

**Town & Country Planning Act 1990 (as amended)**

**NOTIFICATION OF PLANNING DECISION**

**Application Reference Number: N/11/01382/OUT**

**Applicant**

White Lion Land LLP  
C/O Agent

**Agent**

Mr E Ledwidge  
Blue Sky Planning  
Bourne House  
475 Godstone Road  
Caterham  
Surrey  
CR3 0BL

**Parish: - Malmesbury**

**Particulars of Development:** - Outline Planning Consent for Residential Development (77 Dwellings); Community Building (Use Class D1); Public Open Space; and Associated Works including Construction of New Access

**At:** - Land off Park Road, Malmesbury, Wiltshire, SN16 0QW

**In pursuance of its powers under the above Act, the Council hereby REFUSE PLANNING PERMISSION for the above development in accordance with the application and plans submitted (listed below):-**

**Refused for the following reasons:**

- 1 The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.
- 2 The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF) and the Core Strategy Development Plan Document for the area and subsequent site allocations development plan document or neighbourhood plan for the area and prejudicial to the council's plan-led approach to sustainable development and the phasing of future growth. It is also premature in terms of the identification and means of delivery in respect of any infrastructure in step with development to be focused in Malmesbury over the plan period. As such, the proposal is contrary to Planning Policy Statement 3: Housing.
- 3 The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or financial contributions towards public transport or the on-going provision and maintenance of open space on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).
- 4 The application has failed to demonstrate how crime prevention measures have been considered in the illustrative design of the proposal and how the attributes of safe, sustainable places set out in Safer Places – the Planning System and Crime Prevention (2003) have been also been considered.
- 5 The application has failed to address the waste and recycling aspects of the proposed development through the submission of any evidence of Waste Reduction and Auditing for the site in accordance with Policy WSC6 of the adopted Wiltshire and Swindon Waste Core Strategy (July 2009).

**Informatives:**

- 1 This decision relates to documents/plans submitted with the application, listed below.
- Site location plan
  - G2650 – Illustrative Masterplan
  - BSPMALMESBURY.1/01B – Proposed access arrangement
  - Design and Access Statement, prepared by Powell Dobson / Blue Sky Planning
  - Planning Statement, prepared by Blue Sky Planning
  - Statement of Community Involvement, prepared by Blue Sky Planning
  - Flood Risk Assessment, prepared by Mayer Brown
  - Landscape Character and Visual Assessment, prepared by EDP
  - Transport Statement, prepared by Mayer Brown
  - Archaeological Desk-Based Assessment, prepared by EDP
  - Reptile Survey Report, prepared by EDP
  - Ecological Appraisal, prepared by EDP

**Signed**



**Director for Development Services**

**Dated: 9 August, 2011**

**WILTSHIRE COUNCIL**  
**Town and Country Planning Act 1990**

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

**NOTES**

1. **Appeal.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act, 1990, within six months of the date of decision. **(Appeals must be made on a form which is obtainable from The Customer Support Unit, The Planning Inspectorate, 315 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0117 372 6372).** 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 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. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
2. **Purchase Notice.** If permission to develop land is refused, whether by the local planning authority or by 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 a purchase notice requiring the 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.