Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/06204

Decision Date: 13 February 2024

Applicant:	Gladman Developments Limited Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire, United Kingdom, CW12 1LB
Particulars of Development:	Outline planning application for the erection of up to 60 dwellings, including affordable housing with public open space, structural planting and landscaping, land for the provision of allotments and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.
At:	Land Off The High Street, Sutton Benger, SN15 4SP

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): (6)

1 The site is located outside of any defined settlement boundary within the open countryside and is not allocated for housing development and would not meet any of the special circumstances for the creation of additional residential units in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. The proposal fails to promote a sustainable pattern of development and amounts to new residential development in the open countryside that is not related to the essential need of agriculture, forestry or other rural based enterprise. The proposal is therefore contrary to Wiltshire Core Strategy Core Policies 1, 2, and 10 (WCS) and Saved Local Plan Policy H4 (saved Policy, NWLP) and paragraphs 2, 8, 11, 12 & 47 of the NPPF.

2 The scale of the proposal exceeds the small scale residential development requirement at the Large Village level as specified under paragraph 4.15 of the Wiltshire Core Strategy,

resulting in an imbalance within the community between the provision of homes and the available services, facilities and means of employment. This is considered to result in the need for a significant amount of excess travel via the use of private motor vehicles which is not a sustainable form of development contrary to WCS Core Policies 1, 2, 10, 60 and 61, and paragraphs 8, 108, 109, 114 and 116 of the NPPF.

3 The development will extend the village well beyond its existing extent and will result in an incremental physical and perceived reduction of the existing rural gap and open countryside separating the village of Sutton Benger from Christian Malford. The result is unacceptable harm to the local character of the area and important public views and visual amenity, giving rise to conflict with Core Policy 51 (criterion i, ii, iii, v, vi, vii 3) and Core Policy 57 (criterion i, vi), as well as paragraphs 135c and 180b of the NPPF.

4 The application does not demonstrate with clarity what the necessary and proposed ecological enhancement and mitigation measures are. In particular, there remain differences and inconsistencies between the submitted documents such as the required Ecological Parameters Plan, the Biodiversity Net Gain metric and the Development Framework Plan. As such, the appropriate evidence and clarity required to demonstrate that there will be no net loss of biodiversity and that net gain in biodiversity will be delivered has not been provided in support of the planning application. Therefore, it has not been demonstrated that the proposal would accord with Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015) or paragraphs 180 and 186 of the NPPF.

5 The proposed layout, as expressed in the submitted Development Framework Plan and associated Design and Access Statement, would not allow for appropriate access to existing statutory body infrastructure. As such, it is not clear that the site can accommodate the level of development proposed, whilst including the appropriate and necessary landscape and ecological mitigation. As such, the proposal does not meet the requirement of Core Policy 57, in particular criteria: iii, vi, vii, xiii, and Section 12 of the NPPF, in particular paragraphs 131 and 135.

6 The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development being highway improvement works, recreation and leisure, affordable housing, education, open space and waste collection can all be delivered. This is contrary to WCS Core Policies 3, 43, 45, 52 and Policy CF3 of the North Wiltshire Local Plan 2011.

Informatives: (2)

7 This decision is based on the following plans and information:

- Site Location Plan
- Development Framework Plan

- Access Plan
- Proposed Junction on B4069 High Street
- Ecological Parameters Plan
- Planning & Affordable Housing Statement
- Design & Access Statement
- Archaeology and Built Heritage Assessment
- Arboricultural Impact Assessment
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Framework Travel Plan
- Biodiversity Net Gain Assessment
- Flood Risk Assessment
- Odour Risk Assessment
- Ecological Appraisal
- Socio-Economic Statement
- Sustainable Energy Statement
- Technical Note on Highways
- Transport Assessment
- Framework Travel Plan
- Waste Audit Assessment
- Noise Screening Assessment
- Air Quality Assessment
- Phase 1 Site Investigation
- Sustainable Energy Statement

8 Reason for refusal no.6 relating to the legal agreement may be capable of being addressed through the completion of a planning obligation/S106 agreement.

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)).