



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Decision :	Refuse Permission
Application no :	17/03029/FUL
Site address :	Land On The North Side Of,Dunleys Hill,Odiham, Hook, Hampshire
Description of development :	Change of use of agricultural land (part of 'The Deer Park') to public and private open spaces with associated new footpath/cycleway; revised vehicular access off Dunleys Hill with adjoining new footpath/cycleway; fencing, tree planting and landscaping to the public and private open spaces. Construction of 7 dwellings with residential curtilages and access driveways, fencing and landscaping; all land on north of Dunleys Hill and Odiham
Date of Notice :	30 July 2018

The Planning Authority **REFUSES** Planning Permission for the following reason(s):

- 1 The proposed development would have a significantly urbanising effect on the character and setting of the countryside by virtue of its siting, scale and prominence in the landscape. As such, the proposal is considered to conflict with the requirements of policies GEN1 and RUR2 of the Hart District Local Plan and Odiham and North Warnborough Neighbourhood Plan Policy 1.
- 2 By virtue of the siting, scale and prominence of the proposed residential dwellings, the proposed development would cause harm to the character and appearance and the significance of the heritage assets of Odiham Conservation Area as well as to the settings of the adjoining Conservation Areas of the Basingstoke Canal and to a much lesser degree, North Warnborough. The proposed public benefits would not override this identified harm.

On this basis, the LPA has a statutory duty to refuse applications which do not preserve or enhance the character or appearance of the conservation areas as they are contrary to Section 72 of the P(LBCA) Act 1990, Saved Local Plan policy CON

13, Odiham and North Warnborough Neighbourhood Plan Policy 6, and the heritage policies contained in the paragraphs of Section 16 of the NPPF.

- 3 The proposed development does not make adequate provision for a mix of housing sizes and types. As such the proposal is contrary to Odiham and North Warnborough Neighbourhood Plan Policy 4.
- 4 The proposed development does not make adequate provision for affordable housing. As such the proposal is contrary to saved Local Plan policy ALTGEN13 and Odiham and North Warnborough Neighbourhood Plan Policy 4.
- 5 The proposed development would fail to provide adequate sightline to the detriment of highway safety and contrary to saved policies GEN1 and T14 in the adopted Hart District Local Plan and the guidance in the NPPF.
- 6 The proposed development would fail to provide adequate car parking facilities, as a result would generate parking overspill into the adjacent highway and will therefore be detrimental to the public highway contrary to saved policies GEN1 and T14 in the adopted Hart District Local Plan and the guidance in the NPPF.
- 7 The proposed development fails to provide adequate information regarding the impact to on and off-site public rights of way and also fails to provide adequate contributions to mitigate against the impact of the development on nearby public rights of way and will therefore be detrimental to the public highway contrary to saved policies T14 and T16 in the adopted Hart District Local Plan and the guidance in the NPPF.
- 8 The proposed drainage strategy does not sufficiently demonstrate that an appropriate surface water and ground water strategy can be implemented and that there would not be an unacceptable flood risk as a result of the development both on and off site. The proposal is therefore contrary to saved policies GEN11 of the adopted Hart District Local Plan, Odiham and North Warnborough Neighbourhood Plan Policy 5 and the guidance in the NPPF.

INFORMATIVE NOTES

These are advice notes to the applicant:

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:
 - o The applicant was advised of the necessary information needed to process the application.

Rights of Appeal

Appeals can be made on the Planning Inspectorate's website www.gov.uk/appeal-planning-decision. For further information or to obtain a paper copy of the form, please contact them on either 0303 444 5000 or the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

For householder and minor commercial applications you are allowed **12 weeks** from the date of this permission in which to lodge an appeal. For all other types of application you have **6 months** in which to appeal.

There is no third party right of appeal for neighbours or objectors.

Negotiations

Before making an appeal, you may wish to contact the case officer who dealt with your application, Christine Tetlow on Tel: 01252 774484 or Email: christine.tetlow@hart.gov.uk who may be able to advise you, how the council's objections to your proposal might be overcome if you amend your scheme. Please note that if negotiations are successful, you will need to submit a new planning application, which may, of course, be refused by committee.

Lodging an appeal will not prejudice your negotiations but you may need to agree with the council to postpone the appeal, to allow negotiations to take place.

Purchase Notices

If either the Local Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor 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. This notice will require the Council to purchase the owner's interest in the land.