

**Town & Country Planning Act 1990**

**NOTIFICATION OF REFUSAL of Full Planning**

**Application Reference Number: 15/09758/FUL**

<p><b>Agent</b> Bolingbroke Design 32 Shurnhold Melksham Wiltshire SN12 8DG</p>	<p><b>Applicant</b> Mr Anthony Jones Park Farm Bath Road Atworth Melksham Wiltshire SN12 8HT</p>
<p><b>Parish: BOX</b></p>	
<p><b>Particulars of Development: Formation of a Soil Planting Margin to Fields to Enable Successful Growth of a Tree Belt to Form Landscape/Ecological Feature.</b></p>	
<p><b>At: Land East Of Lower Wadswick Wadswick Lane Neston Wiltshire</b></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 proposed entrance to the development from Wadswick Lane is an unsuitable means of access. Wadswick Lane, from its junction with A365 by reason of its restricted width, poor alignment and sub-standard junction with Bath Road (A365) is considered unsuitable to serve as a means of access to the proposed development and is therefore, contrary to the requirements of the NPPF and Wiltshire Core Policies (adopted 2015) CP60 & CP61.
- 2 The proposal would result in the increase of traffic along an unsuitable road. The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width, alignment and junctions, is considered unsuitable to accommodate the increase in traffic from this development and would pose harm upon highway safety, contrary to the requirements of the NPPF and Wiltshire Core Policies (adopted 2015) CP60 & CP61.

- 3 The nature of the proposal will result in an negative impact upon the current openness of the site and obscure important views and vistas from Wadswick Lane and with the use of inappropriate materials and tree species unbalance the current ecological features of the site and the locality, therefore, having an adverse effect upon the landscape character of the area, contrary to the requirements of the NPPF and Wiltshire Core Policies (adopted 2015) CP51 & CP57.

**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', written in a cursive style.

**Director for Economic Development & Planning**

**Dated: 18 November 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](http://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](mailto: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.