



South Derbyshire District Council

Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH

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Applicant:

Mr N Price
2 Milton Grange
Main Street
Milton
Derby
DE65 6EF

Reg.No. 9/2015/1064

Local Government Act 1972
Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

In exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that your application for **THE ERECTION OF 1 NO 5 BEDROOM DWELLING HOUSE WITH NEW ACCESS AT PACK HORSE INN PACK HORSE ROAD MELBOURNE DERBY** as shown on the deposited plans and described in the application form received 10/11/2015 is hereby **REFUSED**, for the following reason:

1. The proposed development fails to preserve or enhance the setting of the adjacent listed building and respect the historic character of the site due to its size and proximity, with the mass, design and scale of the proposed dwelling appearing over dominant and overbearing; contrary to saved Environment Policies 12 and 13 of the South Derbyshire Local Plan 1998, emerging policy BNE2 of the South Derbyshire Local Plan Part 1, and chapter 12 of the National Planning Policy Framework.
2. Saved Housing Policy 6 of the South Derbyshire Local Plan 1998 supports the infilling of a small gap for housing development, for normally not more than two dwellings within small groups of houses, subject to it being in keeping with the scale and character of the settlement, whilst saved Environment Policy 8 seeks to preserve open spaces, gaps and breaks in development which contributed to the character of a settlement. The proposal would exhibit a cramped and urbanising appearance within its plot and consequently would result in the consolidation of the existing built form in this rural area, closing this clear break which contributes to the wider setting of the site and its position within the settlement; contrary to saved Housing Policy 6 and Environment Policy 8 of the South Derbyshire Local Plan 1998, emerging policy BNE1 of the South Derbyshire Local Plan Part 1, and chapter 6 of the National Planning Policy Framework.

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Authorised Officer of the Council

Date: 01/02/2016

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

REFUSAL NOTES

Any correspondence or enquiries concerning this notice should be addressed to Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH or by e-mail to planning@south-derbys.gov.uk

Rights of appeal against the Local Planning Authority's decision.

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 this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- 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. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Schedule 1A of the Town and Country Planning Development Management Procedure Order 2010 (as amended on 1 October 2013)), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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.