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Planning and Heritage Statement

Town and Country Planning Act

Land west of Kington Lane, Stanton St. Quinton

Mr Andrew Bailey

08th June 2023

Project:	The construction of 12 dwellings, including 5 affordable housing units, and associated infrastructure.
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1. Introduction

1.1 This Planning Statement has been prepared to accompany an application for outline planning permission (to include full details of access) for the construction of up to 12 dwellings, including 5 affordable housing units, and associated infrastructure. This is at Land west of Kington Lane, Stanton St. Quinton. The application has been submitted via the Planning Portal by Mark Doodes Planning (MDP) herein referred to as the Applicant or Agent interchangeably on behalf of Mr Andrew Bailey as landowner.

1.2 The purpose of this Statement is to clarify and expand upon the above description of development and to consider the degree to which the proposals accord with national and local planning policies. The statement also reflects upon the degree to which the proposals can be described *as sustainable development*.

1.3 Any use of the word 'paragraph' is, for the avoidance of doubt, a reference to the National Planning Policy Framework (the Framework or 'NPPF').

1.4 The description of development is:

"The construction of up to 12 dwellings, including 5 affordable housing units, and associated infrastructure."

Benefits

1.5 The proposal will bring benefits to the local area and wider area, including, but not limited to:

- Boosting the supply of deliverable housing of a size to meet a need in the District.
- Addition of approximately 4 full-time equivalent (FTE) temporary construction jobs on-site annually, and a further 2 FTE temporary jobs supported within the supply chain and related businesses annually during the build out.
- The modest additional growth in local population would assist with the long term viability of existing local services and facilities.
- Opportunity to enhance the site with ecology net gains.

2. Application Submission

2.1 This Statement is submitted with a number of documents which make-up the planning submission. These documents are:

- Application forms and certificates.
- Planning Statement.
- Design and Access Statement.
- Site Location Plan.
- Existing Site Plan.
- Indicative illustrative Layout.
- Drone survey outputs and CGI images proposals.
- Full details of the means of access and junction geometry.
- Ecology report including biodiversity calculations.
- Drainage and flood risk assessment.
- Topographical survey.

2.2 It is important, like with national planning policy, to read the application submission *as a whole*.

2.3 The development was not screened for EIA purposes as its nature and scale clearly does not meet the applicable thresholds and criteria for such development as set out in Schedules 1 and 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

3. Site and Surroundings

3.1 The application site is positioned contiguous with the southern edge of the village of Stanton St Quinton. It comprises a roughly rectangular parcel of land adjacent to a compact cul-de-sac development of residential properties at Court Gardens which appear to represent an expansion of the village in the 1960's. The site consists of a paddock use for 1-2 horses and is, in the main, flat and featureless but has a gentle fall to the south. All trees are either hedgerow trees or trees within

the retained areas for woodland. There is an existing agricultural access on the western edge which will be relocated.

3.2 The site is not within the Green Belt, an Area of Outstanding Natural Beauty, nor within the setting of a listed building or a Conservation Area. Neither does it have any housing or other allocation status within the Council's adopted development plan.

3.3 While the site's southern and western boundaries are adjacent to open fields, its entire northern boundary is adjacent to the extension to the village at Court Gardens. Kington Lane bounds the eastern side and the M4 runs some distance away to the south but is visible from the site. Consequently, the immediate area has a distinctly village edge character and is influenced by a strategic transport corridor

4. Planning History

4.1 **Application Ref. PL/2022/01195** - Erection of up to 17 dwellings (including 7 affordable units) and associated infrastructure, including full details of access and public amenity space. Council failed to determine scheme. Appeal dismissed 17 January 2023.

5. Proposed Development

5.1 This application seeks outline planning permission for the construction of up to 12 dwellings and associated infrastructure. Access is detailed at this stage. However, the scheme's layout, landscaping, appearance and scale are matters reserved for future consideration. As shown on illustrative plans, it is likely that the scheme would comprise four self-build plots, three open market units and five affordable housing units. This provision of affordable housing represents roughly 40% of the total provision.

5.2 The mix proposed in the illustrative layout is not reflected in the application form. This is an intentional choice in order to allow the applicant the maximum scope for discussion with officers as to their preferred mix.

5.3 The existing agricultural access from Kington Lane will be stopped up and a new full width adoptable access provided at a location slightly north of the existing. A new pedestrian footway would also be formed along Kington Lane to link to the current footway network.

5.4 Indicative plans show that there would be a number of features included with this development. These include; an attenuation basin which doubles as an ecology feature, a new pedestrian recreational route through the site and a play area set in new open space.

5.5 The development would intentionally retain the existing pockets of mature woodland throughout the site. These pockets of woodland serve to filter views into and across the side and seek to demonstrate the scheme's ecological attributes.

5.6 Parking provision on site would be in line with the development plan's standards and visitor provision is also provided for guests. It is likely that some users of the new local area of play (LAP) will use the parking provided nearby for this purpose. The LAP also features new picnic tables to encourage longer visits.

6. Planning Policy Context

6.1 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be considered against the provisions of the adopted development plan, unless material considerations indicate otherwise.

6.2 Relevant to this scheme, the Development Plan comprises the 2015 Wiltshire Core Strategy (including policies saved from former District Council Local Plans as shown at Appendix D to the Core Strategy), the 2017 Chippenham Site Allocations Plan, the 2020 Wiltshire Housing Site Allocations Plan and documents associated with minerals and wate (including the Minerals Core Strategy, Waste Core Strategy, Minerals Development Control Policies and Waste Development Control Policies). There is no formally made Neighbourhood Plan for this parish (Stanton St Quinton).

6.3 Other material planning policy considerations include the National Planning Policy Framework (henceforth referred to as the NPPF or 'the Framework') and Planning Practice Guidance (PPG). In addition, the Council is preparing a review of the Wiltshire Core Strategy (and saved policies from District Local Plans) known as a Local Plan review (LPR). However, this is at an early stage of preparation. The LPR has not be submitted for examination and its policies could be subject to change. It is also not clear as to whether there are unresolved objections to them following early consultation. Consequently, only limited weight can be given to the LPR at this time, in line with paragraph 48 of the Framework.

Wiltshire Core Strategy

6.4 The Wiltshire Core Strategy (CS) was adopted in January 2015. The following policies are relevant:

6.5 **Core Policy 1: Settlement Strategy** – This policy identifies the settlements where sustainable development will take place. Some housing will be directed to small villages, such as Stanton St Quinton, to help meet their housing needs and to improve employment opportunities, services and facilities. The indicative housing requirements within the CS show that there is a need for at least 580 units for the area identified as 'Chippenham Remainder' within the Chippenham Community Area.

6.6 **Core Policy 2: Delivery Strategy** – This policy outlines the considerable overall housing need for the local authority area (42,000 homes). Outside of defined limits of development, development will not be permitted other than in circumstances as permitted by this plan. At small villages, development will be supported that meets the housing needs of the settlement provided it respects the character and form of the settlement, does not elongate the village and does not consolidate an existing sporadic loose knit area of development related to the settlement.

6.7 **Core Policy 10: Chippenham Community Area** – Development in this area should be in accordance with Core Policy 1. Again, it confirms the needs for 580 units in the Community Area (away from Chippenham Town). Housing should have access to services and facilities, be of a high standard of design and ensure the area remains an attractive place to live and work.

6.8 **Core Policy 43: Providing Affordable Homes** – On sites of five or more dwellings, affordable housing provision of at least 40% (net) will need to be provided within the 40% affordable housing zone. This may of course vary on a site-by-site basis taking into account evidence of matters such as visibility.

6.9 **Core Policy 45: Meeting Wiltshire's Housing Needs** – New housing should address local housing need incorporating a range of different types, tenures and sizes of homes to create balanced communities.

6.10 **Core Policy 48: Supporting Rural Life** – Outside of defined limits of development of settlements, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. This appears

to be in the interest of protecting the character of the countryside, improving access between places and services and supporting local community services.

6.11 **Core Policy 50: Biodiversity and Geodiversity** – Amongst other things, this policy seeks to ensure that developments protect features of nature conservation and geological value and avoid disturbance to species and habitats. Biodiversity enhancement is encouraged.

6.12 **Core Policy 51: Landscape** – This policy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Amongst other things, this policy seeks to conserve landscape features of historic and heritage value and ensure developments do not harm important views and visual amenity. It also gives great weight to the conservation and enhancement of the landscape and scenic beauty within the AONB.

6.13 **Core Policy 57: Ensuring High Quality Design and Place Shaping** – Amongst other things, this policy seeks to ensure that proposals are sympathetic to historic buildings and that they have regard to the amenities of existing occupants and the compatibility with adjoining buildings and uses.

6.14 **Core Policy 58: Ensuring the Conservation of the Historic Environment** - This policy states that development should protect, conserve and where possible enhance the historic environment in a manner appropriate to its significance.

6.15 **Core Policy 60: Sustainable Transport** – Amongst other things, this policy seeks to reduce the reliance on travel by private car and supports and encourages sustainable transport modes.

6.16 **Core Policy 61: Transport and Development** – New Development should be located and designed to reduce the need to travel, particularly by private car. Sustainable transport alternatives are encouraged.

North Wiltshire Local Plan

6.17 The North Wiltshire Local Plan 2011 (LP) was the local development plan for the north Wiltshire area of the County until the adoption of the Core Strategy in January 2015. The following saved policies would be relevant:

6.18 **NE14: Trees, Site Features and the Control of New Development** – Permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or

other important landscape or ecological features that could be successfully incorporated into the design of a development.

6.19 **NE18: Noise and Pollution** – Amongst other things, this policy states that development will only be permitted where it would not be subject to excessive noise, light intrusion, smoke or other forms of air pollution or vibration.

6.20 **H4: New Development in the Open Countryside** – New dwellings outside of Framework Boundaries as shown on proposals maps will be permitted in a number of circumstances. These include the replacement of an existing dwellings and development essential to the needs of rural based enterprises.

National Planning Policy Framework

6.21 The Framework sets out the Government's planning policies for England and how these should be applied.

Approach to Sustainable Development

6.22 **Paragraph 7** of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.

6.23 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.24 **Paragraph 9** states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.25 **Paragraph 10** states that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This is then detailed at **Paragraph 11**.

6.26 **Paragraph 38** makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

Design

6.27 **Paragraph 130** seeks to ensure that developments optimise the potential of sites and function well.

Living Conditions

6.28 **Paragraph 130** seeks to secure a high standard of amenity for existing and future users.

Biodiversity

6.29 **Paragraph 180** seeks, amongst other things, to improve biodiversity in and around developments and secure measurable net gains for biodiversity.

Highway Safety

6.30 **Paragraph 110** seeks to ensure that safe and suitable access to the site can be achieved for all users.

6.31 **Paragraph 111** states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Housing

6.32 The Framework shows a clear Government intention to significantly boost the supply of housing. **Paragraph 60** states that is important that sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

6.33 **Paragraph 69** states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.

6.29 Paragraph 130 seeks to ensure that developments optimise the potential of sites and function well.

Historic Environment

6.30 **Paragraph 194** of the Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

6.31 **Paragraph 199** of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Legal Context – Heritage

6.32 The Stanton St Quinton Conservation Area ('the CA'), which accommodates a number of listed buildings, is located in excess of 50m away from the application site to the north west. Established caselaw[1] contains important findings which have direct implications for developments concerning such designated heritage assets. The Court emphasised the need for decision makers to apply the intended protection for heritage assets as specified under s66(1) of the relevant 1990 Act and the parallel duty under s72(1) of that Act. These are as follows:

"Section 66(1) – "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

[1] Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG (2014) EWCA Civ 137.

"Section 72(1) – "In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2)3 , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

6.45 In essence, the decision maker has a statutory duty to give 'considerable importance and weight' to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of a conservation area when carrying out a 'balancing exercise' in planning decisions.

7. Planning Assessment

7.1 There were three main issues for the recently dismissed appeal (Ref. APP/Y3940/W/22/3299845). These are the most relevant factors for this revised proposal and are as follows:

- Whether or not the site would be a suitable location for residential development, with particular regard to local and national planning policy;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on highway safety, with particular regard to access.

1) Suitable Location

Discussion

7.2 The site is located within the Chippenham Community Area. It is on the edge of the Small Village of Stanton St Quinton, outside of the 'defined limits of development' as shown on policy maps associated with the LP. Accordingly, it is within the countryside for the purposes of planning policy.

7.3 It is clear that the main objectives of the Council's housing policies are to restrict isolated and remote housing developments in open countryside locations. This is to ensure that the character of the countryside is preserved and to provide future residents with convenient access to services and facilities so that they support the vitality and viability of communities and minimise environmental harm resulting from travel.

7.4 The Inspector for the recent appeal decision was not persuaded that the site was a suitable location for housing. However, the reasoning of this decision is considered illogical and unreasonable. A formal complaint has been made to the Planning Inspectorate in this regard.

7.5 At paragraph 7, the appeal decision states that there are 'some day-to-day facilities' in the village. However, this paragraph then goes on to provide a long list of existing services, which include a primary school and a hotel. The settlement also has a garage, a parish hall, a church, a library van, a public house, a shop, a play park and cemetery facilities. Moreover, paragraph 8 to the decision notes the presence of bus stops within the village which provide frequent services to larger settlements. All of these services and facilities would be easily accessible from the proposed development via direct and clear walking routes along footpaths and named streets with active frontages.

7.6 Although one would have to drive to the nearest shop, no village can be expected to have the full panoply of services required for day-to-day living. Indeed, the importance of the interconnectivity of villages with other settlements to provide the suite of requisite services is recognised at paragraph 79 of the Framework. That said, bus stops and a primary school, together with a multitude of other services that are identified by the Inspector, must surely represent a good level of service provision in this particular village. It is not understood how this is reconciled with the appeal decision's findings that the site is not a suitable location for housing in terms of access to services.

7.7 The appeal decision has also effectively sterilised housing development at this village, which has not seen housing development in decades, and indeed at other villages of this size with this level of service provision. The negative consequences for housing provision in the local authority area, which displays a shortfall in housing supply as it stands, will be considerable.

7.8 Moreover, not only has the Inspector apparently discounted the nearby school and bus services as representative of important and acceptable service provision for future residents, but paragraph 8 to the appeal decision states that *'I am not convinced that the bus service represents a convenient alternative to the car'*.

7.9 It is unclear how this conclusion was made. Particularly given that the journey destinations and frequencies of busses were identified (a matter acknowledged by the Inspector) and there was no evidence from the Council to suggest people would not utilise these bus services. Moreover, the

Inspector, again at paragraph 8 to the decision, states that *'the bus stops would be accessible using footways'*.

7.10 The reasoning for finding that future residents would not utilise these bus stops is therefore illogical and inadequate. For clarity, the high frequency of nearby buses is shown at Appendix 1 to this Statement. Additionally, a new footway would be provided, allowing for safe pedestrian access to the village.

7.11 Turning to national planning policy, reference is made at paragraph 12 of the appeal decision to the scheme failing to meet the objectives of Chapter 8 of the Framework. Reference to a specific paragraph in this Chapter is not provided, although the Inspector makes reference to an objective of 'ensuring homes have accessible services'. This phrasing is not found anywhere in Chapter 8 of the Framework. It should also be noted that Chapter 8 mainly deals with the provision of community services. The Inspector's reference to conflict with Chapter 8 is therefore vague and is not rooted in any of the text of this Chapter. There is doubt that it has been correctly engaged.

7.12 The appeal decision's focus on Chapter 8 is also at the expensive of more relevant national planning policy in relation to rural housing development. The Framework, at paragraph 105, is clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

7.13 Furthermore, as highlighted above, paragraph 79 of the Framework states that, where there are groups of smaller settlements, development in one village may support services in a village nearby. A single village cannot be expected to provide all of the requisite facilities. Moreover, paragraph 85 of the Framework states that decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements. This advice is wholly ignored in favour of vague reference to Chapter 8 of the Framework, which was poorly engaged and is less relevant to this scheme.

Overall Conclusion – Suitable Site

7.14 For the reasons given, this level of service provision in the village, which also doubles as employment opportunities, cannot be taken to be anything other than good. The absence of a shop does not alter this conclusion, particularly given that nearby busses are frequent and provide access to larger settlements.

7.15 The site cannot be taken to be isolated and future residents would have appropriate access to services and facilities to meet the needs for day-to-day living. These could be easily accessed by means of transport other than a private vehicle.

7.16 The recent appeal decision is illogical and it is likely that the complaint made against it will be upheld. It can only be that the proposal is aligned with the Council's housing strategy and the application site represents a suitable location for residential development. The scheme would therefore accord with Core Policies 1, 2, 10, 60 and 61 of the CS.

7.17 This conclusion is reinforced given the advice in national planning policy at paragraphs 79, 85 and 105. Amongst other things, these confirm that, where there are groups of smaller settlements, development in one village may support services in a village nearby (given a single village cannot be expected to provide all of the requisite facilities), that decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements and that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

2) Character and Appearance

Context

7.18 The Inspector for the recent appeal is entitled to make subjective findings in terms of effects on character and appearance.

7.19 That said, paragraph 14 of the decision states that *'the introduction of residential development on the appeal site would cause harm to the character and appearance of the area, permanently eroding the positive contribution the existing paddock makes to the surrounding rural character.'*.

7.20 Other than referring to the easing of the transition between the motorway and the village, there is no reasoning as to how or why residential development would cause the harm stated. It is also difficult to understand why the appeal site, a small parcel of undesignated land adjacent to housing within a settlement, was held in such high esteem and importantly aids the transition between the motorway and the village. Particularly given the presence of sizeable field systems beyond the site's southern boundary that would retain the identified transition.

7.21 The site is heavily influenced by the presence of built urban form in the village. This gives the immediate area a sub-urban edge character. It is in this context that the site is read. It is not within a valued landscape within the meaning of the Framework and no other landscape designations are applicable. The site within the Hullavington Rolling Lowland Character Area, an expansive pastoral landscape. However, the Character Area clearly identifies urbanising and detracting features which include the M4 motorway. This strategic road network is visible from the entrance to the application site and strongly urbanises the immediate landscape setting.

7.22 There is a notable change in character as one travels south along Kington Lane, towards the M4. Given that the topography of the land slopes downward towards this strategic road network, houses within the settlement are considerably less apparent from such vantage points. The character therefore changes further south along Kington Lane from mixed residential and open field to predominately open fields with scattered farm buildings and isolated dwellings. This is entirely different to the experience at the elevated appeal site outlined above.

Discussion

7.23 The only concerns raised by the Inspector were in terms of the scheme's effect on the 'rural' area and the proposed quantum failing to integrate with the spatial pattern of the area. The quantum of units now proposed has been significantly reduced from 17 to 12. This further reduces any perceived harm.

7.24 Although the development would urbanise the existing field, it would be sited immediately adjacent to the housing estate at Court Gardens in an edge of village area influenced by residential development. The residential nature of the scheme would not appear discordant in this setting. Illustrative plans also show that there would be a significant amount of open space throughout the development. This includes the retention of existing pockets of woodland at the site's corners. Overall, there would be a good ratio of soft landscaping to built form that would considerably soften the appearance of the development. Indeed, the landscaping of the site, which would be the subject of any reserved matters submission, would mean that in the context of the existing immediate locality, the impacts of the development would be significantly reduced over time.

7.25 At paragraph 15 of the appeal decision it is stated that there would be a *'tight knit layout'* at the site. However, more than a third of it would have been open space, comparable, if not less dense, to the development in the village. Moreover, the scheme's layout is a matter reserved for future

consideration. Taking these factors into account, it was considered unreasonable for the Inspector to find that the previously proposed quantum of units could not be appropriately accommodated at this site in a suitable layout.

7.26 In any event, indicative plans show even more undeveloped land for this smaller scheme than that considered by the Inspector. Each proposed unit would be set in a spacious plot and there would be sufficient gaps between them to ensure that they did not appear unduly cramped. Accordingly, and given the significant amount of open space that would be provided, this site could comfortably accommodate the quantum of units proposed. It would also integrate successfully with the moderate density and spatial pattern of adjacent housing.

Overall Conclusion – Character and Appearance

7.27 An appropriate layout could be advanced for 12 units at this site. Such a development could be designed to integrate appropriately with the village. It is acknowledged that there would be some harm as a consequence of the urbanisation of the undeveloped field. However, the site is not located at a key gateway into the village (one mainly enters and experiences Stanton St Quinton from the east or the west rather than along Kington Lane). It is also influenced by the presence of residential development and is more closely affiliated with the settlement compared to the wider countryside.

7.28 Consequently, the site makes very little meaningful contribution to the setting of the village. The sub-urban nature of the proposal would integrate appropriately with the village edge character at this location and any harmful effect would be mitigated over time through the on-going establishment of soft landscaping. Overall, the proposal would only result in localised harm to the open and undeveloped field. This would be to a modest degree, and as such weighs against the proposal.

3) Highway Safety

7.29 The third main issue of the recent appeal decision concerned highway safety. The Council's case in this regard focussed on the absence of visibility splay drawings for the 85th percentile speeds (slightly over 40mph). In their absence, it assessed the development on the basis of a 60mph speed limit rather than speeds recorded (substantially lower). It was therefore stated that visibility splays could not meet the guidance for this higher speed. Further, the Council state that a Traffic

Regulation Order (TRO) to formally lower the speed limit is considered unlikely to be approved and there is no mechanism to achieve this.

7.30 The appeal decision, at paragraph 20, states that:

"The Transport Appraisal (TA) states that visibility sightlines of at least 2.4m x 60m could be achieved at the proposed site access. ***However, these sightlines would be below those required for the current speed limit of 60mph, as well as the recorded 85th percentile speeds of 40mph****."*

7.31 This is incorrect. There was no evidence to show that sight lines would not be acceptable at 85th percentile speeds. The only concern was that they were not shown on drawings. Indeed, the submitted Transport Assessment clearly stated:

"Visibility splays of at least 2.4m x 60m can be achieved at the site access, one design step higher than the proposed posted speed limit, but commensurate with the current recorded (wet weather adjusted) speeds."

7.32 Consequently, the evidence provided illustrated that visibility splays at the site's access were acceptable for the lower speeds that were recorded. The Inspector misinterpreted this highly relevant factor. Additional drawings have been provided with this scheme clearly showing that visibility splays at the site's access would be acceptable for recorded speeds.

7.33 Furthermore, the third main issue of the Inspector's decision focussed on the TRO that would formally lower speeds close to the site. Paragraph 21 of the decision stated that:

"…in the absence of a favoured TRO, the lower visibility sightlines which can be achieved at the site access would leave the proposed development with substandard visibility sightlines. This would be to the detriment of highway safety."

7.34 The appellant's final comments clearly showed that this TRO was simply an offered form of mitigation. It is unnecessary, given that the site's access is safe at current speed limit levels recorded. The Inspector misinterpreted the evidence and considered the TRO a necessary component. This clearly influenced the Inspector's concerns in terms of highway safety.

7.35 Accordingly, the proposal would accord with Core Policies 60 and 61 of the CS insofar as they promote safe and sustainable travel.

Other Material Considerations

Economic

7.36 In addition to the support for economic growth within local policy, the Framework places significant emphasis on the need to build a strong competitive economy, with paragraph 81 attributing significant weight to the need to support economic growth and productivity and attempts to ensure that decision takers regard the economics of house building activity positive in weighing decisions.

7.37 Indeed, the former coalition Government stated shortly after the Framework was launched that "its number one priority is to get the economy moving again" (Ministerial statement 6th Sept 2012). This strategic ambition remains the case once more nine years later, in a post-EU Exit and COVID economic environment. Supporting the economy is now more important than ever.

7.38 Development is universally regarded as being a driver to growth and prosperity at the micro and macro level as well as serving a social role and allowing better movement of labour. The July 2020 White Paper carries the above sentiments forward and states that "Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role." In addition, the Royal Institute of Chartered Surveyors have recently highlighted that for every £1 spend on construction a further £2.84 is generated across the wider economy (Build Back Better May 2020, University of Birmingham Paper).

7.39 A separate economic appraisal has been provided. Overall, there would be clear short and medium term economic benefits associated with this development both at local and regional levels. This is through factors such as the creation of a wide variety of jobs and apprenticeships associated with the construction of the dwellings and increased local expenditure to support local services and those further afield. the proposal would support nearby services, particularly the school, and would maintain the vitality of the rural community.

7.40 Indeed, Paragraph 25 of the recent appeal decision states that there would be benefits that result from:

"…the **additional support to the vitality of the local community** from the future occupiers of the development**, including the long-term future of the primary school** and the provision of open space which would serve the wider community.

7.41 The weight to be attributed to this planning benefit is significant. It is also not considered reasonable for the previous Inspector to, on one hand recognise that this scheme would support the long-term future of a primary school and the vitality of the community, but then afford such benefits only modest weight. This is particularly so given the Framework's objectives of enhancing or maintaining the vitality of rural communities (paragraph 79) and ensuring that there are sufficient school places available and that schools can expand or alter (paragraph 95).

Self -Build

7.42 Four of the new plots would be for self-build projects. In general terms, self-build projects involve parties to be directly involved in the design and construction of their own home. Both self-build and custom build are viewed as a potential additional source of housing supply by Government and have been expressly encouraged therefore (see below). This is a key point often missed by decision takers; Self build units are seen by the Government as a new stream of housing not necessarily part of an existing body of consents.

7.43 The Self-build and Custom Housebuilding Act 2015 (as amended), introduced a new mechanism to the Town and Country Planning system involving a duty being placed upon LPAs to keep a register of persons who wish to undertake such projects and then imposes a *"duty to grant planning permission"* for serviced plots to facilitate such development in order to seek to meet the demand for it evidenced by the register that the LPA is mandated to keep and which needs to be updated annually (referred to by the Byzantine term "base periods")

7.44 The support for this source of housing supply was considered sufficiently important by Government to lend its support to the private members bill, and to then issue a chapter in the PPG to address how the system is intended to operate. This is a second signal to decision takers of the value that Government places on the merit of self-build.

7.45 NPPF (2021) requires Local Planning Authorities to address the need for all types of housing (s59). Paragraph 62 goes on to state:

"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, … people wishing to commission or build their own homes)."

7.46 Footnote 28 then provides some clarity to this:

"Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing."

7.47 The Self-Build and Custom Housebuilding Act 2015 came into force in March 2015 and introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. The Act also introduced a duty on authorities to have regard to those registers when carrying out planning functions. Brandon Lewis, the then Minister of Housing stated at the time:

'Since 2012, local councils, through the NPPF, have been required to assess and plan to address the need for all types of housing, including the demand from those wishing to build their own homes. This has been backed up by our planning guidance earlier this year.'

'In particular, the guidance already recommends that local planning authorities should develop registers of custom builders to help identify local demand.'

'Crucially, hard-working people on modest and reasonable incomes should have the opportunity to build the homes that they want for themselves and for their families.' 'We recognise, however, that there is still a long way to go if this form of housing is to become a mainstream option in our country. In particular, we need to do more to address the lack of suitable plots of land being made available for self and custom build.'

7.48 The Housing and Planning Act 2016 amended the 2015 Act, such that from 1st April 2016, LPAs are required to:

(i) Keep a Self-Build and Custom-Build Register (s.1);

(ii) Grant sufficient planning permissions for serviced plots in order to meet the registered demand for self-build and custom-build homes set out on their Register (s.2A);

(iii) Have regard to the register when carrying out functions relating to planning (s.2)

7.49 The PPG provides:

"In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout." (Paragraph: 016 Reference ID: 57-016-20210208)

7.50 The key element is that the owner or buyer occupies the house for themselves and has had principal control over the plans and specifications of the house. Please cross reference this wording with the Unilateral Undertaking attached this submission. Being a long term owner of the site, the appellant plainly meets these criteria. Section 1(A2) excludes from the definition, the building of a house on a plot acquired from someone who builds the house (wholly or mainly) to plans or specifications decided or offered by that other person. Thus:

- 'Custom Build' covers someone who commissions a specialist developer to help to deliver their own home.

- 'Self-Build' covers someone who directly organises the design and construction of their new home.

7.51 The PPG provides the following useful information, germane to this case:

- Any permission which results in a serviced plot can only be counted once.

- A permission granted before the register is established cannot be counted.

- A development permission is "suitable" where it authorises development that could include self-build and custom housebuilding on those plots which must be serviced.

- The level of demand is established by reference to the number of entries added to an authority's part one register during the current and two preceding base periods.

- The "first base period" began on the day on which the register in any given LPA's area was established and ended on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.

- *"At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period."* (Paragraph: 023 Reference ID: 57-023-201760728)

7.52 Section 5 of the 2015 Act (as amended) describes a serviced plot of land as a plot that has access to a publicly adopted highway and has connections for electricity, water and wastewater. If access and services are not already in place, it is required that these are to be capable of being provided within a specified period or in specified circumstances. In the case of this site, power runs across the site, sewage and potable water are on Shrivenham Road.

7.53 The scheme would provide serviced plots of land for self-builders, for which the Government places significant emphasis on the need to deliver. The LPA are also required to provide the latest details of how the LPA are meeting their obligations to Self-Builders. It appears to the applicant that insufficient plots are being provided. As such, it is highly likely that a shortfall of self-build plots exists. This adds further weight to the scheme and demonstrates additional local needs being met.

Five Year Housing Land Supply and Recent Appeals

7.54 The Council accepts that it cannot demonstrate a five year supply of deliverable housing land, reporting a shortfall of around 4.5 years. This point has been reiterated by a number of planning consents during 2021 for which the LPA will already be aware. The overwhelming majority of these consents have been on the edges of settlements, in locations not dissimilar to this application site. Paragraph 11 of the Framework is therefore engaged, adding an additional and significant layer of weight in favour of housing at the site. This matter will be returned to in the overall planning balance.

7.55 Indeed, the absence of a five year housing land supply has been confirmed in several recent appeals[2] (dated 5 January 2022). For these, the agreed five-year housing need incorporating a 5% buffer was considered to be 10,533 dwellings. The housing supply was calculated to be 9,289 homes. This in turn gave a housing land supply figure of 4.41 years.

7.56 The appeal APP/Y3940/W/21/3282365 was allowed for residential development outside of a settlement boundary. Engaging the tilted balance due to a lack of a five year housing land supply, the Inspector conduced that the adverse impacts would be significantly and demonstrably outweighed by the benefits.

[2] APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923 and APP/Y3940/W/21/3282365.

Other Social Benefits

7.57 There are other social benefits associated with providing new housing of differing types and sizes that are commonly overlooked. These include providing homes for the children of existing residents so that they are not pushed further away from established family groups or childhood networks, providing local homes so that these children can care for elderly relatives and providing options to buyers who are looking to avoid the currently uncertain rental market. These factors also add weight in favour of this proposal.

Affordable Housing

7.58 The SHMA identified a total need for over 20,000 affordable homes over the 20 year period 2016-36. This proposal would provide five affordable houses, in accordance with Core Policy 43 which requires 40% affordable provision on sites of five or more dwellings in this affordable housing zone. These are secured through an associated legal agreement, the heads of terms of which are enclosed within this submission along with draft unilateral undertaking. Given the considerable need for such housing in the housing market area, this social benefit alone carries significant weight in favour of this scheme.

7.59 It is noted that paragraph 25 of the recent appeal decision gives only moderate weight to the provision of both market and affordable units. This is an example of attributing weight collectively to factors that should individually attract weight. Market housing and affordable housing should each be afforded significant weight.

7.60 The proposal would therefore accord with Core Policy 43 of the CS insofar as it seeks to secure the requisite amount of affordable housing.

Other Matters

7.61 There were no objections from the Council or the Inspector for the recent scheme in relation to effects upon; biodiversity, flood risk, the historic environment, housing mix and parking. These matters are therefore settled, and the scheme would be acceptable in this regard. To conclude otherwise would be unreasonable.

8. Planning Balance and Conclusion

Planning Balance

8.1 As shown above, the Council cannot, around a year after the first submission, sufficiently evidence a five year supply of deliverable housing land. Consequently, paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.2 The Government is seeking to significantly boost the supply of housing. This proposal would provide up to 12 homes, with a mix of smaller and larger units, together with self-build plots, which would help address a recognised need for such dwellings. These would be in an accessible location, on a small site (for which the Framework specifically supports development) that could be delivered now. Further, the scheme would provide additional new facilities (play area) that could be used by the community. The social benefits associated with this carry significant weight, particularly in the context of a housing shortfall. Furthermore, five units would be affordable houses. This again carries significant weight in favour of this scheme.

8.3 The proposed units would provide economic benefits through construction and occupation and would support the retention and growth of local services and facilities. The economic benefits identified in this assessment cumulatively attract significant weight, particularly in the context of the on-going pandemic. Environmental benefits through enhanced ecological net gains at the site also weigh in the scheme's favour.

8.4 The proposal would comply with the Council's housing strategy and new residents would have safe and convenient access to a range of services and facilities by means of travel other than by private vehicle. In addition, the scheme would not cause harm to living conditions, prejudice highway safety or cause harm to the historic environment. Nether would it cause any other planning harms in terms of the other material planning considerations identified within this Statement.

8.5 On the other hand, the scheme would result in some inevitable local environmental harm through the urbanisation of an undeveloped field. However, the site has an edge of village character rather than open countryside and does not contribute in any meaningful way to the setting of, or approach to, the village. Further, landscaping at the site would provide a suitable transition from the village to the rural area and would mitigate the scheme's urbanising effect over time. The

proposal would form a logical, proportionate, addition to Stanton St Quinton and, taking everything together, the identified local environmental harm carries only modest weight against this scheme.

8.6 Taking all of the above into account, there would be no harmful impacts that would significantly or demonstrably outweigh the benefits of the development. This scheme would therefore accord with the provisions of the Framework when read as a whole and the presumption in favour of sustainable development applies.

8.7 This is therefore a case where material considerations indicate that determination should be other than in accordance with the development plan.

Overall Conclusion

8.8 It is concluded that the proposal would represent sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that permission be granted.

Mark Doodes MRTPI

Planning Consultant

RTPI Chartered Town Planner

Appendix 1 – Typical frequency of nearby buses

Stanton St Quintin Main Road (A429) (S-bound)

X99	Chippenham	07:24
99	Chippenham	07:52
99	Chippenham	09:09
99	Chippenham BWG - YJ14 BWG	10:09
99	Chippenham BWA - YJ14 BWA	11:09
99	Chippenham	12:09
99	Chippenham	13:09
99	Chippenham	14:09
99	Chippenham	15:09
99	Chippenham	16:14
99	Chippenham	17:19
99	Chippenham	18:27

Stanton St Quintin Buckley Barracks (W-bound)

99	Swindon	08:18
99	Swindon	09:22
99	Swindon BWE - YJ14 BWE	10:22
99	Swindon	11:22
99	Swindon	12:22
99	Swindon	13:22
99	Swindon FXA - YJ62 FXA	14:22
99	Swindon	15:27
99	Swindon	16:35
99	Swindon	17:35
99	Malmesbury	18:05

Stanton St Quintin Buckley Barracks (NE-bound)

99	Chippenham	07:52
99	Chippenham	09:09
99	Chippenham BWG - YJ14 BWG	10:09
99	Chippenham BWA - YJ14 BWA	11:09
99	Chippenham	12:09
99	Chippenham	13:09
99	Chippenham	14:09
99	Chippenham	15:09
99	Chippenham	16:14
99	Chippenham	17:19
99	Chippenham	18:27

Stanton St Quintin Valetta Gardens (E-bound)

99	Chippenham	07:48
99	Chippenham	09:07
99	Chippenham BWG - YJ14 BWG	10:07
99	Chippenham BWA - YJ14 BWA	11:07
99	Chippenham	12:07
99	Chippenham	13:07
99	Chippenham	14:07
99	Chippenham	15:07
99	Chippenham	16:12
99	Chippenham	17:17
99	Chippenham	18:25

Stanton St Quintin, outside St Giles Church

99	Swindon	08:20
99	Swindon	09:24
99	Swindon BWE - YJ14 BWE	10:24
99	Swindon	11:24
99	Swindon	12:24
99	Swindon	13:24
99	Swindon FXA - YJ62 FXA	14:24
99	Swindon	15:29
99	Swindon	16:37
99	Swindon	17:37
99	Malmesbury	18:07

Stanton St Quintin, opposite St Giles Church

99	Chippenham	07:48
99	Chippenham	09:07
99	Chippenham BWG - YJ14 BWG	10:07
99	Chippenham BWA - YJ14 BWA	11:07
99	Chippenham	12:07
99	Chippenham	13:07
99	Chippenham	14:07
99	Chippenham	15:07
99	Chippenham	16:12
99	Chippenham	17:17
99	Chippenham	18:25