Wiltshire Council

Town and Country Planning Act 1990
The Town and Country (Modification and Discharge of Planning Obligations) Regulations 1992.
REFUSAL OF APPLICATION TO MODIFY/DISCHARGE A PLANNING OBLIGATION

Application Reference Number: PL/2023/09361

Decision Date: 11 January 2024

Applicant:	Mr & Mrs C H & S L Palmer FIELD FARM HOUSE, EASTCOURT, MALMESBURY, SN16 9HP
Particulars of Development:	Removal of Section 106 Agreement in relation to N/05/03043/COU
At:	Field Farm House, Eastcourt, Malmesbury, Wilts, SN16 9HP

In pursuance of their powers under the above Act, the Council hereby REFUSE TO MODIFY/DISCHARGE A PLANNING OBLIGATION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (1)

1 Removing the Section 106 obligation would reguralise a development that is contrary to the adopted Development Plan housing delivery strategy in that it involves a location that is in the designated countryside; and is outside, and some distance, from the defined settlement boundary for the Market Town of Malmesbury. It is also considered that the proposals do not represent sustainable development. The principle of housing development on this site, in terms of its location, is therefore considered to be contrary to the provisions of the National Planning Policy Framework; Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP13 (Malmesbury Community Area), CP48 (Supporting Rural Life), CP51 (Landscape), CP57 (Ensuring High Quality Design & Place Shaping), CP60 (Sustainable Transport) and CP61 (Transport & Development).

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- http://www.planningportal.gov.uk/planning/appeals).