Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/09676

Decision Date: 30 January 2024

Applicant:	MR. AND MRS. Mesnard Willow Farm, New Road, Codford, Wiltshire, BA12 0NR
Particulars of Development:	Proposed new dwelling with detached garage and associated works
At:	Land Adjacent to 8 Bishopstrow Road, Warminster, BA12 9HQ

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): (5)

1 The proposed development by reason of its location outside any defined limits of development and having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, the application is considered to be an inappropriate, 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 and 31 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.

2 The proposal, by reason of its siting, design, height and bulk would result in harm to the character and setting of the Bishopstrow Conservation Area. This harm at ‘less than substantial’ is not offset by any public benefit. The proposed development is therefore contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy and

paragraphs 200, 203, 205 and 208 of the Framework.

3 The proposed development, by reason of its siting, design, height and bulk, would have an adverse impact on the living conditions of neighbouring residents in terms of an overbearing impact and in particular residents at No. 7 Bishopstrow Road. The proposed development is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy.

4 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon the Hampshire River Avon SAC and priority habitat types, 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 Council cannot conclude beyond reasonable scientific doubt that the proposal would not adversely impact the features of the Hampshire River Avon 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.

5 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)).