Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Application for Removal/Variation of Conditions

Application Reference Number: PL/2023/06340

Decision Date: 13 February 2024

Applicant:	Mr Andrew Jackson
Particulars of Development:	Removal of condition 5 of N/05/00384/S73A to allow independent residential use of Barn A without limitations
At:	Oxen Cottage, Nables Farm, Scotland Hill, Upper Seagry, SN15 5HB

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 proposed variation of condition 5 of Planning Permission N/05/00558/S73 would result in an unlawful conflict between that condition and the description of development. As it is not possible to vary the description of development using this process, the proposal therefore falls outside of what is lawfully possible in an application made under section 73 of the Town and Country Planning Act 1990 and the local planning authority has no basis on which to issue an unlawful permission in such a manner.

2 The site is located in open countryside outside of the limits of development defined in the Wiltshire Core Strategy. The proposal would therefore conflict with Core Policies 1, 2 and 10 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure that housing developments occupy sustainable locations throughout Wiltshire including the Chippenham Community Area.

Furthermore, the proposal would conflict with the criteria set out in Core Policies 48, 51, 57 and 60 of the Wiltshire Core Strategy and with paragraph 55 and of the NPPF for the following reasons:

• the application does not include any ‘clear evidence’ of the impracticality of continued use as a holiday let,

• local services and facilities could not be easily accessed other than by use of unsustainable modes and patterns of travel,

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)).