

Tewkesbury Borough Council

TOWN AND COUNTRY PLANNING ACT, 1990

REFUSAL OF PERMISSION FOR DEVELOPMENT

In pursuance of their powers under the above mentioned Act, the Borough Council as Local Planning Authority **HEREBY REFUSE TO PERMIT** the development described hereunder.

APPLICATION NO: 17/00514/OUT
APPLICATION DATE: 03.05.2018

TO:
Siteplan UK LLP
39A Welbeck Street
London
W1G 8dh
FOA: Mr C Miles

DESCRIPTION OF LAND: Bell House Farm Old Road Maisemore GL2 8HT

DESCRIPTION OF DEVELOPMENT:

Outline application for residential development of 60 units with all matters reserved for future consideration.

The Reasons for the Council's decision to Refuse Permission are:-

- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposed development, by reason of the prominent location and rural character of the site, the quantum of development proposed and the layout design as indicated within the illustrative layout plan, would represent an incongruous and urbanising intrusion into the rural landscape and open countryside. As such, the proposed development is contrary to advice set out in the National Planning Policy Framework (2012) and Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 3 The proposed development would cause unacceptable harm to the traditional character and appearance of the village and its surroundings by virtue of its location, form, layout and density that would not enhance local distinctiveness. As such the proposal conflicts with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the NPPF (2012).
- 4 The proposed development has failed to demonstrate that there would be no unacceptable harm to the significance of archaeological heritage assets and it is considered that there would be no public benefits arising from the development which would serve to outweigh this potential harm. Therefore, the development would be contrary to paragraphs 132 and 133 of the NPPF (2012), Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 5 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure, education and library provision, open space, outdoor recreation and sports facilities and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Section 8 of the NPPF (2012) (Promoting healthy communities) and Policies INF4 and INF6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).

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- 7 Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its scale, quantum of development and edge of village location, would result in a development that would not be sufficiently integrated and connected to the wider built context and would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. The proposed addition of 60 dwellings, in addition to the 47 dwellings already permitted at Maisemore in the plan period, would result in cumulative development of the village which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Maisemore and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. Furthermore, the proposed development would not be proportional to the size and function of Maisemore as a Service Village as defined in the Joint Core Strategy and would not reflect its proximity and accessibility to Cheltenham and Gloucester. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF (2012) and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF (2012), sections 7 (Requiring Good Design) and 8 (Promoting Healthy Communities) of the NPPF (2012) and Policies SP2, SD4, SD6 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
- 8 The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits contrary to paragraph 112 of the National Planning Policy Framework (2012).

Note:-

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

Date: 03.07.2018



Head of Development Services
duly authorised in that behalf

N.B. It is important that you should read the notes on the reverse/attached with this form

NOTES

APPEALS TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG)

If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, then you can appeal to the DCLG under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the appeals area on www.gov.uk/topic/planning-development/planning-permission-appeals Some personal information will be displayed on this website please contact the Planning Inspectorate on 0303 444 00 00 if you have any concerns

The DCLG can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The DCLG need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.

In practice, the DCLG does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State 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 Borough Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

PARTY WALL ACT

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet

Note

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

OTHER INFORMATION

If any further information is required in connection with this decision it may be obtained from the Development Manager, Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury, Glos, GL20 5TT. Please quote the reference number of this decision in any correspondence.