Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/07933

Decision Date: 31 January 2024

Applicant:	Oare Estate c/o Agent, United Kingdom, SO15 2BZ
Particulars of Development:	Relocate existing shade tunnel; erect horticultural building to serve the estate, including a maintenance store, estate office, staff welfare facilities and an attached glasshouse; carry out associated ground works and landscaping; and partial change of use of agricultural land to accommodate the proposed sui generis use
At:	Oare House, Oare Estate, Rudge Lane, Oare, Marlborough, Wiltshire, SN8 4JQ

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): (2)

1 The application site occupies a sensitive position in Oare Conservation Area, within the setting of the grade I listed Oare House, a grade II listed Registered Park and Garden and the grade II listed Church of the Holy Trinity. It is highly visible from the adjacent road and Public Right of Way ref. WILC4, and a public view across the site can currently be afforded across the site towards the grade II listed Martinsell Cottages. The development would result in an excessively large and poorly designed building that would read as an unwelcome incursion into the adjacent field, which plays an important role in the open setting of the conservation area and the setting of these designated heritage assets. No compelling justification has been provided by the applicant to support any demonstrable need for the proposed development, nor this particular location. The development would lead to less than substantial harm to designated heritage assets, which is not outweighed by any public benefits. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policies 57 (general aims and parts i, iii, iv and vi) and 58; and paragraphs 11(d), 135 (a – c), 139 and

208 of the NPPF.

2 The application site contains, and is bounded by, mature trees that are protected by their conservation area status. These trees are positive features in the landscape, which also play an important role in the character and appearance of the conservation area and the setting of the neighbouring grade II listed Registered Park and Garden, the grade II listed Church of the Holy Trinity and the grade I listed Oare House. The application fails to demonstrate that the proposed development could be accommodated without prejudicing the welfare of these trees. The proposal is therefore in conflict with Wiltshire Core Strategy Core Policies 51 (part i) and 57 (part ii); and paragraphs 135(b) and 136 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)).