



# Stroud District Council

Town and Country Planning Act, 1990 (As amended)

Refusal of  
Planning  
Permission

Under the above Act the District Council as Local Planning Authority HEREBY REFUSES TO PERMIT the development described below:

**Agent:**

D2 Planning Limited  
Suites 3 & 4  
Westbury Court  
Church Road  
Bristol  
BS9 3EF

**Applicant:**

Blue Cedar Homes Limited  
C/o Agent  
D2 Planning Limited  
Suites 3 & 4  
Westbury Court  
Church Road  
Bristol  
BS9 3EF

Planning Ref:S.14/0521/FUL

Application Date: 28/02/2014

Dated: 19/05/2014

**Description of Land**

The Lemon Field, Tetbury Street, Minchinhampton, Gloucestershire

**Description of Development**

Erection of six retirement dwellings including means of access, parking, servicing, landscaping and associated works.  
Minchinhampton Parish Council 387321 200643

**The reasons for the Council's decision to refuse permission are:**

1. The site lies within the designated Minchinhampton Conservation Area. It provides an area of discernible openness to contrast with the otherwise pronounced sense of enclosure in the historic core, thereby giving the Conservation Area diversity and interest. The proposal will diminish this openness and substantial harm the character and appearance of the Conservation Area. Whilst a key view to the Church is provided the scheme still affects and deprives views into, out of and across the Conservation Area, again to the detriment of its character. This would be contrary to Chapter 12, paragraphs 131, 132, 133, 134, 136, 137 and 138 of the NPPF, Policies BE5, HN8 and RL4 of the adopted Stroud District Local Plan, November 2005 and Delivery Policies HC1 and ES10 of the Stroud District Local Plan Submission Draft 2013.
2. The Lemon Field provides an open setting for the many listed buildings along Friday Street and Tetbury Street, as well as appearing in the backdrop of several significant Listed buildings in the town. In infilling this historically open space with development, key views, both near and long-range, of numerous Listed buildings would be significantly encroached upon at best, or, lost altogether at worst. Therefore, the proposal will cause unacceptable harm to the setting of many Heritage Assets and would be contrary to paragraphs 132 - 135 of the NPPF, Policy BE12 of the adopted Stroud District Local Plan, November 2005 and Delivery Policy ES10 of the Stroud District Local Plan Submission Draft 2013.
3. Due to the land level difference and proximity of the development to the neighbouring properties principle rooms and private amenity space, the proposed scheme would have a significant overbearing and dominating effect and adversely affect the outlook of the neighbouring properties 17-35 Tetbury Street. This is contrary to the NPPF, Policy GE1 of the adopted Stroud District Local Plan, November 2005 and Delivery Policy ES3 of the Stroud District Local Plan Submission Draft 2013.

**IMPORTANT NOTES –SEE OVERLEAF**

**\*S.14/0521/FUL\***

**Philip Skill**  
Head of Planning

Duly Authorised in that behalf

4. Adjacent to the site access is located a mature Walnut tree which is subject to a Tree Preservation Order. Due to the siting and proximity of the access, services and dwellings the proposed development would result in a threat to the continued well being of this existing Walnut tree. The introduction of residential units in close proximity to the protected tree would prejudice the long term health of this tree by limiting its space for future expansion and growth and by introducing a use which is likely to place excessive need for pruning in order to limit the tree's impact on future occupants. The proposal is therefore contrary to Policy NE11 of the adopted Stroud District Local Plan, November 2005 and Delivery Policy ES8 of the Stroud District Local Plan Submission Draft 2013.

### **NOTES**

1. If the applicant is aggrieved by the decision of the District Council as Local Planning Authority to refuse permission for the proposed development he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990, within six months of receipt of this notice. Please note that if an enforcement notice has been issued, or is issued within the next six months, your window for appeal is greatly restricted and you should seek professional advice. (Appeals must be made on a Planning Appeal form which is obtainable from the Planning Inspectorate, Customer Service Unit, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require. When lodging an appeal a copy must also be sent to the Head of Development Services, Council Offices, Ebley Mill, Westward Road, Ebley, Stroud, GL5 4UB.) The Secretary of State has power to allow a longer period for the giving of a 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 for the proposed development could not have been granted by the District Council as Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

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 – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). 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 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 belonging to you 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 you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

2. If the permission to develop land is refused whether by the District Council as 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 development which has been or would be permitted, he may serve on the District council a purchase notice requiring the District Council to purchase his interest in the land in accordance with the provisions of Sections 137-144 of the Town and Country Planning Act, 1990.
3. In certain circumstances, a claim may be made against the District Council as Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.
4. If any further information is required in connection with this decision, it may be obtained from the Head of Development Services, Council Offices, Ebley Mill, Westward Road, Ebley, Stroud, GL5 4UB. Please quote the reference number of this refusal in any correspondence.