

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Outline Planning

Application Reference Number: 13/05188/OUT

Agent Planning Prospects Limited 4 Mill Pool Nash Lane Belbroughton Worcestershire DY9 9AF	Applicant Planning Prospects Gladman Developments Ltd c/o Planning Prospects
Parish: CORSHAM	
Particulars of Development: Outline planning application for erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, public open space with play facilities and landscaping.	
At: Land North of Bath Road Corsham SN13 0QL	

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 proposal is prejudicial to the Council's plan-led approach to sustainable development and the phasing of future growth. In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position in favour of the proposal. On the balance of considerations, therefore, the proposal is unacceptable when having regard to the principles of policies CP2 and CP11 of the Wiltshire Core Strategy and paragraphs 12, 14, 17, 47, 49, 150, 196 and 216 of the National Planning Policy Framework.
- 2 Insufficient evidence and mitigation has been provided to demonstrate that the proposal would not affect the integrity of the Bath and Bradford Bats SAC in order to satisfy the requirements of Regulation 61 of the Habitats Regulations, and in this and other respects the proposal fails to make adequate provision to avoid, mitigate or compensate for significant adverse effects upon protected species and priority

habitats. The proposal is therefore contrary to Policies NE10 and NE11 of the adopted North Wiltshire Local Plan, CP50 of the emerging Wiltshire Core Strategy and Paragraph 118 of the National Planning Policy Framework.

- 3 The proposal, although at outline stage, would adversely affect the landscape qualities of both the site itself and its setting in the context of the Pickwick Conservation Area, Corsham Special Landscape Area and Cotswolds AONB. The proposal is therefore contrary to Policies C3, NE4, NE15, HE1 and H3 of the adopted North Wiltshire Local Plan, CP51 and 58 of the emerging Wiltshire Core Strategy and Paragraphs 109 and 133 of the National Planning Policy Framework.

- 4 Insufficient evidence has been provided to demonstrate that, on the balance of probabilities, the development by reason of its amount and siting would not give rise to the unacceptable loss of residential amenity to future occupiers as a result of the consented mineral workings beneath the land. The proposal therefore fails to satisfy Policies C3 and NE18 of the adopted North Wiltshire Local Plan 2011, CP57 of the emerging Wiltshire Core Strategy or paragraph 123 of the National Planning Policy Framework.

- 5 In the absence of an appropriate legal agreement, the proposal fails to make adequate provision for affordable housing, public open space and play equipment, all of which should be provided on site. Additionally, the proposal fails to secure contributions towards education provision in the locality, contributions towards public transport, contributions towards leisure provision, contributions towards improving cemetery capacity, contributions towards waste collection as well as the lack of a scheme or contribution to secure the on-going maintenance of open space and play equipment on the site, all of which should take the form of an off-site financial contribution in lieu of on-site provision. The application is therefore contrary to Policies C2, H5 and CF3 of the adopted North Wiltshire Local Plan 2011 and CP3 of the emerging 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: 30 May 2014

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.