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
Persimmon Homes North Midlands
c/o Agent

Name and Address of Agent (if any)
Pegasus Planning Group
4 The Courtyard
Church Street
Lockington
Derbyshire
DE74 2SL

Part I - Particulars of Application

Date of Application	**Application No.**
21 May 2010	10/00401/FUL

Particulars and location of development:

ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE

Land Bound By Mill Lane, Thurlaston Lane And Clickers Way Earl Shilton 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, prior to the progression of the Barwell and Earl Shilton Area Action Plan, the proposals are considered to be piecemeal having regard to the current status of the Earl Shilton Masterplan and would create incremental development which would undermine the wider policy objectives for the Urban Extension as set out in Core Strategy Policy 2: Development in Earl Shilton, and would be prejudicial to the comprehensive development of the larger area of land of which the development forms part contrary to Policy BE1 of the Local Plan. The proposals are therefore considered contrary to Core Strategy Policies 2 and 5, Local Plan Policy BE1 and Planning Policy Statement 3.

2. In the opinion of the Local Planning Authority, prior to the progression of the Barwell and Earl Shilton Area Action Plan and the Infrastructure Schedule quantifying the infrastructure requirements for the Urban Extension, as set out in the Core Strategy Infrastructure Plan, permitting the scheme is considered to prejudice the co-ordinated and timely delivery of these wider infrastructure requirements yet to be determined contrary to Policies 2, 5, 15 and 20 of the Core Strategy, policies REC2, REC3 and IMP1 of the Local Plan, the Borough Council's Supplementary Planning Document on Play and Open Space 2008 and Circular 05/05.

3. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that a safe and sufficient access can be gained to the site from either Mill Lane or Thurlaston Lane, that the development will encourage the use of non-car modes of transport and that the proposal will not have a detrimental impact on the operation of the local highway network taking into account the proposals for growth outlined in the Hinckley & Bosworth Borough Council Core Strategy. The proposals are therefore considered to be contrary to Leicestershire County Council's adopted highways design guide, the 6 C's Highways, Transportation and Development, Local Plan Policies T5 and T9, Core Strategy Policy 5 and PPG13.

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

Date :6 September 2010

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 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.

RNOTES