

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Outline Planning

Application Reference Number: 17/03269/OUT

<p>Agent Gladman Gladman House Alexandria Way Congleton CW12 1LB</p>	<p>Applicant Gladman Gladman House Alexandria Way Congleton CW12 1LB</p>
<p>Particulars of Development: Outline planning application for the demolition of agricultural buildings and the erection of up to 140 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Wynsome Street. All matters reserved except for means of access</p>	
<p>At: Wynsome Street Southwick BA14 9RG</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 lies outside of the limits of development as defined for the village of Southwick in the Wiltshire Core Strategy. It has not been brought forward either through a Site Allocations DPD or a neighbourhood plan and does not fall within any of the proposed exceptions identified in Core Policy 2. Consequently, the development would conflict with policy CP2 of the Wiltshire Core Strategy.
- 2 The proposal, by reason of its extent and location, would be wholly out of scale and a disproportionate addition to the existing village of Southwick into the open Countryside. As such the proposal would not comprise sustainable development and would be contrary to contrary to CP 1 and 29 of the Wiltshire Core Strategy.
- 3 The proposal, by reason of its size and location on agricultural land situated outside of Southwick Development Limits would have a harmful impact on the appearance of the countryside, creating a large urbanised expansion beyond the existing built-up area of the village. This would conflict with CP 51 of the Wiltshire Core Strategy, which seeks to protect the landscape from harmful impacts, and CP 57 of the Wiltshire Core Strategy, which seeks to create developments that are complementary to the locality.

- 4 The development of 140 dwellings located in the countryside, but adjacent to Southwick, a large village only suitable for limited development in the terms of the Core Strategy, is unsustainable in transport terms. The lack of significant local facilities, poor, sub-standard existing local footpath links to serve the level of development, unsuitable nearby roads for cycling, the distance to the secondary schools, poor public transport facilities at evenings and weekends, would lead to significant out commuting and journeys by private motor car to the detriment of the aims of the NPPF and the Core Strategy which seek to reduce growth in the number of motorised car journeys. The footway on the east side of Wynsome Street north of the development has sections of sub-standard width adjacent to a road carrying high levels of heavy goods vehicles and is inadequate to safely and conveniently serve the development. The development would be contrary to Wiltshire Core Strategy policies CP1, CP2, CP60 and CP61.

- 5 The Local Planning Authority cannot be certain in the light of the site's conservation objectives that the development would not give risk to adverse effects both alone and in-combination with other plans and projects, on the integrity of the Bath and Bradford on Avon Bats SAC. The proposal is therefore Contrary to CP50 to the Wiltshire Core Strategy.

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



Director for Economic Development & Planning

Dated: 09 February 2018

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.