

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Refusal of Planning Permission to Develop Land

Mrs Christine Charlier
C/o Mr Stuart Ingleston
S I Chartered Bldg Surveyors
8 Jinton Road
Folkestone
Kent
CT20 2RG

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: DANCE EASY STUDIO 19 THE BAYLE FOLKESTONE KENT

and being ERECTION OF A THREE-STOREY BLOCK OF SIX SELF-CONTAINED FLATS, TOGETHER WITH THE ERECTION OF A DETACHED CYCLE AND REFUSE BIN STORE, FOLLOWING DEMOLITION OF THE EXISTING DANCE HALL & GARAGE.

referred to in your application for permission for development received on 29th December 2016.

REASONS:

1. The development would, by virtue of its inappropriate detailing, recessed screen wall, proportions of fenestration, together with its non traditional roof form, and general prosaic design, result in a detrimental visual impact upon the streetscene which fails to either conserve or enhance the character and appearance of the surrounding conservation area. As such the development would be contrary to saved Local Plan Review policies SD1, BE1 and BE4 and the NPPF 2012 which seek for a high standard of design for all developments and in the case of developments within conservation areas, make a positive contribution to the local character and distinctiveness which either conserves or enhances the historic character and appearance.

2. The building is in active use as a dance/yoga studio, as well as a private and public events venue which is considered to be a social and community facility that makes a valuable contribution to the local community of Shepway. In the absence of sufficient supporting evidence or an alternative suitable facility to accommodate the loss and in light of the significant public representations received by the Council relating to its popularity as a valued local community asset, it is the view of the Local Planning Authority that it has not been satisfactorily demonstrated that such a facility is no longer required in this locality and community. As such the loss of the Dance Easy Studio is therefore considered to be contrary to the National Planning Policy Framework: 2012 and the aims and objectives of Core Strategy policy SS3 (f) which seeks to retain community facilities and prevent their unnecessary loss.
3. The development proposes several habitable room and kitchen windows upon the north elevation that would afford direct views and inter looking into the windows of the flats of Glendale adjacent, on an elevation where the existing building currently has no windows. As such, it is considered that the development would result in an unacceptable loss of privacy and residential amenities of those occupiers of Glendale contrary to saved Local Plan Review policy SD1 and the NPPF: 2012 which seek developments to safeguard residential amenities.

INFORMATIVES

- 1 Your attention is drawn to the fact that this refusal of planning permission is on the basis of submitted drawing No. 035/16/02

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 23rd day of February 2017

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.