



Derby City Council

Mr Alan Siviter
Pegasus Group
4 The Courtyard
Church Street
Lockington
Derby
DE74 2SL

Planning Application Decision

Town and Country Planning Act 1990 (as amended)

Part 1: Application Details

Application No: 23/01631/OUT (please quote in correspondence)
Location: Land To The West Of Royal Hill Road Derby
Proposal: Outline application for residential development including access arrangements - up to 90 dwellings

Part 2: Decision

Permission is **refused** for the reasons given in Part 4

Part 3: Related Plans

The development hereby refused relates to the following plans:

Plan Type:	Plan Ref - Rev:	Date Received:
Location Plan	P19-2639_003 Sheet No: 01 Rev B	30/11/2023
Site plans	P19-2639_DE_001 Sheet No.01 (Means of access only) Rev F	30/11/2023
Planning Layout	RHR-BWB-GEN-XX-DR-TR-101/S2 Rev P3	07/03/2024
Layout	RHR-BWB-GEN-XX-DR-TR-101/S2 Rev P2	30/11/2023

Part 4: Reasons for Refusal

1. In the opinion of the Local Planning Authority, the proposed residential development would result in the narrowing of the Spondon and Chaddesden Green Wedge, which provides an important strategic function by maintaining an open and undeveloped area between these two distinct residential areas of the city. The proposal would reduce the extent to which the countryside is able to penetrate the urban area, increase the likelihood of coalescence between the
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Development Control, The Council House, Corporation Street, Derby, DE1 2FS
derby.gov.uk

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Spondon and Chaddesden neighbourhoods and would, therefore, amount to inappropriate development in this Green Wedge. For these reasons, the proposed development would be contrary to the intentions of Policy CP18 (Green Wedges) of the Derby City Local Plan - Part 1: Core Strategy.

The Local Planning Authority accepts that this proposal should be determined in the context of the 'tilted balance' which has been invoked and accordingly, the relevant guidance in Paragraph 11d of the National Planning Policy Framework has been duly considered. In this particular case the proposed residential development would lead to the unacceptable narrowing of the Spondon and Chaddesden Green Wedge and, as a result, this important policy contravention would significantly and demonstrably outweigh the planning benefits of the proposal.

Part 5: Relevant Policies

The provisions of the National Planning Policy Framework where appropriate and the following adopted policies of the Derby City Local Plan Part 1 (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review are relevant to the application.

City of Derby Local Plan Review Saved Policies:

GD5	Amenity
H13	Residential Development - General Criteria
E12	Pollution
E24	Community Safety
T10	Access for Disabled People
T15	Protection of Footpaths, Cycleways and Routes for Horseriders

Derby City Local Plan Part 1 (Core Strategy) Policies:

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP17	Public Green Space
CP18	Green Wedges
CP19	Biodiversity
MH1	Making it Happen

Signed:



Paul Clarke
Authorised Officer of the Council

Date: 07/06/2024

Notes

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse your application for the proposed development, or non-material amendment to a 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.
- Please note, only the applicant possesses the right of appeal.
- Further information on how to appeal and the deadlines for different types of applications can be found at www.gov.uk/government/organisations/planning-inspectorate
- 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 on GOV.UK.](#)
- The Secretary of State can allow a longer period for giving notice of appeal, but he 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 him that the Local planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the 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 him.
- 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 the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 reasonably beneficial use in its existing state nor can he 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

E-mail: developmentcontrol@derby.gov.uk

Website: www.derby.gov.uk/environment-and-planning/planning/