Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/04973

Decision Date: 04 April 2024

Applicant:	Mr Michael Lindsey Slevum Farm, Malmesbury Road, Leigh, Cricklade, Swindon, SN16 6RH
Particulars of Development:	Flexible use of existing building for the storage of lorries & trailers & operations ancillary to that use (the permitted use) and/or the repair & restoration of cars.
At:	Top Yard, Malmesbury Road, Leigh, Cricklade, SN6 6RH

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 use of the building and surrounding land for the repair and restoration of cars constitutes a B2 industrial use, which is an employment use. The local plan's spatial strategy aims to direct employment uses to locations that promote sustainable travel patterns, but the application site is located in a rural location outside of any defined settlement boundary and it is remote from a wide range of services, facilities and means of public transport. This is therefore an unsustainable location and the proposal is contrary to Core Policies 1, 2, 13, 34, 48, 60 and 61 of the Wiltshire Core Strategy; and paragraphs 8, 11, 89 and 109 of the NPPF.

2 The use of the building is impacting negatively on the surrounding land within and beyond the application site, for example through the storage of materials. This, along with the additional footfall and general activity arising from the B2 use, results in negative impacts to visual amenity, landscape character and the openness of this part of the countryside. The proposal is therefore in conflict with Core Policies 48 (ii), 51 (general aims) and 57 (general

aims and parts i and vi) of the Wiltshire Core Strategy; and paragraph 135 (a-c) of the NPPF.

Informatives: (1)

3 This application has revealed a number of potentially unlawful aspects of development that may be open to enforcement action. These include (but are not limited to) the expansion of activities into agricultural land to the southwest and southeast; installation of roller shutters on the building; parking of non-lorry vehicles and external storage of materials and containers, contrary to the terms of the 16/11482/CLE Lawful Development Certificate and 17/02116/FUL planning permission; and construction of a mezzanine floor within the building. The Council's enforcement team has been notified of these potential breaches.

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)).