Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/08174

Decision Date: 17 November 2023

Applicant:	Mr Darren Hill 70 Court Hill, Potterne, Devizes, United Kingdom, SN10 5PN
Particulars of Development:	Construct a new build 3 bedroom dwelling in the area to the west of the current dwelling. Construct a retaining wall to the rear of the new property with an out building/shed to the rear right and associated parking and driveway to the front of the dwelling.
At:	Land adjacent 70 Court Hill, Potterne, Devizes, SN10 5PN

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 Reason(s): (6)

1 Core Policy 1 of the Wiltshire Core Strategy sets the Local Plan's spatial strategy by identifying the locations where sustainable development will be directed towards. Core Policy 2 then says that development will not be permitted outside of the limits of development, as defined on the policies map, unless in accordance with circumstances set out in paragraph 4.25 of the Core Strategy. The proposed development does not accord with any of the permitted circumstances. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policies 1, 2, 12, 60 and 61, as well as Potterne Neighbourhood Plan Policy PNP1. This conflict is not outweighed by any material considerations.

2 The lack of sufficient details hinders a full assessment of the application, but it is nonetheless clear that this proposal would result in a cramped and contrived form of development that

would be to the detriment of local character and to the setting of the neighbouring listed buildings. The proposal is therefore contrary to Wiltshire Core Strategy Core Policies 57 (general aims and parts i, ii, iii, iv, vi and vii) and 58; Potterne Neighbourhood Plan Policy PNP6; and paragraphs 130 (a, b and c), 134 and 202 of the NPPF.

3 The dwelling at No. 70 benefits from an extant consent ref. PL/2023/05587 for extensions and alterations. Regardless of whether the approved scheme is implemented or the dwelling remains the same, either scenario would result in rooms around 8m from the proposed dwelling, whose sole outlook would be in that direction. This would be a poor relationship with the two-storey form of development, which would materially harm the outlook for No. 70. It is also likely that it would cause material harm from loss of light. The proposal is therefore contrary to Wiltshire Core Strategy Core Policy 57 (vii); and paragraph 130 (f) of the NPPF.

4 The usable outdoor amenity space serving the development would be very limited, owing to its size and positioning relative to dense vegetation and windows at No. 70. This would result in a poor level of amenity.

Proposed bedroom 3 at first-floor level would have only one opening, which would be towards dense vegetation at close proximity to the north. It is likely that the outlook for this window would be limited and permanently without the benefit of direct sun at any time of the day. This would not be acceptable for future occupiers.

The new dwelling would therefore not enjoy a satisfactory level of external amenity space or conditions for bedroom 3, contrary to Wiltshire Core Strategy Core Policy 57 (vii); and paragraph 130f of the NPPF.

5 Trees and mature vegetation are positive aspects of local character in this location, and they should be retained wherever possible. The proposed dwelling, outbuilding and retaining wall would be sited very close to boundary trees to the north, while it is likely that mature vegetation elsewhere onsite would need to be removed to facilitate the development. No analysis has been supplied to justify the removal of any vegetation, nor to ascertain if the development would result in an acceptable relationship with retained trees. The proposal is thus in conflict with Wiltshire Core Strategy Core Policies 51 (part i) and 57 (part ii); and paragraphs 130 (b) and 131 of the NPPF.

6 The development would be in very close proximity to mature vegetation onsite, and some would need to be removed to facilitate it. No ecological survey has been submitted to allow consideration of any species or habitat that may be affected by the proposed development, so it is impossible for the Council to understand the baseline and assess whether any important habitat or species would be affected, nor whether it would lead to any net loss of biodiversity. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policy 50;

and paragraphs 174 (a and d) and 180 (a) of the NPPF.

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)).