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 And Mrs Hadley
Stoke Lodge
Hinckley Road
Stoke Golding
Nuneaton
Leicestershire
CV13 6HT

Name and Address of Agent (if any)
Peter Barnwell
22 Norfolk Road
Desford
Leicestershire
LE9 9HR

Part I - Particulars of Application

Date of Application	**Application No.**
2 June 2011	11/00441/FUL

Particulars and location of development:

ERECTION OF DETACHED OUTBUILDING.

Stoke Lodge Hinckley Road Stoke Golding 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 siting of the proposed outbuilding, by virtue of its location being outside of the residential curtilage and therefore not considered to be ancillary residential accommodation, constitutes an unsustainable location outside the settlement boundary of Stoke Golding, with no special overriding justification and is therefore contrary to national planning guidance contained within Planning Policy Statements 1, 3 and 7, and to Policies NE5, RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. The plans used in the determination of this application are: Site Location Plan DCOSPLAN at 1:1250 scale; Block Plan DCBLKPLN at 1:500 scale and Plans and Elevations Drawing No. 1048/01 received by the local planning authority on 2 June 2011.

2. The applicant is advised that if the outbuilding were to be relocated within the residential curtilage, it should be reduced in size and scale to reflect its status as an ancillary building to Stoke Lodge.

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



Date :27 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. As this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks 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 Householder 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.

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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