

Refusal

Application No: 2022/3796

Type: Full Application

Mr Joseph Daniels
Savills
33 Margaret Street
London
W1G 0JD

Town and Country Planning Act 1990

Refusal of Planning Permission

Proposal: Development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses.

Applicant: The Ridge (Oatlands) LLP

Location: 16 - 18 Oatlands Drive Weybridge Surrey KT13 9JL

The decision of Elmbridge Borough Council on the application registered as valid by the Council on 19/01/2023 and described above is to **Refuse Permission** for the reasons (if any) set out below:

Reasons for refusal:

- 1 The proposed development, by reason of its mass and scale would be out of keeping and detrimental to the character of the area when viewed from both Oatlands Drive and the Engine River in conflict with Policy DM2 of the Development Management Plan 2015 and the NPPF.
- 2 The proposed development fails to enhance the existing landscape or integrate with the surrounding Cowey Sale and Engine River, in conflict with Policy DM6 of the Development Management Plan 2015.

Informative(s): (if applicable)

1 **Community Infrastructure Levy (Refusal)**

Notwithstanding the above reason(s) for refusal the applicant is advised that the local planning authority has adopted the Community Infrastructure Levy (CIL) on any planning application determined after 01 April 2013. This is a non-negotiable land charge based on per sqm of development (internal gross floorspace). In the event of an appeal situation this planning application will likely be liable for CIL, further details of which can be found on the council's website at elmbridge.gov.uk/planning/cil-process

Please read the important notes attached.

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Suzanne Parkes
Head of Planning and Environmental Health

Date: 16 November 2023

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 can be made using a form which you can get online at: gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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 on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, 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 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.
- If this is a decision to refuse planning permission for a householder 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.
- If this is a decision to refuse planning permission for a 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.

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- If you want to appeal against your local planning authority's decision and it doesn't fall into any of the above categories, then you must do so within 6 months of the date of this notice.
- 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.
- 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 at: gov.uk/planning-inspectorate

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.

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.