

The Town and Country Planning Act 1990
Refusal of Outline Planning Permission (Some Matters Reserved)
Application Reference Number: PL/2026/03045
Decision Date: 08/10/2026

Applicant:	Backhouse (Warminster) Ltd c/o Agent, Haverfordwest, United Kingdom, SA61 1DT
Particulars of Development:	Outline planning application for the erection of up to 49 dwellings with associated access, public open space, landscaping, drainage and associated infrastructure (all matters reserved except access).
At:	Land off Damask Way, Warminster

In accordance with paragraph 39 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

- 1 The proposed new access and pedestrian footway that would link the development with the highway at the junction with Damask Way would not provide an accessible, inclusive and convenient access for all users. Furthermore, insufficient information has been submitted to demonstrate that the proposed vehicular access from Upper Marsh Road can be safely achieved with suitable alignment, visibility, geometry and gradients. The Local Planning Authority is therefore unable to conclude that safe and suitable access can be achieved for all users, including pedestrians and those with mobility impairments. The proposal is consequently contrary to Core Policies 57, 60, 61 and 62 of the Wiltshire Core Strategy, Policy L1 of the Warminster Neighbourhood Plan and the transport objectives set out in policies CC2(a), TRE3, TRE4 and TRE6 of the National Planning Policy Framework, which seek to secure appropriate infrastructure for safe, suitable and accessible development for all users.

Refusal Reason

- 2 Due to the scale of the development and constrained width of the northwestern section of Upper Marsh Road, and lack of agreed mitigation, the increase in vehicular traffic generated by the development would result in an unacceptable and severe impact on highway safety, the development would result in conflict between vehicles and cause undesirable reversing manoeuvres on the public highway, in a location where forward visibility is restricted and there are no designated footways. The proposed development is therefore contrary to Core Policies 57, 60, 61 and 62 of the Wiltshire Core Strategy and Policies TR3, TR4 and TR6 of the National Planning Policy Framework.

Refusal Reason

- 3 Insufficient information has been submitted regarding flood risk, surface water drainage and the management of runoff from the site. In the absence of a robust Flood Risk Assessment and drainage strategy, the Lead Local Flood Authority and the Local Planning Authority are unable to adequately assess the effects of the development on flood risk within the site or elsewhere. Accordingly, it has not been demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere, or that surface water arising from the development can be satisfactorily managed through the use of sustainable drainage measures. The proposal therefore conflicts with Core Policies 57 and 67 of the Wiltshire Core Strategy and is contrary to Policies F4, F7 and F8 of the National Planning Policy Framework, which require sufficient information to assess flood risk, ensure development is safe from flooding for its lifetime, and secure appropriate sustainable drainage measures.

Refusal Reason

- 4 The proposed development lies within the catchment of the River Avon Special Area of Conservation (SAC), a European designated site of international nature conservation importance, protected under the Conservation of Habitats and Species Regulations 2017 (as amended). In the absence of sufficient information regarding the likely effects of the development on the River Avon SAC, including the impacts arising from nutrient loading and the effectiveness of any proposed mitigation measures, the Local Planning Authority is unable to conclude beyond reasonable scientific doubt that the proposal would not have an adverse effect the integrity of the River Avon SAC, either alone or in combination with other plans and projects.

The applicant has failed to provide the necessary information to enable the Local Planning Authority, as the competent authority, to undertake an appropriate assessment of the implications of the proposal for the River Avon SAC, either alone or in combination with other plans and projects and cannot lawfully ascertain that the proposal would not adversely affect the integrity of the designated site. The proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), Core Policies 50 and 69 of the Wiltshire Core Strategy adopted 2015 and the nature conservation objectives of the National Planning Policy Framework at policies N2 and N6.

Refusal Reason

- 5 In addition to and separately from refusal reason 4, insufficient ecological information has been provided to enable the Local Planning Authority to adequately assess the full impacts of the development on protected species, priority habitats, ecological

networks and the adjacent Smallbrook Meadows Local Nature Reserve. In the absence of sufficient evidence and impact assessment, the Local Planning Authority cannot be satisfied that the proposal would conserve and enhance biodiversity or avoid unacceptable harm to ecological interests. The proposal is consequently contrary to Core Policy 50 of the Wiltshire Core Strategy and the nature conservation objectives of the National Planning Policy Framework at policies N2 and N6 together with associated guidance.

Refusal Reason

- 6** The applicant has failed to provide sufficient information to demonstrate that the proposed development would deliver the mandatory minimum 10% Biodiversity Net Gain (BNG) required by legislation. In the absence of an acceptable Biodiversity Gain Plan, completed biodiversity metric calculations, and sufficient ecological information detailing the baseline habitat value of the site and the proposed habitat creation, enhancement and management measures, the Local Planning Authority is unable to conclude that the development would achieve the required biodiversity net gain or secure measurable biodiversity improvements.

Without this information, the Local Planning Authority cannot adequately assess the biodiversity impacts of the development or determine whether the proposal would comply with national and local planning policy objectives relating to the conservation and enhancement of biodiversity.

The proposal is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and Policy N2 of the National Planning Policy Framework and the Environment Act 2021

Refusal Reason

- 7** The applicant has failed to provide the archaeological field evaluation and supporting evidence necessary to establish the nature, extent and significance of any archaeological remains that may be present within the site. In the absence of this information, the Local Planning Authority is unable to properly assess the significance of any heritage assets with archaeological interest or determine the impact of the proposed development upon such assets. Consequently, it has not been demonstrated that archaeological remains can be appropriately conserved or that any harm can be adequately mitigated. The development is therefore contrary to Core Policy 58 of the Wiltshire Core Strategy adopted 2015, which requires that heritage assets and their settings are conserved in a manner appropriate to their significance. The proposal also conflicts with Policies HE4, HE5, HE6 and HE10 of the National Planning Policy Framework and associated guidance.

Refusal Reason

- 8** The applicant has failed to provide sufficient technical evidence, together with the necessary planning obligations, to demonstrate that the existing highway, drainage and other infrastructure serving the site has adequate capacity to accommodate the additional demands arising from the scale of the proposed development, or that any necessary infrastructure improvements and mitigation measures can be secured and delivered in an appropriate and timely manner. In the absence of adequate information and a completed planning obligation, the Local Planning Authority cannot be satisfied that the development would be supported by sufficient existing or proposed infrastructure, or that the scale of development proposed can be sustainably accommodated without unacceptable impacts upon infrastructure

provision and the wider area. Consequently, the proposal fails to demonstrate compliance with criterion (j)(i) of Policy S5(1) of the National Planning Policy Framework, which requires regard to be had to the existing and proposed availability of appropriate infrastructure. The proposal therefore fails to demonstrate that it constitutes sustainable development, is contrary to Core Policy 3 of the Wiltshire Core Strategy and the infrastructure and sustainable development objectives of the National Planning Policy Framework and is not acceptable in principle.

Nic Thomas - Director of Planning, Economy and Climate

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 \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).