



Notice of Decision

REFUSAL

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure) Order, 2015

Mr Roy Hammond
Scropton and Partners
1-3 Newton Close
Park Farm
Wellingborough
NN8 6UW

STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

Stockton Hall Farm Building, Rugby Road, Stockton,

Submitted by: Mr Surjit Singh SDS Road Haulage

Received by the Council on 28 September 2022

HEREBY GIVES NOTICE that PLANNING PERMISSION is REFUSED for the following development, namely—

Use of land for road haulage business, including construction of workshop building incorporating ancillary offices, and associated works including formation of hardstanding and landscaping

The reason(s) for the Council's decision to refuse permission for the development are as follows

1. The proposed development would not involve the expansion of a rural business in its established lawful location, and does not fall into any of the other categories of development deemed acceptable in principle by Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031. Due to its failure to comply with Policy AS.10, it receives no support from Policy CS.22.

Finally, the location and nature of the development has not been fully justified and, in proposing commercial development on an unsustainably located, previously undeveloped rural site, would be contrary to the District's overall development strategy. As such, it is contrary to Policies CS.1, CS.15 and AS.10 of the Core Strategy, and is unacceptable in principle.

2. With the creation of built form on previously undeveloped countryside and the suburbanising impact of the associated hard surfacing and planting, the development would harm medium-distance views, including from nearby public rights of way, and have a significant negative impact on landscape character (which is already tangible, given that the proposal includes retrospective authorisation of the existing, unlawful commercial use of the site). The development would neither minimise nor mitigate

this harm; nor does it contain meaningful measures to enhance the landscape. As such, it fails to comply with Policy CS.5 of the Stratford-on-Avon District Core Strategy 2011-2031.

3. In its siting, the proposed building would appear separate to the existing group of buildings nearby and appear as an incongruous and alien feature in the locality, diminishing sense of place, harming local character and resulting in an insensitive development. In its poor integration with existing built form and its deleterious effects on the public rights of way bounding the site, the development would also be poorly connected. In both respects, it is contrary to Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.
4. Due to differing ownership of land immediately adjoining the application site, it would appear impracticable, if not impossible, to provide access between the proposed development and the public highway to the standards (as set out in the Building Regulations) necessary for fire appliances to be able to attend any incidents at the site.

Furthermore, the use of the site by high volumes of HGV traffic causes noise, fumes, vibration and disturbance, thereby harming the amenity of the property currently known as The Bungalow, located at the junction between the access drive and the public highway. This harm would only worsen if permission were granted for the proposed building, thereby allowing for ever-more intensified use of the site. No attempt has been made in the application to quantify or mitigate these threats to residential amenity.

As such, the development fails to ensure a healthy environment for residents of The Bungalow in particular, or to ensure the health and safety of those working or living on or near the site more generally. In these matters too, therefore, the development is contrary to Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.

5. The junction between the A426 Rugby Road and the track linking the application site thereto affords poor northbound visibility and has been the site of severe and fatal road traffic incidents. Furthermore, the track is not only narrow, unlit and constrained on all sides by land outside the applicant's ownership, but shared with a public right of way, users of which must walk in the carriageway.

The marked increase in use of this junction and track by HGVs associated with the business on the site has already created unavoidable hazardous interactions between HGVs and pedestrians, hikers, cyclists and drivers of smaller vehicles, endangering all concerned. These hazards would inevitably worsen if permission were granted for the proposed building, thereby allowing for and generating still greater HGV traffic along the public right of way.

As such, the development fails to minimise danger from traffic or mitigate its unacceptable transport impacts. It is therefore contrary to Policies CS.9 and CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031.

6. In its obliteration of a pond and maturing scrubland, the development fails to safeguard and/or enhance existing habitats, avoid indirect harm to a Site of Special Scientific Importance or make provision for the creation of additional habitats. Insufficient information has been submitted to demonstrate that the impact and/or mitigation measures is/are acceptable. For these reasons, the development fails to comply with Policy CS.6 of the Stratford-on-Avon District Core Strategy 2011-2031.
7. The infilling of the pond referred to in reason six has generated reports of flooding and poor drainage in the locality. The application is not accompanied by a report

evaluating the impact of the infilling in this regard, nor by details of Sustainable Drainage Systems [SuDS] that might mitigate any increased risk that has arisen. Given the nature and use of the site, the use of SuDS appears impracticable. As such, insufficient information has been submitted to demonstrate that the development therefore will minimise flood risk, contrary to Policy CS.4 of the Stratford-on-Avon District Core Strategy 2011-2031.

Notes

1. The Local Planning Authority has taken into account paragraph 38 of the National Planning Policy Framework 2021, which details the need to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

DATED 16 December 2022



AUTHORISED OFFICER OF THE COUNCIL.....

This development may generate a CIL Liability, if this is the case, you will be notified under a CIL Liability Notice. Further details can be found under [Stratford-on-Avon District Council: E-Planning](#) by searching under the application reference on this Decision.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

STRATFORD-ON-AVON DISTRICT COUNCIL
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX

NOTES PART 2

PRE-START CONDITIONS

You are reminded that some of the conditions attached to planning permissions (pre-start conditions) require details and schemes to be submitted and approved in writing before any work commences on site. You should therefore submit any details required at least 8 weeks prior to starting work and obtain the Council's written approval, if required, in order to comply with the planning condition.

Failure to comply with pre-start conditions may result in your planning permission being void.

FEES FOR THE DISCHARGE OF PLANNING CONDITIONS

In accordance with Statutory Instrument 958, a fee is now payable where a written request is made for the discharge of one or more planning conditions on the same permission or for the written confirmation of compliance with a planning condition or conditions. Further guidance on this process together with the associated fees is available on the Council's website

<https://www.stratford.gov.uk/planning-regeneration/the-application-process.cfm>

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 Planning Inspectorate 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 this notice. For appeals against the refusal of Householder applications (i.e.: works to a dwelling or development within the garden of a dwelling) or Minor Commercial Development you must lodge your appeal within **12 weeks** of the date of the decision.

If the development is the same (or substantially the same) as that specified in an Enforcement Notice served on the same land, an appeal must be lodged within

- A) 28 days of the date of the planning decision if there is an extant Enforcement Notice served up to 2 years prior to the date of the decision
- B) 28 days of the date of the Enforcement Notice if the Notice is served after the date of the decision of the planning application for the same development

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

The Planning Inspectorate can allow a longer period of 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 Planning Inspectorate 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 provisions of the Development Order and to any directions given under the Order.

In practice, the Planning Inspectorate 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 Planning Inspectorate refused 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 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town and Country Planning Act 1990.

ADDRESSING YOUR NEW BUILDINGS

When you require the address(es) for this development contact "Street Naming and Numbering" at Stratford-on-Avon District Council, either by post or email SNN@stratford-dc.gov.uk. You need to do this 6 weeks before utility contacts are required. There will be an administrative charge for this service.

Information to include in your request can be found on www.stratford.gov.uk

BUSINESS PREMISES

If this is a business premises please ensure you notify the non-domestic rates department of your occupation. For more information please contact:

Telephone: 01789 260993.

Email: ndr@stratford-dc.gov.uk