Wiltshire Council

# The Town and Country Planning Act 1990
## Refusal of Full Planning Permission
## Application Reference Number: PL/2023/08271
## Decision Date: 09 November 2023

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| **Applicant:** | Isgar Developments Ltd c/o Agent |
| **Particulars of Development:** | Erection of detached dwelling. |
| **At:** | Land East of 6 Ludwell Courtyard, Ludwell Hill, Ludwell, Shaftesbury, SP7 9ND |

**In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.**

**In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):**

**Refusal Reasons:**

1 The site for the proposed dwelling encroaches a 20m buffer for the watercourse to the south of the site and lies within an area identified by the Council's Level 1 Strategic Flood Risk Assessment (SFRA) as being at medium to high risk of ground water flooding.

The NPPF 2023 (supported by NPPG para 023) requires inappropriate development in areas identified as being at risk of flooding to be avoided by directing development away from areas at highest risk. Plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding. The Council's SFRA indicates that part of the site would be susceptible to medium to high risk of flooding from other sources, namely groundwater. The sequential test and then, if necessary, the exception test should be applied to the development, in line with the requirements of the Framework.

The submitted Flood Risk Assessment does not assess flood risk from groundwater and notwithstanding the proposed surface water run off mitigation, there is no

evidence submitted to suggest that alternative sites for the development within Wiltshire have been considered. Without proper application of the sequential test, the application cannot be properly assessed to determine whether there would be any sequentially preferable sites for the single dwelling, where there would be a lower risk of flooding. Irrespective of any proposed mitigation, the sequential test has not been addressed and it is not possible for the Local Planning Authority to conclude that the development would meet the flood risk safeguards set out in the Core Strategy and the Framework.

Furthermore, the applicant has not specified the means of foul or surface water drainage for the new dwelling. As the site is within an area identified as being at risk of groundwater flooding, this would be unacceptable under para 020 of the NPPG as there are concerns about the likely performance of any drainage and flood mitigation for the proposal within this area of medium to high groundwater.

The development would be contrary to paragraphs of the National Planning Policy Framework para 159-162 and 167, para 020 and 023 of the Planning Practice Guidance and Wiltshire Core Strategy Core Policy 67. In the absence of a 5 year housing land supply, the tilted balance envisaged under para 11 (d) of the NPPF would not apply, as the application of policies in the Framework that protect areas or assets of particular importance (areas at risk of flooding) provides a clear reason for refusing the development.

**Signed**:

**Parvis Khansari - Corporate Director, Place**

**NOTES**

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).