



# REFUSAL OF PLANNING PERMISSION

**Application Number:** S/16/1832/SASM

**Parish:** West Swindon

**Ward:** Lydiard And Freshbrook

**Proposal:** Erection of 4no. dwellings and associated works.

**Site Address:** Land At Brook Cottage , Hay Lane Grange Park Swindon SN5 3PA

**Agent:**

Ian Pople  
Wills & Co.  
30 The Causeway  
Chippenham  
SN15 3DB

**Applicant:**

Mr D. Grieves  
C/O Agent

## Reasons for Refusal

1. The proposed development by virtue of its location, siting and design would cause harm to and fails to preserve the setting of designated heritage assets including the listed buildings of Church of St Mary's (Grade I), associated with Lydiard House (Mansion) and Park. It would also cause harm to the setting of Lydiard Park, a Registered Park & Garden, within which those listed buildings are situated. The proposal is contrary to Policies SD1, DE1 and EN10 of the Swindon Borough Local Plan 2026 (2015) and the National Planning Policy Framework.

2. The proposed development would be located outside of the settlement policy boundary for the Borough of Swindon and does not satisfy a local need, does not support the expansion of tourist and visitor facilities or any other local rural needs or exceptions as set out in Policies HA5 and HA6 of the Swindon Borough Local Plan. The development is therefore contrary to Policy SD2 of the Swindon Borough Local Plan 2026 (2015). The development would make a negligible contribution towards meeting the Borough's housing land supply deficit, but the benefits are not outweighed by the adverse impacts that the development will have, contrary to the National Planning Policy Framework.

3. The proposed development site is situated within a strategic green corridor where development shall protect and enhance green infrastructure including visually or ecologically important existing trees, hedges and woodlands. It is considered that the proposal does not protect or enhance it and furthermore the applicant has failed to demonstrate how the significant trees adjacent to the development would be safeguarded from any potentially adverse effects of the development contrary to Policy EN1 and EN5 of the Swindon Borough Local Plan 2026 (2015).

4. The proposal has failed to secure either a target of 30% affordable homes on-site or a proportionate contribution towards affordable homes off-site as the site exceeds 0.5 hectares in area. An economic viability assessment to demonstrate that development would otherwise be unviable has not been submitted, contrary to Policy HA2 of the Swindon Borough Local Plan 2026 (2015) and the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014.

5. The proposed development has failed to pay regard to the objectives of place making in achieving high quality design and is out of character with the existing built context by virtue of its density, massing, details, layout and orientation, plot size, building lines, roofscape, built form and scale. This is contrary to policies SD1 and DE1 of the Swindon Borough Local Plan 2026 (2015) and the Swindon Residential Design Guide Supplementary Planning Document (2016), and the National Planning Policy Framework.

6. Insufficient information has been provided to enable the Local Planning Authority to be satisfied that the development will not have a negative impact upon the ecological value of the site contrary to Policy EN4b of the Swindon Borough Local Plan 2026 (2015), and the National Planning Policy Framework.

7. An archaeological evaluation has not been undertaken to enable the Local Planning Authority to be satisfied that the development will not result in harm to, or the significance of, any heritage assets or the historic environment, contrary to Policy EN10d of the Swindon Borough Local Plan 2026 (2015).

## **Informatives**

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at: [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. This decision is in respect of Ordnance Survey Location Plan ( Rev A) at scale 1:1250, Proposed Site Plan (Rev A) at scale 1:500, Drawing Number 18111-200-01 at scale 1:200, Drawing Number 18111-200-01 (Tree Constraints Plan ) at scale 1:200 and Arboricultural Assessment dated June 2017 received by the Local Planning Authority 8th August 2017 and Planning Design and Access Statement dated September 2016, Sketch

Proposals (Plot 1) at scales 1:100 and 1:50, Sketch Proposals (Plot 2) at scales 1:100 and 1:50, Sketch Proposals (Plot 3) at scales 1:100 and 1:50, Sketch Proposals (Plot 4) at scales 1:100 and 1:50 and Sketch Proposals (Detached Garage) at scales 1:100 and 1:50 received by the Local Planning Authority 7th February 2017.

3. Should sufficient and satisfactory information be submitted in terms of Reasons for Refusal 6 and 7 then these reasons may be overcome.

**Authorised by Richard Bell,  
Head of Planning, Regulatory Services and  
Heritage**

**Decision Dated:** 3rd October  
2017

A handwritten signature in black ink that reads "Richard Bell". The signature is written in a cursive style with a period at the end.

# Town and Country Planning Act 1990

## Refusal of Permission for Development

The Local Planning Authority HEREBY REFUSE TO GRANT PLANNING PERMISSION for the development proposed in the application for the reasons set out in the schedule (see overleaf).

“The Local Planning Authority”, and “the application” referred to above, are those described in the schedule overleaf.

### Notes

If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, the applicant may appeal to the Secretary of State in accordance with section 78 of the Town and Country Planning Act 1990, within **6 months** of the date of the decision. Appeals must be made on a form that is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or alternatively you may appeal online at <https://www.gov.uk/government/organisations/planning-inspectorate>

If the permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonable/beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that his interest in the land be purchased in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.