

Report to: PLANNING COMMITTEE **Date of Meeting:** 6th February 2019

Subject: **DC/2018/01681**
Land West Of Damfield Lane, Maghull

Proposal: Erection of 14 detached dwellinghouses, access road and associated landscaping, a pond feature and nature trail

Applicant: Roman Summer **Agent:**
Associates Ltd

Ward: Sudell Ward

The above application was considered by Planning Committee on 16th January 2019. Committee resolved to refuse the application on the following grounds:-

- The site is designated as White Land in the Sefton Local Plan and is not allocated for housing development,
- The proposed development conflicts with the Maghull Neighbourhood Plan.

The Chief Planning Officer considers that the above reasons for refusal do not give sufficient clarity as to why the development is unacceptable in planning terms.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states '*When the local planning authority give notice of a decision or determination on an application for planning permission where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.*'

As the reasons for refusal do not specify how the development conflicts with the policies of the Sefton Local Plan and the Maghull Neighbourhood Plan, they fail to meet the critical tests of the relevant Order.

The applicant has lodged an appeal with the Planning Inspectorate against 'non-determination' as the decision has not yet been issued. This has taken the decision out of the hands of the Local Planning Authority and Planning Committee cannot now determine the application.

However, it is important that Planning Committee sets out clearly the details of the policies in both Plans which it considers supports what would have been the decision to refuse planning permission.

This is essential so that the Local Planning Authority is in the strongest position to defend the appeal.

It is RECOMMENDED that Planning Committee provide further detail, including specific policies, supporting the resolution at their meeting on 16th January 2019 to refuse the application at Damfield Lane, Maghull.