



# Notice of Decision

## REFUSAL

Town and Country Planning Act, 1990  
Town and Country Planning (Development Management Procedure) Order, 2015

Miss Natasha Blackmore da Silva  
Sheldon Bosley Knight  
58 Ely Street  
Stratford upon Avon  
CV37 6LN  
UK

THE STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

### **Land Adjacent 18 Nortons Close , Bonfire Hill, Northend, CV47 2TZ**

Submitted by: Mr & Mrs M Haydon

Received by the Council on 13 May 2019

HEREBY GIVE YOU NOTICE that PLANNING PERMISSION is REFUSED for the following development, namely:-

### **Full application for the erection of a single detached dwelling (part retrospective).**

The reason(s) for the Council's decision to refuse permission for the development are:-

1. The development, by virtue of its siting, scale and design, compounded with the changing levels in the site (in comparison to those of the adjacent property at 18 Nortons Close), would result in an overbearing form of development which would have a detrimental impact on the residential amenity of the occupiers of that property. The proposals are, therefore, contrary to Policy CS.9 of the Core Strategy, which seeks to ensure that development is sensitive (to the setting, existing built form and neighbouring uses) and that occupants neighbouring buildings are protected from unacceptable impacts (including loss of daylight, privacy, and adverse surroundings). The proposals are also contrary to Policy AS.10 of the Core Strategy which seeks to minimise the impact on the occupiers and users of existing properties in the area.

Note:

1. The Local Planning Authority has taken into account the National Planning Policy Framework, including paragraph 38 which details the need to work positively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

**Case Officer: Matthew Coyne**  
**Reference No. 19/01216/FUL**



DATED 16 July 2019

A handwritten signature in black ink, appearing to be 'L. B. S.', written in a cursive style.

AUTHORISED OFFICER OF THE COUNCIL.....

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

**STRATFORD-ON-AVON DISTRICT COUNCIL  
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX**

**PRE-START CONDITIONS**

You are reminded that some of the conditions attached to planning permissions (pre-start conditions) require details and schemes to be submitted and approved in writing before any work commences on site. You should therefore submit any details required at least 8 weeks prior to starting work and obtain the Council's written approval, if required, in order to comply with the planning condition.

Failure to comply with pre-start conditions may result in your planning permission being void.

**FEEES FOR THE DISCHARGE OF PLANNING CONDITIONS**

In accordance with Statutory Instrument 958, a fee is now payable where a written request is made for the discharge of one or more planning conditions on the same permission or for the written confirmation of compliance with a planning condition or conditions. Further guidance on this process together with the associated fees is available on the Council's website

<https://www.stratford.gov.uk/planning-regeneration/the-application-process.cfm>

**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 Planning Inspectorate 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. For appeals against the refusal of Householder applications (i.e.: works to a dwelling or development within the garden of a dwelling) or Minor Commercial Development you must lodge your appeal within **12 weeks** of the date of the decision.

If the development is the same (or substantially the same) as that specified in an Enforcement Notice served on the same land, an appeal must be lodged within

- A) 28 days of the date of the planning decision if there is an extant Enforcement Notice served up to 2 years prior to the date of the decision
- B) 28 days of the date of the Enforcement Notice if the Notice is served after the date of the decision of the planning application for the same development

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 (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have

their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate can allow a longer period of 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 Planning Inspectorate 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 it imposed, having regard to the statutory requirements to the provisions of the Development Order and to any directions given under the Order.

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

## **PURCHASE NOTICES**

If either the Local Planning Authority or the Planning Inspectorate refused 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 can he 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 (District Council, London Borough Council or Common Council of the City of London) 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.

### Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town and Country Planning Act 1990.

## **ADDRESSING YOUR NEW BUILDINGS**

When you require the address(es) for this development contact "Street Naming and Numbering" at Stratford-on-Avon District Council, either by post or email [3720snandn@stratford-dc.gov.uk](mailto:3720snandn@stratford-dc.gov.uk). You need to do this 6 weeks before utility contacts are required.

There will be an administrative charge for this service.

Information to include in your request can be found on [www.stratford.gov.uk](http://www.stratford.gov.uk)