

Refusal

Application No: 2023/0962

Type: Outline Application

Mr Steven Brown
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The Mitfords
Basingstoke Road
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Reading
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Town and Country Planning Act 1990

Refusal of Outline Permission

Proposal: Outline application for up to 60 dwellings, associated landscaping and open space with access from Raleigh Drive (For access).
Applicant: Claygate House Investment Ltd & MJS Investments Ltd
Location: Land North of Raleigh Drive Claygate Esher Surrey

The decision of Elmbridge Borough Council on the application registered as valid by the Council on 28/03/2023 and described above is to **Refuse Outline Permission** for the reasons (if any) set out below:

Reasons for Refusal

1. The proposed development would be inappropriate development within the Green Belt which would result in definitional harm as well as spatial and visual harm to the openness of the Green Belt and would conflict with the purposes of Green Belts. This harm would not be clearly outweighed by other considerations which would meet the bar for 'very special circumstances'. Consequently, the proposed development would be contrary to Policy DM17 of the Development Management Plan 2015 and the NPPF 2023.
2. The proposed development, by reason of the on-site net loss of biodiversity which cannot be offset off-site, would result in harm to on-site ecology and biodiversity and would be contrary to Policy CS15 of the Core Strategy 2011 and the NPPF 2023.
3. The proposed development, by reason of the absence of a completed legal agreement to secure on-site affordable housing, would fail to make a contribution to the provision of affordable housing in the Borough contrary to Policy CS21 of the Core Strategy 2011 and the NPPF 2023.
4. The proposed development, by reason of the absence of a completed legal agreement to secure a 'Car Club' vehicle on-site and off-site highway improvements, would prejudice highway safety and cause inconvenience to other highway users and fail to promote sustainable transport. The proposed development would therefore be contrary to Policy CS25 of the Core Strategy 2011, Policy DM7 of the Development Management Plan 2015 and the NPPF 2023.

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Please read the important notes attached.

A handwritten signature in black ink, appearing to read 'Ktag', followed by a period.

Kim Tagliarini
Head of Planning and Environmental Health

Date: 22 September 2023

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Important notes

Approval of details reserved by conditions

Attention is drawn to the conditions that have been attached to the planning permission together with the reason for their imposition. Particular attention is drawn to those conditions that require the submission of further information to the local planning authority and its approval of such further information before building works commence. In the case of a reserved matters approval you must also take account of the conditions imposed on the outline permission.

Appeals to the Secretary of State

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate. 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 or online at: gov.uk/planning-inspectorate

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. Only the applicant has the right of appeal. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- If this is a decision to refuse an outline planning application or to grant it subject to conditions, then you must do so within 6 months of the date of this notice.
- If an enforcement notice is 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 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.
- 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 the Secretary of State.

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 render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

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In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Positive and proactive engagement

The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

Local plan

The above decision makes reference to the Core Strategy and the Development Management Plan. Should you wish to read the wording and content of any of these policies, the documents can be viewed online at: elmbridge.gov.uk/planningpolicy

Site Notice

In the interests of protecting the character of the environment, please remove any planning notice that may have been displayed on the site of the application.