

AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990**16/03802/APP**

Mr David Holmes
The Homestead
Crown Street
Harbury
Leamington Spa
Warwickshire, CV33 9HE

Subsequent to your application that was valid on the **24th October 2016** and in pursuance of their powers under the above mentioned Act and Orders, the Aylesbury Vale District Council as Local Planning Authority **HEREBY REFUSE PERMISSION FOR:-**

Erection of six dwellings

AT:-

Land To Rear Of Former The White Lion PH Startops End Lower Icknield Way Marsworth

The reasons for refusing your application are:-

- 1 The site is located within a cluster of existing buildings primarily comprising ribbon development along the north side of Lower Icknield Way in the countryside to the west of Marsworth. The site is not within the built up area of the settlement and the proposals therefore represent isolated residential development on a prominent site that would be intrusive in the countryside and which would result in the loss of open land that forms part of the rural setting of Marsworth. The proposal would fail to complement the existing settlement character and identity, and would result in significant adverse impacts on the landscape character and visual amenity of the site and surroundings. The proposals therefore conflict with AVDLP policy GP35 and fail to accord with NPPF advice. Furthermore, due to the separation distance of the site from the built up area and village amenities it is likely that future occupants of the dwellings would be reliant on the use of the private car to access key services and facilities to go about their daily lives, such that the proposed development therefore comprises unsustainable development that fails to accord with advice in the National Planning Policy Framework.
- 2 The proposed development due to the loss of open land and the layout and design of the development fails to respect or compliment the site and its surroundings nor adequately reflect the form and style of development typically associated with Canal heritage, would not preserve the setting of the Marsworth Conservation Area, and would detrimentally affect the setting of the listed buildings adjacent to the site. This would conflict with Policies GP35 and GP53 of the Aylesbury Vale District Local Plan and would fail to comply with the core principles of the NPPF.
- 3 The proposed development comprises two staggered terraces of gable fronted dwellings with front garden areas to be enclosed by 1.8m and 0.9m high close boarded fencing, such that the development would appear overly urban rather than rural in character and would fail to reflect the small scale cottages in the vicinity and the rural canal side location. Furthermore, the CA Appraisal refers to views from the adjacent canal bridge towards the surrounding countryside and along the canal towards the junction with the Aylesbury Arm. The proposed development would be intrusive in this landscape, would detract from the attractiveness of the canal and would be damaging to the amenity value of the Conservation Area and the setting of the listed canal bridge. The proposals therefore would represent harm to heritage assets and their settings as well as the character and appearance of the area and conflict with AVDLP policies GP35 and GP53, failing to comply with NPPF advice.

- 4 The proposed development would place new dwellings in close proximity to the retained White Lion building and the remaining land that would be associated with it. In the absence of the implementation of the planning permission relating to the residential conversion of the building it must be assumed that existing use rights remain and that the former use as a public house and restaurant could be reinstated. The close proximity of the nearest of the proposed dwellings in association with the elevated location of the existing building, would be likely to result in an unreasonably low level of residential amenity experienced by future occupants as a result of noise, disturbance and loss of privacy resulting from social activities in close proximity. The proposals therefore fail to accord with the core planning principles set out in the NPPF, and AVDLP policies GP8 and GP95.
- 5 The proposed development would significantly reduce the amount of on-site car parking associated with the retained White Lion building. In the absence of the implementation of the planning permission relating to the residential conversion of the building it must be assumed that existing use rights remain and that the former use as a public house and restaurant could be reinstated. The use of the building in the absence of adequate on-site parking would be likely to result in displacement of demand for parking space on to local roads, increasing demand for on-street parking in the area and giving rise to danger and inconvenience for road users. The proposals therefore fail to comply with AVDLP policy GP24, and NPPF advice.

INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, pre-application advice was given in 2012 indicating that development on the site was unlikely to be supported. It is considered that there is a fundamental conflict with Development Plan policies and advice in the National Planning Policy Framework and no material considerations are apparent to outweigh these matters of principle. The Council has therefore considered the application as submitted and concluded that planning permission should not be issued.

Your attention is drawn to the attached notes.

Mrs Sue Pilcher

For and on behalf of the District Council
12th May 2017

NOTES FOR RPP1, AOP2 & ATNR

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within the appropriate time limit shown below, using a form which you can get from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pcs

Appeals against refusal of planning permission for:	Time period for submitting appeals to Planning Inspectorate
Minor commercial (shop front) development	Within 12 weeks of the date of this decision notice
Development where an enforcement notice was previously served for substantially the same land and development	Within 28 days of the date of this decision notice
Development where an enforcement notice is subsequently served for substantially the same land and development	Within 28 days of the date the enforcement notice is served or within 6 months of the date of this notice, whichever period expires earlier
All other development	Within 6 months of the date of this decision notice

The Secretary of State 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 Secretary of State 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 statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State for Communities and Local Government 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 V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Refusal under the Town and Country Planning Act **DOES NOT** operate as a refusal under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, whose telephone number is 01296 585460.

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.