

TOWN & COUNTRY PLANNING ACT 1990

NOTIFICATION OF REFUSAL of Full Planning

Application Reference Number: 20/09369/FUL

Agent Keith Smith Design Consultant The Studio 17 Campbell Close Grateley Andover SP11 7DY	Applicant Mr Douglas Ward The Paddock New Road Bromham Chippenham SN15 2JB
Particulars of Development: Change of use of land from agricultural to residential providing a plot containing a detached 4 bedroom bungalow and garage, new site entrance, together with surface water harvesting tank and BioDisc treatment plant with reed bed soakaway	
At: The Paddock New Road Bromham Chippenham SN15 2JB	

In pursuance of their powers under the above Act, the Council hereby REFUSES TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reasons:

- 1 The site is located outside recognised Limits of Development where the development of new housing would be contrary to Core Policy 1, Core Policy 2 and Core Policy 15 of the Wiltshire Core Strategy which seek, amongst other things, to strictly control development outside of settlement boundaries, directing development to sustainable locations.
- 2 The position of the development would not relate well to the pattern of built development in the area and would extend residential development into the open agricultural landscape outside the village where it would be detrimental to the rural and landscape character of the area, contrary to Core Policy 51 and Core Policy 57.
- 3 Due to the distance to local services, facilities and amenities, and lack of public transport and provision for pedestrians and cyclists, the occupants of a dwelling on the plot would likely be heavily reliant on the use of private motor transport for the majority of day to day activities, contrary to the principles of sustainable development and the aims of reducing the need to travel, contrary to Wiltshire Core Strategy Core Policy 60 and Core Policy 61.

- 4 The site access does not allow for the visibility along the road of 2.0m x 90m in both directions (in accordance with the recommendations of the Design Manual for Roads and Bridges) and as such fails to provide for safe access for highway users and vehicles leaving the site, contrary to Wiltshire Core Strategy Core Policy 60 and Core Policy 62.

INFORMATIVE

This decision is in respect of the following considered drawings and details:

Site Plan as Existing & Proposed and Location Plan	20/NEW/01
As Proposed (plans and elevations of house and garage)	20/NEW/02
Materials Schedule	
Design & Access Statement	
Application form	

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.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 01 March 2021

REFUSAL OF PERMISSION FOR DEVELOPMENT

An Officer Report on this decision will be published on the Council's web site, normally within 24 hours of the decision. 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on 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.