

## **Town and Country Planning Act 1990**

### **Town and Country Planning (Development Management Procedure) (England) Order 2015**

Ms P Milner  
Suite 7 Pine Court  
36 Gervis Road  
Bournemouth  
BH1 3DH

#### **Refusal of Full Planning Permission**

Application reference no: **8/21/0591/HOU**

The Local Planning Authority in pursuance of powers under the above-mentioned Act hereby **REFUSE** to permit:

#### **Erection of an outdoor swimming pool with associated cliff works (amended plans and description).**

**at 23 Wharncliffe Road Christchurch BH23 5UB**

in accordance with the refused plans, for the following reasons:

1. The proposed swimming pool structure, by reason of its siting, scale, design and materials, will result in a visually intrusive form of development within this sensitive and verdant cliff top location, harmful to the character and appearance of the cliffs along this section of coastline. The development is therefore considered contrary to Policies ENV9, ENV21, HE2, H12 and HE3 of the Local Plan (2014).
2. Insufficient information has been submitted to demonstrate how the proposals would preserve existing coastal protection measures and ensure no detrimental impact to ongoing cliff stability, contrary to paragraphs 183 and 184 of the NPPF (2021) and Policy ENV9 of the Core Strategy (2014).
3. The proposed development, by reason of its siting and scale, would result in harm to the SSSI and in the absence of any wider benefits of the proposals that outweigh the harm, they are therefore contrary to Paragraphs 174 and 180 of the NPPF (2021) and Policy ME1 of the Core Strategy (2014).
4. Insufficient supporting information has been submitted with the application to demonstrate how trees on site will be protected during construction, or what landscaping is proposed following the removal of existing landscaping on site.

It is therefore considered that the planning submission has not demonstrated that the development is compatible with landscaping, and that natural features such as trees, have been taken into consideration, contrary to Policies HE2 and HE3 of the Core Strategy (2014) and paragraph 131 of the NPPF (2021).

The following Informative Notes are drawn to the Applicant's attention:

Signed

A handwritten signature in black ink that reads "Nick Perrins". The signature is written in a cursive style with a large initial 'N'.

Head of Planning & Building Control

Decision Date: 7 September 2021

## **NOTES TO THE APPLICANT**

### **Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 39 and 40 of the National Planning Policy Framework (February 2019)**

In accordance with the above, BCP Council has worked with the applicant in a positive and proactive way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved.

In responding to pre-application enquires and determining formal applications, BCP Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

### **Policy considerations and reasons**

In reaching this decision the policies in the Development Plan for the area, which currently comprises the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, were taken into account. Saved policies within the Christchurch Local Plan 2001 were also taken into account. These include specifically the following policies:

ENV 9	Development in the Coastal Zone
H12	Residential Infill
ENV 21	Landscaping in New Development
HE2	Design of new development
KS1	Presumption in favour of sustainable development
ME1	Safeguarding biodiversity and geodiversity
HE3	Landscape Quality

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal will be dealt with, on behalf of the Secretary of State, by The Planning Inspectorate.
- If you want to appeal your Local Planning Authority's decision then you must do so within 12 weeks 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 12 weeks of the date of this notice, whichever period expires earlier.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy on tel: 0303 444 5000.
- The Planning Inspectorate 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 the appeal.
- The Planning Inspectorate need not consider an appeal if it seems 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 Planning Inspectorate 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 Notice**

If either the local planning authority or the Planning Inspectorate refuse permission to develop land or grants it subject to conditions, the owner may claim that they 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 in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.