



**Application no: 24/01244/FUL**

**PLANNING PERMISSION REFUSED**  
Town and Country Planning Act 1990 (as amended)

The Council of the Royal Borough of Kingston upon Thames, as the Local Planning Authority under their powers provided by the above legislation, do hereby **REFUSE** planning permission for the development specified in the First Schedule hereto for the reason(s) specified in the Second Schedule.

**FIRST SCHEDULE**

**Change of use from Warehouse (Use Class B8) to Indoor sport, recreation or fitness (Use Class E(d)), reconfiguration of parking spaces (re-designate loading bay to create additional parking spaces) and display of signage on front elevation.**

**At Fairfield Trade Park Villiers Road Kingston Upon Thames KT1 3AY**

Application valid as of 6th June 2024.

**SECOND SCHEDULE**

**Reason(s):**

1. Insufficient evidence, by lack of a comprehensive sequential test, has been submitted to justify the proposed main town centre use outside an established centre is appropriate and would not impact the vitality and viability of the town centre network and hierarchy, contrary to paragraph 91 of the National Planning Policy Framework (2023), Policy SD7 of the London Plan (2021) and Policy CS12 of the LDF Core Strategy (2012).

2. Insufficient evidence, by a lack of a rigorous marketing report, has been submitted to demonstrate there is no quantitative or qualitative need for industrial related activity (not a Class B1, B2 and B8 Use) within the Fairfield Trade Park Locally Significant Industrial Site, contrary to Policy E4 and E6 of the London Plan (2021) and Policy DM17 of the LDF Core Strategy (2012).

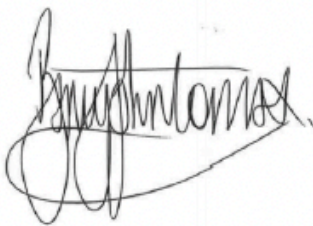
**Informative(s):**

Number of neighbours originally consulted	14
Number of contributors	38
Number of objectors	2
Number in support	35
Number making a neutral representation	1

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

Signed



Barry John Lomax  
Head of Development Management

On behalf of Kingston Council

21st October 2024



**ROYAL BOROUGH OF KINGSTON UPON THAMES  
APPENDIX TO PLANNING DECISION NOTICES  
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, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service. Please see the following link for further information:

[https://www.kingston.gov.uk/info/200155/planning\\_applications\\_and\\_permissions/231/pre-application\\_advice](https://www.kingston.gov.uk/info/200155/planning_applications_and_permissions/231/pre-application_advice)

### **Time Limits for Appeal**

If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against the decision then you must do so within 12 weeks of the date of this notice, subject to the exceptions listed below.

If this is a decision to refuse planning permission for any other application and you want to appeal against the decision then you must do so within 6 months of the date of this notice, subject to the exceptions listed below.

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.

### **Exceptions**

1. If there is an enforcement notice relating to the same or substantially the same land and development as is the subject of this decision, and you want to appeal against the decision, then you must do so within 28 days of the date of this notice.

2. If an enforcement notice is later served relating to the same or substantially the same land and development as in your application, and if you want to appeal against the decision, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeal] of the date of this notice, whichever period expires earlier.

### **Public Inquiries**

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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details can be found at the following link:

<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

### **How to 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 <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. 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 you have their permission to do so.

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).

### **The Party Wall etc. Act 1996**

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions. The Act covers:

- (i) work to be carried out directly to an existing party wall or structure
- (ii) new building at or astride the boundary line between properties
- (iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail [odpm@twoten.press.net](mailto:odpm@twoten.press.net)