Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/06706

Decision Date: 30 October 2023

Applicant:	Care of Agent
Particulars of Development:	Four five bedroom eco dwelling houses and a Queen Elizabeth II Memorial park
At:	Land at Church Road, Church Road, Heywood, Westbury, BA13 4LP

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): (3)

1 The site lies in the open countryside beyond the limits of development of any settlement identified for sustainable development in the settlement strategy of the Wiltshire Core Strategy. The proposal therefore conflicts with policies CP1 and CP2 of the Wiltshire Core Strategy (WCS) and does not meet the criteria for any of the exceptions to these policies set out in paragraph 4.25 of the WCS. Furthermore, the proposed development would be poorly served by local services, facilities and amenities such that the occupants of the dwellings would likely be heavily reliant on the use of private cars for the majority of routine journeys. The application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing four additional dwellings in an open countryside location. As such the proposal, in the absence of suitable justification, is not considered to represent sustainable development being contrary to Core Policies 1, 2, 32, 60, 61 and 62 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.

2 The proposed development, by reason of its siting, scale, design and visual impact, would detract from the rural character of the area and would result in the urbanisation of the rural landscape. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.

3 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon priority habitat types, protected / notable species which are reasonably likely to be present and affected by the development and adjacent protected woodland; and, as a consequence, the application is not considered to be environmentally sustainable. The development conflicts with the principles of the Trowbridge Bat Mitigation Strategy and the Council cannot conclude beyond reasonable scientific doubt that the proposal would not adversely impact the features of the Bath and Bradford on Avon Bats SAC both alone and in-combination with other plans and projects. It is unlikely the development will be able to provide sufficient mitigation to avoid impacts in this location. The development is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and paragraphs 174 and 180 of the Framework.

Informatives: (1)

4 INFORMATIVE TO APPLICANT: As the proposal is in clear conflict with the policies of the development plan, appeals on this site have previously been dismissed, and there is an in-principle objection to the scheme from Natural England, the applicant is advised that the Council believes that any appeal against this decision would have no reasonable prospect of succeeding.

Accordingly, the applicant is advised that if an appeal is submitted the Council will be making an application for a full award of its costs incurred in dealing with the appeal, based on substantive grounds.

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)).