Wiltshire Council

The Town and Country Planning Act 1990 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Refusal of Permission in Principle

Application Reference Number: PL/2023/04942

Decision Date: 24 July 2023

Applicant:	James Smith
Particulars of Development:	Stage 1 Permission in Principle Application for development of 1 self-built dwelling. Resubmission of PL/2022/03345
At:	Land off Thompsons Hill, Thompsons Hill, Sherston, Malmesbury, SN16 0PZ

In pursuance of their powers under the above Act, the Council hereby REFUSE Permission in Principle for the development referred to in the above application and plan submitted by you, for the following reason(s):

Refusal Reason(s): (3)

1 The site is situated outside the defined settlement boundary of Sherston, as such, it is in the open countryside. The proposal would materially conflict with the overarching spatial strategy, in terms of settlement and delivery, of the development plan established at Core Policies 1, 2 and 19 of the Wiltshire Core Strategy (Adopted January 2015) and saved Policy H4 of the North Wiltshire Local Plan 2011, and the provisions, in particular, paragraph 2, 7, 8, 9, 10, 11, 12, 47, 78, 79, 80 of the National Planning Policy Framework July 2021.

2 The site is located in the Cotswold Area of Outstanding Natural Beauty (AONB). Paragraph 174 requires planning decisions to contribute to and enhance the nature and local environment, and Paragraph 176 of the Framework requires local planning authorities to give 'great weight' to conserve and enhance landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Section 85 of the Countryside and Rights of Way Act 2000 (CROW) also places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB.

The proposed development, by virtue of its location and the site topography, would detract from the character of the countryside and consolidate the otherwise loose scattering of development in the locality, to be detrimental to the rural character, distinctiveness, quality, and amenity of the landscape and to be harmful to the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. National guidance indicates that great weight should be given to the conservation of areas of high landscape value, and the proposed development is therefore contrary to Core Policy 13 (Spatial Strategy: Malmesbury Community Area), Core Policy 51 (Landscape) of the Wiltshire Core Strategy Adopted January 2015. the Made Sherston Neighbourhood Plan (May 2019), Wiltshire Housing Site Allocation

Plan (adopted February 2020) - Settlement Boundary Review and Site Allocation, and the provisions, particularly paragraph 174 and 176 of the National Planning Policy Framework July 2021.

3 Due to the distance to local services, facilities and amenities and the lack of safe and convenient footway along Thomspons Hill connecting the site to the centre part of Sherston village, occupants of a dwelling on the plot are highly likely to be heavily reliant on the use of private motor transport for the majority of day-to-day activities. Therefore the proposal would not provide a suitable location for housing having regard to the accessibility to service and facilities. The proposal is therefore contrary to the principles of sustainable development and the aims of reducing the need to travel, and contrary to Core Policy 60 and 61 of the Wiltshire Core Strategy Adopted January 2015 and the provisions of the National Planning Policy Framework July 2021.

Informatives: (1)

4 This decision is made in consideration of the following plans:

Site location plan, planning statement and application form, which were submitted to the Local Planning Authority on 20 June 2023.

Parvis Khansari - **Corporate Director, Place**

1. **Appeals**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: http://www.planningportal.gov.uk/planning/appeals.

Appeals must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.