

Town and Country Planning Act 1990

## REFUSAL OF PLANNING PERMISSION

Application no: **06/2020/0614**



**Agent:**

Stephen Harris,  
Emery Planning Partnership Ltd  
Units 2 - 4 South Park Court  
Hobson Street  
Macclesfield  
SK11 8BS

**Applicant:**

Wainhomes (North West) Limited  
C/O agent

**Decision date:** 17-Nov-2020

**Valid date:** 26-Jun-2020

Development proposed:

**Outline application for up to 151no. dwellings and community building with associated works (access applied for only) (re-submission of outline application (06/2019/0752))**

at:

**Land at Cardwells Farm, Garstang Road, Preston, Barton, PR3 5DR**

Preston City Council hereby give notice that **PERMISSION HAS BEEN REFUSED** for the carrying out of the above development for the following reasons:

1. With the exception of the proposed vehicular access, the application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy and consequently it would lead to the unplanned expansion of a rural village. The proposed development for 151 dwellings and a community building is not considered to be 'small scale' and as such the proposal is also contrary to Policy AD1(b) of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Furthermore the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is therefore contrary to Policy 1

*C M Hayward*

**Director of Development and Housing**

Development Directorate  
Preston City Council  
Town Hall  
Lancaster Road  
Preston  
PR1 2RL

of the Central Lancashire Core Strategy and Policies EN1 and AD1(b) of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

**INFORMATIVE:**

You are advised that as of 30th September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.preston.gov.uk/CIL](http://www.preston.gov.uk/CIL)

**Compliance with paragraph 38 of the National Planning Policy Framework**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



## **APPEAL PROCEDURE FOR PUBLIC INQUIRES**

Appellants seeking an inquiry are asked to give the Planning Inspectorate and Local Planning Authority at least 10 days' notice that they intend to submit an inquiry appeal.

Appellants should send an email to the Local Planning Authority's email [devcon@preston.gov.uk](mailto:devcon@preston.gov.uk) and also to the Planning Inspectorate's email [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk) at least 10 working days before submitting a planning appeal they wish to follow the inquiry procedure.

In the notification, appellants should include:

- Appellant name
- The Local Planning Authority that the appeal will be against
- Reason for appeal
- Site address
- Description of development
- Planning application number
- Likely submission date of appeal
- Proposed duration of inquiry in days

A template can be found at:

<https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

For clarity, this only applies to planning appeals that follow the inquiry procedure.



**Preston**  
City Council

## **NOTE:**

### **Appeals to The Secretary Of State**

#### **Planning Applications**

You have the right to appeal against the Local Planning Authority's refusal of planning permission or grant of permission subject to conditions. You may appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. For further information on how to make an appeal please visit the Planning Portal website [www.planningportal.co.uk](http://www.planningportal.co.uk)

**If you want to appeal, then you must do so within six months of the date of the enclosed notice. Please note, only the applicant possesses the right to appeal.**

**If your application is for a minor commercial development (shop front), you must appeal within 12 weeks.**

**If your application is for a householder development, you must appeal within 12 weeks.**

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 which it imposed.

The Secretary of State has the 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.

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

#### **Purchase Notices**

#### **Planning Applications**

If either the local planning authority or the Secretary of State for Communities and Local Government 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 reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the City Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.