

ASHFORD BOROUGH COUNCIL

REFUSAL OF PLANNING PERMISSION

Notes for the Applicant



ASHFORD
BOROUGH COUNCIL

Appeals

1. If you are unhappy with the disclosed Decision to refuse permission, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. **Any appeal must be made within 6 months of the date of decision, or 6 months from the expiry of the period which the LPA had to determine the application.**

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or by telephoning on:- 0303 444 5000 or via their website:

www.planningportal.gov.uk/pcs

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

Beneficial Use

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

**NOTIFICATION OF DECISION
OF THE LOCAL PLANNING AUTHORITY**

Date of Decision

19 November 2015



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford

Kent TN23 1PL
(01233) 331111

Typetalk (01233) 330744
www.ashford.gov.uk

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX

**Town and Country Planning Act 1990 (as amended)
Application for Full Planning Permission**

APPLICATION NO: 15/01273/AS

PROPOSAL: Change of use of land to use as a residential caravan site for one gypsy family with two caravans, including retention of hardstanding and erection of utility building.

LOCATION: Cherrytree Paddock, Bromley Green Road, Ruckinge, Ashford, Kent, TN26 2EQ

APPLICANT: Mr Richard Wood c/o Agent

DECISION: REFUSE

Reasons

1 The proposed development would be contrary to policies GP12, EN31 and EN32 of the Ashford Borough Council Local Plan (June 2000), policies CS1, CS9, CS11 and CS14 of the Local Development Framework Core Strategy (July 2008), policies TRS17 and TRS18 of the Tenterden and Rural Sites Development Plan Document (October 2010), the Council's Landscape Character Supplementary Planning Document (April 2011) and to Central Government guidance contained in the National Planning Policy Framework (2012) and the Planning Policy for Traveller Sites (2015) and would therefore be harmful to interests of acknowledged planning importance for the following reason:

(a) The proposed development, which involves the siting of a mobile home for residential occupation and the change of use of the land to residential curtilage, the laying of hardsurfacing, and the erection of a utility building would result in an isolated, sporadic and visually incongruous and intrusive development adversely affecting the character and

appearance of the area in which it is located.

(b) The proposed development would result in the unacceptable loss of and harm to the TPO ancient woodland. The proposal would result in the loss of tree(s), flora and fauna and significantly undermine the visual, ecological and biodiversity contribution the site makes to the countryside and surrounding area. The spread of development and end use would unacceptably urbanise and domesticate the appearance of the site and in turn be of detriment to the character and appearance of the countryside. No overriding justification has been provided to outweigh this significant harm.

(c) The need for Gypsy and Traveller accommodation in the area does not outweigh the resultant harm of the development.

(d) No evidence has been submitted of how the applicant falls within the definition of a gypsy and traveller as defined in the Planning Policy for Traveller Sites (2015) and as a result, the development represents unjustified development in the open countryside.

Notes to Applicant

Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
by adhering to the requirements of the Development Management Customer Charter.

In this instance, the applicant was informed/advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

Plans/Documents refused by this decision

Site Location Plan
Existing Block Plan
Proposed Block Plan
Proposed Utility/Day Room
all received 24 September 2015



Strategic Sites and Design Manager

