



South Derbyshire District Council

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

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Mr Robert Brooks
Brookside Farm
Malthouse Lane
Foston
Derby
DE65 5PU

Applicant:

Mr Robert Brooks
Brookside Farm
Malthouse Lane
Foston
Derby
DE65 5PU

Reg.No. 9/2016/0638

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 **CHANGE OF USE OF A BARN TO A DWELLING INCLUDING RAISING THE WALL HEIGHTS AND A NEW ROOF AT WORKSHOP BARN BROOKSIDE FARM MALTHOUSE LANE FOSTON DERBY** as shown on the deposited plans and described in the application form received 01/09/2016 is hereby REFUSED, for the following reason:

1. Given the substantial alterations and building operations proposed to the existing barn, Saved Policy H7 of the Adopted Local Plan 1998 is not considered to be satisfied by this proposal and as such Policy H8 is the relevant development plan policy, the site being outside any village confine or settlement boundary as defined in the Local Plan (within which Housing Policy 1 - Settlement Hierarchy - of the adopted 2016 Local Plan, Policy SDT1 of the emerging Part 2 Local Plan and Saved Housing Policy 5 of the 1998 Local Plan generally favour new housing). The hierarchy retains consistency with The Framework, because it was drawn having regard to the visual context of settlements within the District with the objective of, inter alia, controlling the encroachment into the countryside surrounding the villages, of environmentally undesirable development. The defined village confines are complemented by Saved Housing Policy 8 & Environment Policy 1 which set criteria to control development in the countryside, this being consistent with Paragraph 55 of The Framework. The application site is located beyond and isolated from any defined village confine or settlement boundary, and no special circumstances exist to otherwise justify a new dwelling. As such the proposal is contrary to South Derbyshire Local Plan Policy H1, Saved Housing Policy 8 & Environment Policy 1, and the emerging Part 2 Local Plan Policy BNE5, all of which are consistent with Paragraph 55 of The Framework and its core planning principles in paragraph 17.

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. However, despite such efforts the issue of principle is unable to be addressed. 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: 23/11/2016

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

REFUSAL NOTES

1. 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
2. **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.