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
Flude Family Settlement 2004
C/O Agent

Name and Address of Agent (if any)
Mrs Kay Davies
Fisher German LLP
80 The Grange
Tamworth Road
Ashby de la Zouch
Leicestershire
LE65 2BY

Part I - Particulars of Application

Date of Application	**Application No.**
23 August 2010	10/00661/OUT

Particulars and location of development:

RESIDENTIAL DEVELOPMENT (OUTLINE - ACCESS ONLY)

Land Adjacent Hinckley Golf Club Leicester Road Hinckley 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 lack of any definitive measures to address the increase in pressure placed on the play and open space and education facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

2. The proposed development, by virtue of its nature and location outside the defined settlement boundary and within the defined green wedge is contrary to the provisions of Saved Policy NE5 of the Adopted Hinckley and Bosworth Local Plan and Policy 6 of the Adopted Hinckley and Bosworth Local Development Framework Core Strategy. It is considered that the harm caused to those policies by the development outweighs the requirement to provide a five year land housing supply as set out in paragraph 71 of Planning Policy Statement 3.

3. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided and is therefore contrary to the requirements of Planning Policy Statement 3 and Policy 15 of the Adopted Hinckley and Bosworth Local Development Framework Core Strategy (2009).

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

Date :29 November 2010

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

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). 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.

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.

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