



Mr E Jenkins
C/O Dr Simon Ruston
Ruston Planning Limited
The Old Office
1 Great Ostry
Shepton Mallet
BA4 5TT
United Kingdom

Planning and Climate Change
PO Box 4
Town Hall
Lancaster
LA1 1QR

**PLANNING AND COMPENSATION ACT 1991
TOWN & COUNTRY PLANNING ACT 1990**

REFUSAL OF PLANNING PERMISSION

Application No. : 21/01581/FUL

Applicant : Mr E Jenkins

Site Address : Field 3225 Arna Wood Lane Aldcliffe Lancashire

Proposal : Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding

Lancaster City Council hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development set out in the application dated 22 December 2021, and described above for the following reasons:-

1. Notwithstanding the current unmet need for Gypsy and Traveller pitches within the District, the site is located within the Open Countryside, divorced from key services and facilities and as such it is considered to be unsustainable in terms of its location. The proposal is therefore contrary to policies DM4 and DM 9 of the Development Management DPD, policy SP2 of the Strategic Policies and Land Allocations DPD, section 2 of the National Planning Policy Framework and Planning policy for traveller sites (August 2015).
2. Due to the scale and siting of the proposed development which would be on the top of a drumlin, it would appear as an intrusive addition causing visual harm to the appearance of the landscape and the Open Countryside. Consequently, the proposal is considered to be contrary to policies DM29 and DM46 of the Development Management Development Plan Document, policy EN3 of the of the Strategic Policies and Land Allocations DPD, policy ASNP3 of the Aldcliffe-with-Stodday Neighbourhood Development Plan and Section 12 and 15 of the National Planning Policy Framework.

3. The application fails to detail the way in which the development can be sustainably drained in accordance with the surface water drainage hierarchy. It has not been conclusively demonstrated that a satisfactory arrangement for disposing of surface water can be achieved and consequently a risk of flooding would remain. The proposal therefore conflicts with the requirements of Policies DM29 and DM34 of the Development Management DPD, policy ASNP8 of the Aldcliffe-with-Stodday Neighbourhood Development Plan and Paragraph 167 of the National Planning Policy Framework.
4. The application fails to demonstrate to the satisfaction of the LPA that foul water arising from the development can be adequately managed as required by the development plan. Consequently, the LPA cannot be satisfied that the provisions of policy DM35 of the Development Management DPD can be adequately achieved.

ARTICLE 35 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

Please see the attached statement which forms part of your decision notice.

Signed: *Mark Cassidy*

Date: 24 August 2023

CHIEF OFFICER - PLANNING AND CLIMATE CHANGE

APPEALS AGAINST REFUSAL OF PLANNING APPLICATIONS

Subject to meeting the criteria for the Planning Appeals Service, the deadline for the submission of an appeal against this decision is 6 months from the date of decision. Details of how to submit an appeal can be found at <https://www.gov.uk/appeal-planning-decision>.

Your attention is drawn to the enclosed notes to be read in conjunction with the notice of decision.



TOWN AND COUNTRY PLANNING ACT 1990

ARTICLE 35 STATEMENT **THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT** **PROCEDURE) (ENGLAND) ORDER 2015**

In accordance with Article 35 of the above Order, your decision notice contains reasons for the refusal, specifying policies and proposals within the Development Plan which are relevant to the decision.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Signed: *Mark Cassidy*

Date: 24 August 2023

CHIEF OFFICER
PLANNING AND CLIMATE CHANGE SERVICE

NOTES TO BE READ IN CONJUNCTION WITH THE NOTICE OF DECISION

For applications submitted on or after 6th April 2009

LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

General

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, bylaw order or regulation.

Building Regulations

Any permission granted **DOES NOT** constitute approval under the Building Regulations. It is the responsibility of the applicant to, where appropriate; submit identical plans to the Council's Building Control service or an Approved Inspector. Any subsequent amendments to plans must be agreed with the Development Management Team. Failure to do so may result in enforcement proceedings for unauthorised development.

Utilities

It is the responsibility of the applicant or any other party implementing the planning permission to check with any relevant utilities and statutory undertakers for the presence of any assets which may affect the land to which the permission relates.

Discharge of Planning Conditions

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 introduced fees for requests for a formal response to confirm a planning condition has been discharged.

A fee is now payable where a written request is made for the discharge of one of more conditions on the same permission. The fee is payable per request and not per condition. The current fee is £116 per request (or £34 where the development is within the curtilage of a single dwellinghouse). The fee must be paid at the time of the request and will not be accepted retrospectively. It does not matter when the application was submitted or permission was granted. Requests to discharge conditions should be submitted online via the Planning Portal or on the form available from <https://1app.planningportal.co.uk/YourLPA/DownloadofflineForms>. Requests made in writing clearly stating the application number and the numbers of the condition(s) you are requesting confirmation of discharge for are also acceptable. Requests to discharge planning conditions or to confirm that they have been complied with that are received without the appropriate fee will be returned unanswered.

Appeals

Please note, only the applicant has a right of appeal.

If the applicant is aggrieved by the decision of the Local Planning Authority to either:

- Refuse planning permission for the proposed development (except householder developments), or grant permission subject to conditions;
- Refuse planning permission for the proposed householder development, or grant permission for a householder development subject to conditions for applications submitted on or after 6th April 2009;
- Refuse to grant prior approval for proposed householder rear extensions;
- Refuse consent to display an advertisement, or grant consent subject to conditions;
- Refuse listed building consent, or to grant consent subject to conditions;
- Refuse consent to fell, lop, top or uproot protected trees, or to grant consent subject to conditions;

The applicant may appeal to the Secretary of State for the Environment in accordance with:

- Section 78 of the Town and Country Planning Act 1990
- Section 78 of the Town and Country Planning Act 1990 (As Amended)
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007
- Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Schedule 2 of the Town and Country Planning (Trees) Regulations 1999.

Time Limits for submission of Appeals	
a. 6 Months from date of decision	b. 12 weeks from date of decision
c. 12 weeks from date of decision	d. 8 weeks from date of decision
e. 6 Months from date of decision	f. 2 months from the date of decision

Appeals must be made to the Planning Inspectorate and should be submitted online at <https://www.gov.uk/appeal-planning-inspectorate>. Alternatively, forms are available from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

If seeking a Public Inquiry you must notify the Planning Inspectorate and the Local Planning Authority in writing at least 10 working days before submitting your planning appeal. For further information please visit the Government's website: <https://www.gov.uk/government/news/inquiries-review-notification-of-inquiry-as-preferred-procedure-now-required-10-days-prior-to-appeal-submission>

The Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission could not have been given by the Local Planning Authority or could not have been granted otherwise than subject to conditions imposed by them having regard to the statutory requirements as laid down in relevant Orders, Regulations or Statutes. He does not in practice refuse to entertain an appeal solely because the decision of the Local Planning Authority was based on a direction given by him.

Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal, or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 80 of the Town and Country Planning Act 1990, and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

Purchase Notice

If permission to develop land or listed building consent is refused or granted conditionally whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring that Council purchase his interest in the land in accordance with Section 137 of the Town and Country Planning Act 1990.

Listed Building Consent

If listed building consent has been granted, and any demolition is to take place you MUST in accordance with Section 8 (2) Planning (Listed Building and Conservation Areas) Act 1990 complete the enclosed form and send it to the Royal Commission on the Historical Monuments of England at the National Monuments Record Centre in Swindon at least one month before demolition commences.

Consent to Display an Advertisement

Advertisements displayed with express consent granted for a specific period may, except in those circumstances where a condition has been imposed to the contrary or where renewal of consent has been applied for and refused, continue to be displayed on the expiration of that period subject to the service by the local planning authority of a notice requiring an application for express consent for the continuance of such display to be made. This notice is without prejudice to the local planning authority's ability to exercise any other power in the 'Town and Country Planning (Control of Advertisements) Regulations 2007 to secure the removal of such advertisements. It is a condition of every consent (whether expressly imposed or not) that before any advertisement is displayed on land in pursuance of that consent the permission of the owner or the land or other persons entitled to grant permission in relation thereto shall be obtained.

County of Lancashire Act 1984

The applicant is advised the requirements of Section 31 of the County of Lancashire Act 1984 may apply to this development. This provides that satisfactory access shall be provided for the Fire Brigade (including their appliances, equipment and personnel). Any enquiries should be directed to the Fire Brigade.