Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/09301

Decision Date:

Applicant:	Mr & Mrs F Firmstone C/O Agent, C/O Agent, C/O Agent, C/O Agent, United Kingdom, BS3 4AN
Particulars of Development:	Erection of 2 detached dwellings on land at Cliffe House, and creation of a new vehicular access with associated works.
At:	Cliffe House, Cliffe Drive, Limpley Stoke, Bath, BA2 7FY

In accordance with 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 The proposed development would not constitute an appropriate infill development, and would result in a harmful development in a sensitive landscape area, and is considered contrary to policy CP2 of the adopted WCS and the made Freshford and Limpley Stoke Neighbourhood Plan.

2 The proposal would materially harm the Cotswolds National Landscape/AONB and would result in the fragmentation and loss of an open verdant site to the detriment of the National Landscape's local character. The proposal fails to conserve or enhance the landscape setting of the National Landscape contrary to policies CP57 (i) and (ii) and CP51 of the WCS and paragraphs 182 and 186 of the NPPF.

3 The proposal would result in inappropriate harmful development in the Green Belt that would materially erode its openness which is its most important characteristic.

No very special circumstances have been put forward to outweigh this harm and therefore the development is contrary to the NPPF.

4 The applicant has failed to submit adequate information to enable an HRA to be undertaken and agreed with Natural England prior to the application being determined.

The lack of information and sufficient mitigation means that the proposal does not demonstrate no net loss of biodiversity on site and the proposal does not meet the legal requirements of the Habitat Regulations.

The proposal is therefore contrary to CP51 of the WCS and paragraphs 180(d), 186(d) and 191(c) of the NPPF as well as in contravention of the Habitats Regulations and must be refused in accordance with paragraph 186(a) of the NPPF.

5 The applicant has failed to submit adequate information pursuant to land stability and site engineering to confirm that the proposed development would not result in land instability arising from the earthworks and retaining walls required as part of the proposal contrary to paragraphs 189(a) and (c) of the NPPF.

6 The traffic generated from this proposal would use a road (Crowe Hill) which, by reason of its function in the highway network and its inadequate width, alignment and junctions, is considered unsuitable to accommodate the increase in traffic from this development.

The proposed development would generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the road.

As a consequence, the proposal would result in unacceptable impacts on highway safety in this location and the development is therefore contrary to CP57 (ix) and (xiv) and CP61 of the WCS as well as paragraphs 114, 115 and 116 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)).