

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Outline Planning

Application Reference Number: 14/12109/OUT

<p>Agent Gladman Developments Gladman House Alexandria Way Congleton Cheshire CW12 1LB</p>	<p>Applicant Gladman Developments Gladman House Alexandria Way Congleton Cheshire CW12 1LB</p>
<p>Parish: HOLT</p>	
<p>Particulars of Development: Development of up to 98 dwellings with associated landscaping and open space (Outline application to determine access)</p>	
<p>At: Land Off Melksham Road Holt Wiltshire</p>	

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):

- 1 The site is located in open countryside outside the limits of development defined for Holt in the Wiltshire Core Strategy. The proposal would therefore conflict with Core Policies 1, 2, 7 and 48 of the Wiltshire Core Strategy (Adopted January 2015) which seeks to properly plan for sustainable development of housing sites in Wiltshire.
- 2 The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified Limits of Development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or Neighbourhood plan. This strategy is supported by the Wiltshire Core Strategy Inspector and the Secretary of State in several appeal decisions and the site has not been brought forward through either of these processes.
- 3 The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the north

and south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy.

- 4 The proposal by reason of the inadequate conflicting information in regard to facilitating a robust assessment of surface water drainage and flood risk assessment are contrary to policies CP 3 and CP 67 of the Wiltshire Core Strategy (Adopted January 2015) and the National Planning Policy Framework 2012.
- 5 There is not enough evidence to support the conclusions in the Desk-Based Assessment carried out at the site. Further evaluation is necessary which has not been supplied to date of determination. The Council is therefore unable to properly assess the impact on any potential archaeological remains on the site which would be contrary to paragraph 128 of the NPPF.
- 6 The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, open space, recreation and cemetery provision) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy, Policy LP4 of the West Wiltshire Leisure and Recreation DPD (February 2009), Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.

7 INFORMATIVE:

Reason for refusal 6 relates to the failure of the applicant to secure affordable housing & financial contributions for the site. The Council acknowledges that draft heads of terms were submitted with the application. Had the application been approved the draft heads of terms are considered to be broadly in line with the Council's requirements. Should the applicant wish to appeal the Council's decision they are requested to contact the Council to agree heads of terms and resolve this reason for refusal prior to the submission of appeal statements.

8 INFORMATIVE:

As the proposal is in clear conflict with the policies of the up to date development plan, for the reasons set out above the applicant is advised that the Council believes that any appeal against this decision would have no reasonable prospect of succeeding.

Accordingly, the applicant is advised that if an appeal is submitted the Council will be making an application for a full award of its costs incurred in dealing with the appeal, based on substantive grounds. The applicant's attention is drawn to paragraph 053 Ref ID: 16-053-20140306 in Planning Practice Guidance which sets out government guidance on this matter.

In accordance with paragraph 187 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.

Signed

A handwritten signature in black ink, appearing to read "Alan Cummins". The signature is fluid and cursive, with the first name "Alan" written in a larger, more prominent script than the last name "Cummins".

Director for Economic Development & Planning

Dated: 10 April 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

If the applicant wishes to have an explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals>. Changes introduced by the Government in April 2009 mean that an appeal relating to the refusal of a stand-alone application for householder development (such as an alteration/extension to a house; or a garage or other outbuilding proposed within the garden) must be made within 12 weeks of the date of the refusal. All other appeals, including householder appeals for extensions to listed buildings that are accompanied by an appeal against a refusal of listed building consent must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

Appeal where an enforcement notice has been issued

Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]

2. Purchase Notices

If permission to develop land is refused, whether by the Local Planning Authority or the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been, or would be, permitted, he may serve on the District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.