Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/07719

Decision Date: 24 January 2024

Applicant:	Mr C Ball Land West of Merryfield, Whaddon Lane, Trowbridge, Wiltshire, Hilperton, UK
Particulars of Development:	Change of use of stables to a dwelling
At:	Land West Of Merryfield, Whaddon Lane, Hilperton, Trowbridge, Wiltshire

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 proposed development by reason of its location outside the defined limits of development of Hilperton and having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, this application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing one additional dwelling 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, 29, 48, 60 and 61 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.

2 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, 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. The development is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and paragraphs 180 and 186 of the Framework and has failed the Appropriate Assessment required by the Habitats Regulations.

3 The site lies within an area at high risk of groundwater flooding and the applicant has failed to provide sufficient information to enable the Council to fully assess the drainage impacts of the development; and, in particular whether the scheme would be appropriately flood resistant, resilient and safe throughout its lifetime. In addition, the applicant has failed to provide an appropriate Flood Risk Assessment as required by policy. The development is therefore contrary to Core Policy 67 of the Wiltshire Core Strategy and paragraph 173 of the Framework.

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)).