

FULL PLANNING PERMISSION REFUSED

To:	Mr William Tiley 10 Bernay Gardens Bolbeck Park Milton keynes MK15 8QD	Application no: 24/00976/FUL	Applicant: Zeb Clay 2 Dale Way Upper Heyford Bicester OX25 5BA
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Milton Keynes City Council, under their powers provided by the above legislation, **Refuse Permission** for

The erection of two storey building for use as a 7 person HMO (sui generis) (part retrospective)

At: Land To The Rear of 71-79 Victoria Road Bletchley Milton Keynes MK2 2NZ

in accordance with your application, valid on 24th May 2024 and the following drawings:

Received 29.04.2024

24/234/02 - Proposed Plans
24/234/03 - Proposed Plans and Elevations
24/234/04 - Propose Site Layout/Landscape Plan
24/234/05 - Location Plan
24/234/06 - Sections

Received 24.05.2024

22 51021/50 P1 - PROPOSED SURFACE WATER DRAINAGE PLAN

The reason(s) for refusing your application are:

(1) Bedroom 6 of the proposed House in Multiple Occupation (HMO) is served only by rooflights that face the sky and with a sill height of 1.7m. Given the proposed use as a HMO, it is likely that the bedroom would be a primary habitable living space for the occupier (and working area if working from home). This would not provide an acceptable standard of outlook for the future occupiers due to the layout of the proposed HMO. Furthermore, Bedroom 6 is set within the roofslope of the building, given the high eaves/low roof pitch of the building. No information has been submitted to demonstrate the useable floorspace within bedroom 6 meets the National Described Space Standards (NDSS), with particular concern that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area as per the NDSS. The proposal is therefore in conflict with policy D5 of Plan:MK.

Working With the Applicant

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

Your attention is drawn to the attached notes

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015



10th July 2024

A handwritten signature in blue ink, appearing to read 'JP'.

Jon Palmer MRTPI – Head of Planning
For and on behalf of the Council

Planning and Placemaking
Civic, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ
01908 691691
www.milton-keynes.gov.uk/planning-and-building

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 for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an 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.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website www.planning-inspectorate.gov.uk.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 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 him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses 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 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 (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).