



Surrey Heath Borough Council

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19 June 2019

TOWN & COUNTRY PLANNING ACT 1990

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

Application Type: Full Planning Application

Drawing No:/Date Stamped: 2022/1(A), 2

The Council as Local Planning Authority **REFUSES** planning permission for the following development for the reason(s) set out in the schedule below:-

Proposal: Change of use from amenity land to residential garden including erection of 2.15m high perimeter fencing and front gates. (Amended plan received 03.06.2019)

Location: 2 LYNWOOD DRIVE, MYTCHETT, CAMBERLEY, GU16 6BY

REASON(S) FOR REFUSAL

1. The proposed fencing and gates, by reason of their scale and prominent positioning projecting beyond the existing corner plot front and side walls into open land forming the original open-plan estate layout, would lead to an unacceptable amount of hard boundary treatment and would result in a visually dominant and incongruous form of development harmful to the character of the application site and the surrounding streetscene within the Post-War Open Estates Character Area. The proposed development is therefore considered to be contrary to Policy DM9 of the Surrey Core Strategy and Development Management Polices 2012, Guiding Principle P03 of the Western Urban Area Character Supplementary Planning Document 2012 and Principle 9.1 of the Residential Design Guide

Informatives:

1. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Further information on how this was done can be obtained from the Officer's report.

J Riccard

Executive Head - Regulatory
Duly authorised in this behalf
(ATTENTION IS DRAWN TO THE NOTES ATTACHED)

NOTES TO APPLICANTS

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 Secretary of State under section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (unless your decision relates to an enforcement notice of a minor commercial development – see below).
 - 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 of the date of this notice, whichever period expires earlier.
 - 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.
- 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 www.planningportal.gov.uk/pcs.
- 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.

Further advice

- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner may serve a Purchase Notice on Surrey Heath Borough Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 of the Town and Country Planning Act 1990.
- This decision notice refers only to the application made and does not convey any other consent or permission. Applicants should satisfy themselves that any other relevant consent is obtained before any work commences. For example: approval under the Building Regulations; consent under the Environment Agency byelaws; the release of any restrictive covenants on the land or permission of any landowners. Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.
- This decision notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained at www.surreyheath.gov.uk. A paper copy can be obtained but there is a charge for this service.