



Notice of Decision

REFUSAL

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

Mr Gladman
Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton
CW12 1LB

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

Land North Of, Milcote Road, Welford-on-Avon,

Submitted by: Mr Gladman, Gladman Developments Ltd

Received by the Council on 7 January 2019

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

Outline planning application for the erection of up to 35 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Milcote Road. All matters reserved except for means of access.

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

1. The application site lies outside the Built-Up Area Boundary (BUAB) of Welford-on-Avon and is not identified for development in the adopted Welford Neighbourhood Plan. It is therefore contrary to the development strategy envisaged in Policies CS.15 and AS.10 of the Stratford-on-Avon Core Strategy, which seek to ensure that development within the district is distributed in a pattern of balanced dispersal over the plan period. The application site additionally does not meet any of the instances of acceptable development outside of the BUAB established through Policy HE5 of the Welford Neighbourhood Plan.

Furthermore, Policy CS.16 details the strategic allocation of homes identified for the Local Service Villages, with Category 2 villages, of which Welford-on-Avon is one, taking approximately 700 homes in total, of which no more than around 12% (84) should be provided in any individual settlement. The proposed development, if approved, would result in a clear conflict with the requirements of Policy CS.16, as the scheme would take the settlement well above the overall scale of development

Case Officer: Eddie Wrench
Reference No. 18/03705/OUT



identified, meaning an over-provision of housing, significantly in excess of the numbers of homes that have been identified as being sustainable within the Development Plan.

Given the above, the proposed development is therefore contrary to Policies CS.15, CS.16 and AS.10 of the Stratford-on-Avon Core Strategy (2011-2031) and Policies HE5 and HLU1 of the Welford-on-Avon Neighbourhood Development Plan (2011 to 2031).

2. The application site is located beyond the south-eastern edge of the village on an agricultural field between the settlements of Welford-on-Avon and Weston-on-Avon. The reduction of this important area, intensifying the likelihood of coalescence between the two settlements through further encroachment into the open countryside, would put at risk their individual historic identity and integrity.

In addition, the application site is entirely made up of Grade 2 'best and most versatile agricultural land' as defined in national policy. Policy AS.10 requires applications to be assessed against the principles of sustainable development, including the need to seek to avoid the loss of large areas of higher quality agricultural land. The application site, at 2.34ha, is a large and significant redevelopment of agricultural land. Given that the principle of development of the site is also not accepted, the proposal is not considered to be necessary and, therefore, the loss of 'best and most versatile agricultural land' should be avoided.

The proposed development is therefore contrary to Policies AS.10 and CS.15, requirement 5, of the Stratford-on-Avon Core Strategy (2011-2031) and Policy HE6 Welford-on-Avon Neighbourhood Development Plan (2011 to 2031).

3. The financial contributions required to mitigate the impacts of the proposed development, including affordable housing, public open space, highways, public rights of way and biodiversity have not been secured by way of a completed S.106 Planning Obligation and, therefore, the proposal is considered to be contrary to Policies CS.6, CS.18, CS.25, CS.26 and CS.27 of the Stratford-on-Avon Core Strategy (2011-2031).

Notes

1. The Local Planning Authority has taken into account paragraph 38 of the National Planning Policy Framework 2019, which details the need to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. The applicants are advised that in the event that an appeal is lodged against these reasons for refusal the Council will work with the appellants to draft appropriate planning obligations via a S106 Agreement.
3. The plans which have been assessed as part of this application are as follows: 65847-CUR-00-XX-DR-TP-75001-P03, 5553-L-07-F, 5553-L-10 and 5553-L-09_D.

DATED 10 June 2019



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.

FEES 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>.

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. 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