

**Town & Country Planning Act 1990**

**NOTIFICATION OF REFUSAL of Full Planning**

**Application Reference Number: 15/06729/FUL**

<p><b>Agent</b> allen planning ltd 21A New Street SALISBURY Wiltshire SP1 2PH United Kingdom</p>	<p><b>Applicant</b> Mr C Chambers c/o agent c/o agent United Kingdom</p>
<p><b>Parish: GRIMSTEAD</b></p>	
<p><b>Particulars of Development: Change of use of three agricultural buildings to Class B8 storage use</b></p>	
<p><b>At: Nightwood Farm Lucewood Lane West Grimstead Wiltshire SP5 3RN</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):**

- The application site consists of a former semi intensive pig rearing unit which previously consisted of five large agricultural buildings. Two of the existing units benefit from consent for a Class B8 storage use and this application proposes to change the use of three remaining buildings to B8 storage use. The proposal will result in an increase of 2640m<sup>2</sup> of further B8 storage area which will result in a significant intensification over the storage facilities on the site, with the inevitable increase in associated HGV movements to and from the site. Such HGV movements would result in detrimental harm to the shared unmade track which jointly serves a number of unrelated residential dwellings. The proposed intensified B8 use of the site is not considered to be beneficial to the rural community and the traffic generated from this proposal would use the existing rural road network in the vicinity of the site which, by virtue of the function of unsuitable roads in the highway network and the inadequate widths, alignments and junctions, are considered unsuitable to

accommodate the increase in traffic from this development. This application is therefore contrary to core policies 48, 57, 60, 61 of the adopted Wiltshire Core Strategy (Jan 2015).

2. This application has submitted insufficient information to enable the Council to determine what impacts the proposed intensified B8 operation of the rural site will have on the amenities of neighbouring dwellings. Without this further information the Council is unable to support the application until such time as to when further information has been submitted which evidently demonstrates that the intensified storage use of the site will not result in undue harm on the amenities of neighbouring dwellings. This application is therefore currently contrary to Core Policy 57 of the adopted Wiltshire Core Strategy (Jan 2015).

**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: 08 September 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.