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Charnwood Borough Council
Development Management, Southfield Road,
Loughborough, Leicestershire, LE11 2TN

Details of Application

APPLICATION NO: P/18/0309/2
Outline Application (considering access only) for up to 150 new dwellings with associated works including open space,

PROPOSAL: landscaping, drainage and access from Barkby Road and pedestrian link to Chestnut Close. Development affects Public Right of Way 184.

LOCATION: Land off Barkby Road, Queniborough, Leicestershire

APPLICANT David Wilson Homes

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and refuses planning permission for the development described in the submitted documents and on any accompanying plans and drawings.

The reasons for refusal are as follows:

1	<p>Notwithstanding the Council's Housing Land Supply and the reduced weight that can be attached to policies for the supply of housing (being policy CS1 of the Core Strategy and saved policy ST/2 of the Adopted Borough of Charnwood Local Plan 1991-2006), the Local Planning Authority considers that the significant adverse impacts of the development proposal outweigh the benefits arising from the development. Policy CS1 of the adopted Charnwood Local Plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits on development of Queniborough and on Best and Most Verstile Agricultural Land. Queniborough is identified by Policy CS1 as being in the 'Other Settlement' category of its settlement hierarchy. There are currently commitments for in the region of 1,000 homes in the Other Settlements of which a significant proportion has been delivered or committed in and around Queniborough (notably opposite the application site). Policy CS1 identifies planned growth within Other Settlements should be at least 500 homes in the plan period from 2011 to 2028 which is sufficient to the meet the levels of planned provision. Further growth between 2014-2028 was therefore expected through small scale infill developments. The proposal is not small scale and the application site is not considered as infill. Concerns about the cumulative pattern of growth and the impact on the Area of Local Separation would have an impact on the individual identity of Queniborough and Syston and result in coalescence between the settlements and the proposals would not respect and maintain the separate identities of towns and villages in accordance with Policies CS2, CS11, CS12 and CS14 of the Core Strategy and saved Policy CT/4 of the Adopted Borough of Charnwood Local Plan 1991-2006. As such, the proposal is considered to be contrary to Core Strategy Policies CS1, CS2, CS11, CS12, CS14 and CS25, which seek to reflect the presumption in</p>
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	favour of sustainable development in a plan-led system contained in the National Planning Policy Framework. Furthermore it is contrary to saved Policies ST/2, EV/1, CT/1, CT/2 and CT/4 of the Adopted Borough of Charnwood Local Plan 1991-2006 and the proposals would significantly and demonstrably cause harm that are not outweighed by the planning benefits of the scheme.
2	In the absence of a signed Planning Obligation, although a Draft Heads of Terms is noted, the proposal fails to deliver an appropriate level of affordable housing and contributions towards sustainable travel, ecology, education, libraries, civic amenity, community facilities and open space and play provision that are necessary to make the development acceptable in planning terms. The proposals would be contrary to Policies CS3, CS13, CS17 and CS24 of the Charnwood Local Plan 2011-2028, Core Strategy (2015) and adopted Housing Supplementary Planning Document (2017) and Community Infrastructure Levy Regulations.

The following was taken into account when determining this application

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The decision was therefore made in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.



Richard Bennett
Head of Planning and Regeneration

01 June 2018

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require 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.

Resubmissions

A revised application for similar development may be exempt from a planning fee, if the proposal is the first revision of an application for development of the same character or description on the same site by the same applicant within 12 months of making the earlier application if withdrawn or the date of decision if granted or refused and NOT a duplicate application made by the same applicant within 28 days.