Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/04996

Decision Date: 27 September 2024

Applicant:	Miller Homes c/o agent,
Particulars of Development:	Outline planning application (all matters reserved except access) for erection of up to 92 dwellings (including 40% affordable housing) together with associated access, parking, pedestrian and cycle routes, public open space, play space, landscaping, drainage and associated infrastructure.
At:	Land West of Milbourne, Malmesbury, Wilts

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): (7)

1 The development is situated in the countryside where development will not normally be permitted other than in accordance with specified exception policies set out in the development plan. The development would therefore conflict with the overarching strategy of the development plan for the area set out at Core Policies 1, 2 and 13 of the Wiltshire Core Strategy and with Policy 3 of the Malmesbury Neighbourhood Plan. The conflict, taken with other adverse impacts, would significantly and demonstrably outweigh the benefits of the development and the development is unacceptable in principle.

2 Owing to concerns relating to the scale, location, layout and the response to the site's setting, the development is not considered to represent high quality design and would have a harmful impact on local landscape quality and local distinctiveness, and would leave agricultural land currently accessed via the site without available access. The application is therefore in conflict with Core Policies 51 and 57 (i, ii, iii, iv, and vi) of the Wiltshire Core

Strategy, Policy 13 of the Malmesbury Neighbourhood Plan and Paragraphs 131, 135, 139 , 180 and 203.

3 The submitted plans do not include a sufficient amount of detail to provide reasonable certainty the functional habitat for biodiversity would be suitably protected and the biodiversity and habtitats mitigation strategy will be practically implementable. As a result the development conflicts with Core Policy 50 of the Wiltshire Core Strategy as well as Paragraph 186 of the National Planning Policy Framework.

4 The application is supported by insufficient information in respect of buried archaeology in order to allow the local planning authority to conclude that the development would not affect archaeological features of national importance or would not otherwise form an overarching constraint to development at the site. As such the development would conflict with Core Policy 58 of the Wiltshire Core Strategy as well as the National Planning Policy Framework at Paragraphs 200, 205 and 206 as supplemented by footnote 72. This impact may potentially affect an asset of particular importance, providing a clear reason for refusal as described at Paragraph 11d)i. of the Framework.

5 The site is located outside of the settlement policy boundary for Malmesbury and has little connectivity to Milbourne, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors, and the lack of appropriate pedestrian facilities and safe cycling provision. The proposal is therefore contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paragraphs 108, 109, 114, & 116 of the National Planning Policy Framework, which aim to reduce the need to travel, particularly by private car, and encourage the use of sustainable transport alternatives in order to promote a sustainable pattern of development.

6 The proposed development has not demonstrated that safe and inclusive pedestrian and cycling routes can be provided to serve the intended residents, and their visitors. The proposal is therefore contrary to Core Policies 60 and 61.

7 The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards education provision, public open space and play equipment and on-going maintenance; waste and recycling facilities; or for necessary upgrades to the public right of way network. The application is therefore contrary to Core Policies 3, 43, 45 and 52 of the Wiltshire Core Strategy (2015) and paragraphs 8, 34, 55, 56, 64, 66, 96 of the NPPF.

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)).