

OUTLINE PLANNING PERMISSION REFUSED

Application no: 19/01378/OUT

To: Gladman
Gladman House
Alexandria Way
Congleton
CW12 1LB
United Kingdom

Milton Keynes Council, under their powers provided by the above legislation, **Refuse Permission** for

Outline planning application for 95 dwellings, including public open space, landscaping, a sustainable drainage system, children's play area and a vehicular access point from Olney Road. The application is made in outline, with all matters reserved except for access.

At: Land East of Olney Road Lavendon

in accordance with your application, valid on 5th June 2019 and the following drawings:

Received on 28.05.2019

Site Location Plan, CSA/4201/113
Development Framework Plan, CSA/4201/109
Proposed Access Arrangements 1656/01
Landscape and Visual Impact Assessment
Travel Plan
Transport Assessment
Arboricultural Impact Assessment
Air Quality Assessment
Noise Screening Report
Archaeological and Built Heritage Assessment
Foul Drainage Analysis
Flood Risk Assessment
Odour Assessment
Socio-Economic Sustainability Assessment
Utilities Statement

The reason(s) for refusing your application are:

(1) The development is situated on land designated as Open Countryside as per Policy DS5 of Plan:MK. The proposal fails to accord with the housing strategy set out in Plan:MK or the settlement hierarchy, which states that development in the Borough's villages and rural settlements shall take place within defined settlement boundaries. Therefore, the proposal fails to accord with Policies DS1, DS2 and DS5 of Plan:MK.

(2) The development represents an unacceptable, intrusive, inappropriate form of development within the Open Countryside. The scheme would push the south-eastern extremities of the settlement closer to the junction of Lavendon Road and Olney Road, unbalancing and splintering the pattern of development within the settlement; diluting its quiet rural character and eroding the extent of the Open Countryside which contributes significantly to this character. The proposal is therefore contrary to Policies DS5 and D1 of Plan:MK and Paragraph 170(b) of the NPPF.

(3) The application fails to adequately evidenced that there would be no negative impact on protected species or their habitats. Therefore, the development fails to accord with Policy NE2 of Plan:MK.

(4) The application is not supported by an acceptable flood risk assessment or surface water drainage strategy. The flood risk assessment has not been supplemented with the geo-environmental assessment which has been used to establish the existing runoff rates may not truly reflect the nature of the site. Without sight of this document, the authority is not satisfied that the runoff rates stated in the flood risk assessment are accurate. The surface water drainage strategy does not reference appropriate climate change allowances. Therefore, the proposal fails to accord with Policy FR1 of Plan:MK.

(5) The application fails to provide the authority with sufficient information to determine the impact of the proposal on potential heritage assets associated with nearby sites of archaeological interest. The information submitted derives from a separate application rather than being based on independent survey work associated with the application site. Therefore, the proposal is contrary to Policy HE1 of Plan:MK.

(6) The proposal would result in the loss of a significant area of Grade 2 agricultural land. Grade 2 agricultural land is classified as being the best and most versatile for agricultural practices. The application fails to provide sufficient justification to warrant the loss of this land for alternative use. Therefore, the proposal is contrary to Policy NE7 of Plan:MK and Paragraph 170(b) of the NPPF.

(7) In the absence of necessary planning obligations being secured by a s106 agreement, the applicant has failed to demonstrate that the proposed development would not lead to a burden on, or have an adverse impact on, existing local social and sustainable infrastructure, education and leisure facilities. The proposal is therefore contrary to Policy INF1 of Plan:MK.

Your attention is drawn to the attached notes



A handwritten signature in blue ink, appearing to read 'JP', with a long horizontal line extending to the right.

4th September 2019

Jon Palmer MRTPI – Head of Planning
For and on behalf of the Council

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 Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. 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.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website www.planning-inspectorate.gov.uk.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. 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 planning 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, 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 have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment

Development Management,
Civic, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ
Planning Enquiries Direct Line (01908) 252358
MK Council Tel: (01908) 691691
www.milton-keynes.gov.uk

refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by 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 their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).