**Steve Atkinson** MA(Oxon) MBA FioD FRSA
*Chief Executive*

**Please Ask For:** Tracy Miller
**Direct Dial/Ext:** 01455 255809
**Email:** planning@hinckley-bosworth.gov.uk
**Your Ref:**
**Our Ref:** 11/00561/FUL
**Date:** 31 October 2011

Hinckley & Bosworth Borough Council

*A Borough to be proud of*

Mr Gist
77 Main Street
Newbold Verdon
Leicester
Leicestershire
LE9 9NP

Dear Mr Gist

TOWN AND COUNTRY PLANNING ACT, 1990
ORDER REVOKING PLANNING PERMISSION

**DESCRIPTION : ERECTION OF DETACHED BUNGALOW**
**LOCATION : 77 Main Street Newbold Verdon Leicester Leicestershire**

In reference to the decision notice issued by this authority on 20th September 2011, it appears to the authority that due to an administrative error a planning consent was issued where in fact taking into account the development plan and all other planning considerations a refusal was the appropriate decision. The Authority therefore considers it expedient to revoke the planning consent under Section 97 of the Town and Country Planning Act 1990 and an order revoking the permission is attached.

If you wish to object to the revocation of the planning permission you have 28 days from the date of the Order. You should raise your objection in writing directly with the office of the Secretary of State for Communities and Local Government at National Planning Casework Unit 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW. Tel. 0121 3525544 E-mail npcu@gowm.gsi.gov.uk

Yours Sincerely

**SIMON WOOD**
HEAD OF PLANNING

cc. Mr S Platt Cliffords Building Surveyors

**Steve Atkinson** MA(Oxon) MBA FioD FRSA
***Chief Executive***

**Please Ask For:** Tracy Miller
**Direct Dial/Ext:** 01455 255809
**Email:** planning@hinckley-bosworth.gov.uk
**Your Ref:**
**Our Ref:** 11/00561/FUL
**Date:** 31 October 2011

Hinckley & Bosworth Borough Council

*A Borough to be proud of*

Secretary of State for Communities and Local Government
National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT, 1990
ORDER REVOKING PLANNING PERMISSION

**DESCRIPTION : ERECTION OF DETACHED BUNGALOW**
**LOCATION : 77 Main Street Newbold Verdon Leicester Leicestershire**

Please find attached an Order made under Section 97 of the Town and Country Planning Act 1990 revoking planning permission at the above address. The Order has been served on all of the relevant parties and we now submit this to the Secretary of State for confirmation/approval.

Yours faithfully

**SIMON WOOD**
HEAD OF PLANNING

# ORDER REVOKING PLANNING PERMISSION
## Hinckley and Bosworth Borough Council

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97

**Revocation of planning permission relating to land 77 Main Street, Newbold Verdon, Leicestershire, LE9 9NP**

RECITALS

1. On 20 September 2011, Hinckley and Bosworth Borough Council ("the Authority"), being the local planning authority and in pursuance of their powers under the Town and Country Act 1990, granted planning permission reference 11/00561/FUL ("the planning permission") in respect of the land described in the First Schedule to Mr Gist.

2. A copy of the Planning Permission is annexed as the Second Schedule.

3. The notice of decision granting planning permission was issued in error, it having been the intention of the Authority to refuse planning permission for the reasons set out under paragraph (5) of this notice.

4. The building or other operations referred to in the planning permission have not yet been completed.

5. It appears to the Authority, having regard to the development plan and to all other material considerations that it is expedient to revoke the Planning Permission in the manner hereinafter appearing on the grounds that:-

   (a) The proposed dwelling by virtue of its mass, scale and siting would create an overbearing feature which would result in significant loss of residential amenity through overshadowing to the rear garden of 79 Main Street. This is further exacerbated by its proximity to the eastern boundary. Accordingly the proposed development is therefore contrary to policy BE1 of the Hinckley and Bosworth Local Plan 2001.

   (b) In the opinion of the Local Planning Authority, the proposal constitutes an uncharacteristic form of development of this former residential garden site. By virtue of its position, layout and scale, the proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. Therefore, the development would be contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential

Development and the guidance contained within Planning Policy Statement 3: Housing.

(c) 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 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.

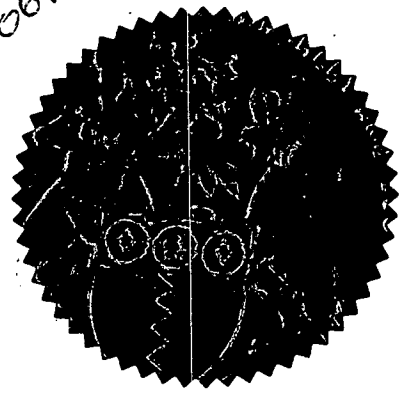
NOW THEREFORE the authority as local planning authority and in pursuance of section 97 of the Town and Country Planning Act 1990 and of all other powers enabling hereby make the following order:

**THE PLANNING PERMISSION IS REVOKED**

Dated this day of

THE COMMON SEAL of HINCKLEY AND BOSWORTH BOROUGH COUNCIL was hereunto affixed in the presence of:-

11061



Authorised officer

Dated this 31 day of October 2011

## FIRST SCHEDULE

"Description of the land"

1. Land at 77 Main Street, Newbold Verdon, Leicestershire, LE9 9NP

## SECOND SCHEDULE

"The Planning Permission"

Hinckley & Bosworth Borough Council

*A Borough to be proud of*

**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and Address of Applicant**
Mr Gist
77 Main Street
Newbold Verdon
Leicester
Leicestershire
LE9 9NP

**Name and Address of Agent (if any)**
Steve Platt
Cliffords Building Surveyors
7 Beacon Avenue
Quorn
Loughborough
Leicestershire
LE12 8HZ

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 28 July 2011 | 11/00561/FUL |

**Particulars and location of development :**

ERECTION OF DETACHED BUNGALOW

**77 Main Street Newbold Verdon Leicester Leicestershire LE9 9NP**

**Part II - Particulars of decision**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-**

The reasons for the conditions are :-

1. The proposed dwelling by virtue of its mass, scale and siting would create an overbearing feature which would result in significant loss of residential amenity through overshadowing to the rear garden of 79 Main Street. This is further exacerbated by its proximity to the eastern boundary. Accordingly the proposed development is therefore contrary to policy BE1 of the Hinckley and Bosworth Local Plan 2001.

2. In the opinion of the Local Planning Authority, the proposal constitutes an uncharacteristic form of development of this former residential garden site. By virtue of its position, layout and scale, the proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. Therefore, the development would be contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the guidance contained within Planning Policy Statement 3: Housing.

3. 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 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.

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

NOTES TO APPLICANT :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Date : 20 September 2011

**BILL CULLEN**
PROPER OFFICER OF THE COUNCIL