
Refusal of Planning Permission

Rowland Homes Ltd
C/o G L Hearn
Paul Entwistle
1 St James' Square
Manchester
M1 6DN

Application Number:
12/01123/FUL

Building Control Ref:

7 June 2012

Town and Country Planning Act 1990

Proposal: Erection of 20 no. dwellings with associated garages, car parking, landscaping and access - Resubmission of 11/05256/FUL

Location: Land At, Willington Lane And Green Lane, Kelsall, Tarporley, Cheshire,

In pursuance of their powers under the above Acts, the Council hereby **REFUSES** to grant planning permission in accordance with the application and plans submitted by you, for the following reasons:

1. It has not been demonstrated that the residential amenity of the future occupiers of the proposed development at Green Lane would not be adversely affected from unacceptable levels of odour and noise disturbance from Green Lane Farm. Although there is an undisputed under supply of housing throughout the district, this is not considered to outweigh the above residential amenity objections. The application therefore fails to accord with the provisions of the National Planning Policy Framework and Policy GE3 of the Chester District Local Plan.
2. It is considered that the access point to serve plot 8 of the Willington Lane site and development of the Green Lane site would cause severe detriment to highway safety. Although there is an undisputed under supply of housing throughout the district, this is not considered to outweigh the above highway safety objections. Therefore the application fails to accord with the provisions of the National Planning Policy Framework and Policy TR19 of the Chester District Local Plan.

Notes

Signed:

Date: 7 June 2012

A handwritten signature in black ink, appearing to read 'Chris Hindle', with a large, stylized initial 'CH' to the left.

Chris Hindle
Head of Planning & Transport, Cheshire West and Chester Borough Council,
Planning Service, Wyvern House The Drummer Winsford CW7 1AH

Please read the notes on the following page, they will explain your rights and other important matters about this decision.

Cheshire West & Chester Council

NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

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 for the Environment 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. However, if this application relates to a Householder development and you want to appeal, then you must do so within 12 weeks of the date of this notice

Forms can be obtained from:

The Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0117 372 6372)

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 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 him.

If either the local planning authority or the Secretary of State for the Environment 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 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 District 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 VI of the Town and Country Planning Act 1990.

OTHER IMPORTANT POINTS TO NOTE.

Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act, 1970 and the Code of Practice for Access for the Disabled to Buildings. These provisions apply to (a) buildings or premises to which the public are admitted, whether on payment or otherwise or (b) premises in which persons are employed to work. Similar provisions also apply for the benefit of disabled in educational buildings.

Development for which listed building consent and/or permission is granted is subject to compliance with the general statutory provisions in force in the District, except as may be modified in this permission and the Building Regulations. Your attention is drawn to Section 50 of the Cheshire County Council Act, 1980 which provides that where plans are deposited under the Building Regulations for the erection/extension of a building with the district council, then that council will reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show there is an adequate means of access for the Fire Brigade to the building or extension and that the building or extension will not render inadequate any existing means of access, for the Fire Brigade, to the neighbouring buildings. This note is included to give effect to Section 50 of the 1980 Act by virtue of sub-section (2) of the said Section.

Developers should check with all statutory undertakers at an early stage to ensure where their equipment (pipes, cables, poles etc) is located in relation to the development site and agree measures to ensure that no damage is caused to that equipment during construction, or negotiate the repositioning of some or all of the equipment.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.



