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
Jelson Limited
370 Lougborough Road
Leicestershire
LE4 5PR

Name and Address of Agent (if any)
GVA Grimley
3 Brindley Place
Birmingham
B1 2JB

Part I - Particulars of Application

Date of Application	**Application No.**
24 December 2009	09/01009/OUT

Particulars and location of development:

RESIDENTIAL DEVELOPMENT (OUTLINE) WITH ACCESS

Land Off London Road Markfield Coalville 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. The applicant has failed to demonstrate that there is a need within Markfield that justifies the development of this greenfield site. In addition to this the site is visually prominent, outside the adopted village settlement boundary and its development for housing will harm the character of the area and the village. The proposal is therefore contrary to advice within PPS3, the East Midlands Regional Plan, Core Strategy Policy 8 and policies NE5 and RES5 of the Local Plan.

2. 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, library facilities, health care facilities, highways and civic amenity of the local area by the proposed development, and provision of affordable housing, would not accord with Government Guidance Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

3. In the opinion of the Local Planning Authority, the Flood Risk Assessment (FRA) submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and is therefore contrary to PPS25.

4. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would not detrimentally affect Archaeological remains likely to be within the site, contrary to policies BE13, BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan.

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

T. M Prowse

Date :18 March 2010

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.

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