Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/10654

Decision Date:9th February 2024

Applicant:	Homes Nuvo Limited c/o agent
Particulars of Development:	Outline consent for the consent of 4No. dwellings with all matters reserved apart from access.
At:	Land adjacent to A350, West Ashton Road, Yarnbrook, Trowbridge, BA14 6AF

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 applicant has failed to complete the necessary procedural requirements for planning applications involving land not within their ownership and control, and the Council is not satisfied that sufficient evidence has been presented to demonstrate that an appropriate and policy compliant development can be achieved on the site.

The proposed development would not constitute an appropriate infill development, and would result in a harmful development contrary to policy CP2 of the adopted WCS and the made Weston Ashton Neighbourhood Plan.

2 The proposals are contrary to Wiltshire Core Policy 62, which states that new development should not be accessed directly from the National Primary Route Network outside built-up areas, unless an over-riding need can be demonstrated.

The proposal is contrary to the sustainability policies contained in the Wiltshire Core

Strategy (Core Policies 57, 60 and 61) and the National Planning Policy Framework 2023 Section 9, paras 104, 105, 110-112, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

The proposed development would result in a multiplicity of accesses onto the public highway, in an area that has limited frontage access from the A350, which is part of the National Primary Route Network and which would be likely to increase the risk of hazards and inconvenience to all users of the road.

The application does not include sufficient information to enable the LPA to determine whether acceptable access arrangements can be satisfactorily accommodated, nor whether the development would increase the likelihood of flooding on the A350 as a result of the impact to the existing drainage culvert.

The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways, lighting and crossing facilities with consequent additional hazards to all users of the road.

As a consequence, the proposal would result in unsustainable development and high reliance on private motor vehicles contrary to policies CP57, CP60, CP61 and CP62 of the WCS and paragraphs 108 and 110 of the NPPF. The proposal would also result in unacceptable impacts on highway safety in this location and the development is therefore contrary to CP57 (ix) and (xiv) and CP61 of the WCS as well as paragraphs 114 and 116 of the NPPF and should be refused in accordance with paragraph 115 of the NPPF.

3 The applicant has failed to submit adequate information to enable an HRA to be undertaken and agreed with Natural England prior to the application being determined.

The lack of information and sufficient mitigation means that the proposal does not demonstrate no net loss of biodiversity on site and the proposal does not meet the legal requirements of the Habitat Regulations.

The proposal is therefore contrary to the CP50 of the WCS, the Trowbridge Bat Mitigation Strategy and paragraphs 180(d), 186(d) and 191(c) of the NPPF as well as in contravention of the Habitats Regulations and must be refused in accordance with paragraph 186(a) of the NPPF.

4 The applicant has not provided sufficient information or mitigation to demonstrate that there would be no archaeological harm caused as a result of the development and as such is contrary to policy CP58 of the WCS and Section 16 of the NPPF

5 The application is not supported by a site-specific flood risk assessment or drainage strategy, and as such, the Council cannot support the application as there is substantive concern pertaining to flood risk, highway safety and and use vulnerability and is therefore in conflict with adopted core policy 67 as there is insufficient evidence to satisfy the Council that the proposal would not lead to site drainage issues and/or off-site flooding. The development is equally contrary to paragraphs 165, 173 and 174 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)).