



PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

Town Hall, Market Street, Nelson,
Lancashire BB9 7LG

Town & Country Planning Act 1990
Town & Country Planning
(Development Management Procedure) Order (England) 2015

REFUSAL OF PLANNING PERMISSION

Application Ref: 22/0197/FUL

Applicant:
Beck Homes Limited
Ribble Court Business Centre
1 Mead Way
Shuttleworth Mead
Padiham
Burnley
Lancashire
BB12 7NG

Agent:
Mr John Willcock
Willcock Consulting
6 Vicarage Close
Clitheroe
Lancashire
BB7 2RN

Under the provisions of the above mentioned Act and Order, **Pendle Borough Council** as Local Planning Authority hereby refuses to grant planning permission for:-

Proposal: Full: Major: Erection of residential development of 79 dwellings and estate infrastructure, including construction of new access from Wheatley Lane Road plus ancillary open space and landscaped areas.

At: Land To The North East Of Saint Thomas Church Wheatley Lane Road
Barrowford

Decision Date: 28th July 2022

In Accordance with the application submitted to the Council on 8th April 2022 and submitted plan(s)

Reasons for refusal:

- 1 The proposed development is served by inadequate highway infrastructure including a lack of adequate footpaths along Church Street. The development would therefore lead to a situation where there would be an unacceptable impact on highway safety, contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy, Policy BNDP 03 of the Barrowford Neighbourhood Development Plan and section 9 of the National Planning Policy Framework.
- 2 The development would result in harm to the significance of the Barrowford Conservation Area due to the alteration of the historic Oaklands Estate parkland wall and harmful impact upon the setting of the Conservation Area. This would result in less than substantial harm to

the Conservation Area which is not outweighed by the public benefits of the development and is therefore contrary to Policy ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, Policy BNDP 01 of the Barrowford Neighbourhood Development Plan, the guidance of the Conservation Area Design & Development SPD and section 16 of the National Planning Policy Framework.

- 3 The development is poorly designed and not in keeping with the character of the area and therefore would result in unacceptable harm to the visual amenity of the area contrary to Policies ENV2 and LIV5 of the Local Plan Part 1: Core Strategy, Policy BNDP 01 of the Barrowford Neighbourhood Development Plan and section 12 of the National Planning Policy Framework.



Planning, Economic Development and Regulatory Services Manager

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GUIDANCE NOTES FOR APPLICANTS

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, you can appeal to the Secretary of State under section 78 and 79 of the Town and Country Planning Act 1990.
- If this is a decision to refuse permission in relation to a householder application or minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. For all other types of application you must appeal within six months of the date of this notice.
- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice; or within 12 weeks for householder and minor commercial applications, or within six months for all other applications, of the date of this notice whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of 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 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.
- Appeals that are pursued unreasonably may be the subject of an award of costs in accordance with the provision of Circular 8/93. 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.
- If it is your intention to appeal and request the Inquiry procedure then you must notify the Local Planning Authority (planning@pendle.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal
- Appeals must be made on 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 from the web site <https://www.gov.uk/planning-inspectorate>.
- All information submitted will be available for the public to view on the internet. The Planning Inspectorate have introduced an online appeals service which you can use to make an appeal online – see <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet, including the original planning application form, supporting documents supplied to the local authority by you and with the completed appeal form and information you sent 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.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State 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 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 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 1990.