

Town & Country Planning Act 1990

**Notice of Refusal of Planning Permission for Variation/Non-compliance with a condition imposed on an earlier Permission**

**Application Reference Number: 18/11759/VAR**

<b>Agent</b> Rackham Planning 55 High Street Thornbury Bristol BS35 2AP	<b>Applicant</b> Dauntsey's School c/o agent
<b>Particulars of Development: - Variation of condition 2 of planning permission K/42974 to allow for different surface material for outdoor sports track, including perimeter fence, with proposed landscaping to reduce visual impact</b>	
<b>At: Dauntsey's School, High Street, West Lavington, SN10 4HE</b>	

**In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PLANNING PERMISSION for the removal or variation of the condition(s) proposed in the above application for the following reasons:**

- 1 The development, by reason of the bright and unsympathetic colours used for the athletics area and perimeter fencing, and the size of the area covered, creates a discordant element in the landscape that has an unacceptable adverse impact on the character and appearance of the area. This is exacerbated by its location at the interface of the countryside and the school grounds, and its prominence in views from nearby public rights of way, particularly those on the higher ground to the south. The mitigation measures proposed would not only take a lengthy time to provide any mitigation, but even when mature, would not be able to adequately mitigate the adverse impacts identified. The development therefore conflicts with the policies of the development plan, specifically Core Policies 51 and 57 of the Wiltshire Core Strategy, and with national planning policy in paragraphs 127, 130 & 170 of the National Planning Policy Framework.

**Signed**

*Alistair Cunningham*

**Corporate Director  
Growth, Investment, & Place**

**Dated: 25 April 2019**

## **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). 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. This applies to applications received as valid by Wiltshire Council on or after April 6<sup>th</sup> 2009. 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 Wiltshire Council – [developmentmanagement@wiltshire.gov.uk](mailto:developmentmanagement@wiltshire.gov.uk).

### **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.