Wiltshire Council

# The Town and Country Planning Act 1990

## Refusal of Full Planning Permission

## Application Reference Number: PL/2023/08288

## Decision Date: 02 May 2024

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| **Applicant:** | Ms Emily Turner<br>C/O Agent, C/O Agent, C/O Agent, C/O Agent, C/O Agent, C/O Agent |
| **Particulars of Development:** | Use of land for the stationing of caravans for residential use and the laying of hardstanding and erection of a dayroom ancillary to that use. |
| **At:** | Land at Spin Hill, Market Lavington, Wilts, SN10 4NS |

**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):** (3)

1 The proposal would create one residential pitch for a Gypsy and Traveller family in an unsustainable location on an unsuitable site within open countryside, where the presence of on-site high voltage electricity cables and associated pole supports present a barrier to the development and future occupiers would lack safe and reasonable access to essential services contrary to the aims of Core Policies 47, 60 and 61 of the Wiltshire Core Strategy, the policies of the national document Planning policy for traveller sites and the planning policy advice of the National Planning Policy Framework.

2 The proposed change of use of the land (and associated placement of caravans, mobile homes, the proposed day room and associated domestic chattels and paraphernalia) would result in the substantial loss of the rural character of the site within a prominent open countryside location with insufficient mitigation put forwards to

the detriment of the landscape character of the site and wider area contrary to the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy, the policies of the national document Planning policy for traveller sites and the planning policy advice of the National Planning Policy Framework.

3 Insufficient information has been provided to demonstrate that the biodiversity value of the site (areas of habitat and protected species that may be using it) would not be harmed by the development and that net gains to the biodiversity value, over and above that of the existing site, can be secured contrary to the aims of Core Policy 50 of the Wiltshire Core Strategy, the policies of the national document Planning policy for traveller sites and the planning policy advice of the National Planning Policy Framework.

**Informatives:** (1)

4 **INFORMATIVES**

The application has been considered in line with paragraph 38 of the NPPF that:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The application is not considered to provide any improvements to the economic, social or environmental conditions of the area. The applicant has been kept up-to-date with the assessment and has been given opportunities to provide additional information and responses to the case officer’s correspondence.

The Local Planning Authority has considered the details of the application against the policies of the development plan, the national planning policy and the obligations of the following legislation:

- The Housing Act, 1985
- Human Rights Act 1998
- Children’s Act 2004
- Equality Act 2010
- The Housing and Planning Act, 2016.

The decision made by the council is considered to comply with the relevant provisions of the above legislation, having regard to the best interests of children and young people.

*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)).