverse effect on highway safety on this narrow rural lane. The proposed development would therefore be contrary to Planning Policy Statement 3 and to policies BE1, RES1(j) and T5 of the adopted Hinckley and Bosworth Local Plan and to the Borough Council's Supplementary Planning Guidance on New Residential Development and to guidance contained in the Leicestershire County Council document "Highways, Transportation and Development".

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

4. In the opinion of the Local Planning Authority the proposed layout and siting of dwellings would have a detrimental impact on the long term health and viability of the adjacent mature trees located along the boundary with The Oaklands. The trees are large specimens and by way of their height and position make a significant contribution to the visual amenities of the locality. The proposed development would be likely to lead to future pressure for the removal of the trees and therefore would be contrary to the intentions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT:-

1. List of Plans used in the determination of this application:- LP.02; SL.02; ML.02; P.76.pe; P.77.pe; P78e; P78p; P79e; P79p; P.80.e; P.80.p; G.1E; G.2E; G.3P.

T. M Prowse

Date :1 April 2009

TREVOR PROWSE
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 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 or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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.

4. 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.

RNOTES