



THE RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
REFUSAL OF PLANNING PERMISSION

Notice is hereby given that the Borough Council in pursuance of its powers under the above-mentioned Act, as amended and Rules, Orders and Regulations made there under, refuses planning permission for the development referred to hereunder for the reasons specified.

REFERENCE NO:

R19/1411

DATE APPLICATION VALID

05-Nov-2019

ADDRESS OF DEVELOPMENT:

WOLSTON ALLOTMENTS, STRETTON ROAD, WOLSTON

APPLICANT:

c/o Agent, Rosconn Strategic Land Rosconn Strategic Land, n/a

AGENT:

Mark Rose, Define Planning & Design Ltd Define Planning & Design Ltd, Unit 6, 133-137 Newhall Street, Birmingham, B3 1SF

APPLICATION DESCRIPTION:

Erection of up to 48 dwellings with associated open space, landscaping and infrastructure (Outline - Principle and Access Only).

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Plan 2011 - 2031

Policy HS4: Open Space, Sports Facilities and Recreation
Policy DS3: Residential Allocations

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR REFUSAL: 1

The proposed development would result in a loss of public open space. It was not considered that the public open space being lost would be replaced by equivalent or better provision, given that the loss comprised of allotment land and the established allotment plots within such land. As such the

IMPORTANT – PLEASE READ THE NOTES ATTACHED TO THIS DECISION NOTICE

development would have an unacceptable impact upon public open space. The proposal is therefore contrary to Policy HS4 of the Local Plan.

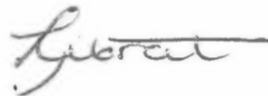
REASON FOR REFUSAL: 2

Policy DS3 of the Local Plan identifies the residential allocations for the Borough of Rugby. The policy sets out the residential allocation for the main rural settlement of Wolston to be around 15 dwellings at Linden Tree Bungalow, Warwick Road, Wolston. The proposal is significantly in excess of those dwelling numbers and in an alternative location in Wolston than that identified in the Local Plan. The proposal is therefore is contrary to Policy DS3 of the Local Plan.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF, unfortunately it was not possible to reach agreement on this case.

PLANNING DEPARTMENT,
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR



STEPHANIE GIBRAT
Head of Growth & Investment

DATE: 04-Nov-2020

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NOTES:

Other Legislation

This decision does not grant any right or approval under Building Regulations or any other legislation. You will have to apply separately for other consents and for consent to undertake works, or place scaffolds, hoardings or skips within the highway.

Important Information Regarding Conditions

Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

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 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

If you want to appeal against a decision to refuse planning permission for a householder application, you must do so using a Householder Planning Appeal Form within 12 weeks of the date of this notice, in all other cases you must do so within 6 months of the date of this notice, using a Planning Appeal Form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN, Tel: 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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 six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 it 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 Secretary of State need not consider an appeal if it seems to them 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 Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

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) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Please note, only the applicant possesses the right of appeal.

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 they can neither put the land to a reasonably beneficial use in its existing state nor can they 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 their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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