

Application No: **Y16/0739/SH**

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Refusal of Planning Permission to Develop Land

Mr D Shapira
C/o Mr R Rabson
Erdi & Rabson
16 Broadfields Avenue
Edgware
Middlesex
HA8 8PG

Take notice that The Shepway District Council, the Local Planning Authority under the Town and Country Planning Acts, **HAS REFUSED TO PERMIT** development of land

**situate at: LAND OPPOSITE FERNLEAS RADNOR CLIFF CRESCENT
FOLKESTONE KENT**

**and being ERECTION OF A DETACHED TWO STOREY DWELLING WITH
ASSOCIATED ACCESS AND PARKING.**

referred to in your application for permission for development received on 14th October 2016.

REASONS:

1. The proposed development would result in the loss of an undeveloped, natural and mature area of landscaping which provides an attractive break in the built form and is an important feature within this part of the Conservation Area and Area of Special Character. Its loss would result in harm to the special character or appearance of the Conservation Area and result in a greater visual impact of buildings to the detriment of the Area of Special Character contrary to saved Shepway Local Plan Review policies SD1, BE4, BE12 and BE16, The National Planning Policy Framework: 2012 and policies SDS4, SDS5 and SDS9 of the Sandgate Village Design Statement.

2. In the absence of a land stability report or other such preliminary information, including detail of necessary remedial measures that might be required to deal with land instability or information to demonstrate that the development could be built without resulting in landslip, the Council is not satisfied that the ground works required in connection with the proposed development would not unacceptably affect the stability of this site and neighbouring land and buildings. As such, the proposal is therefore considered contrary to saved Shepway Local Plan Review policies SD1 and BE19, The NPPF: 2012 and policy SDS8 of the Sandgate Village Design Statement which requires the site to be suitable for its new use taking account of land stability and places the onus upon the applicant to justify that the site is capable of development without significantly increasing the risk of slope failure.
3. In the absence of a full detailed and up-to-date BS: 5837: 2012 Tree Survey, it is unclear how the trees the subject of Tree Preservation Order No. 16 of 2010 will be protected where it has not been satisfactorily demonstrated that the development would not adversely impact upon these trees. As such, the proposal is therefore considered contrary to saved Local Plan Review policies BE16 and BE17 which requires development proposals to retain important existing landscaping features and safeguard trees protected by a tree preservation Order.

INFORMATIVES

- 1 Your attention is drawn to the fact that this refusal of planning permission is on the basis of submitted drawing Nos 1098/30a, 1098/36, 1098/37, 1098/38, 1098/39 and 1098/40.

The applicant/agent was provided with pre-application advice in accordance with the Council's Informal Advice Protocol, including advising of a likely recommendation for refusal on the grounds of being contrary to planning policy

The proposed development is unacceptable in principle for planning policy reasons and the Local Planning Authority does not consider that there are any amendments that can be made to the scheme to overcome this

It is the view of the Local Planning Authority that the development does not accord with the development plan and is unacceptable for the reasons set out in the grounds for refusal.



Dated this 9th day of December 2016

Shepway District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Ben Geering
Head of Planning

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

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 the grant of it, subject to conditions, then you can appeal to the Secretary of State 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 the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

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 provision of a 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.

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 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 had 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 interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.