Planning Statement

Application for Permission in Principle

Avan, Odstock Road, Salisbury SP2 8BH

E: 414654 N: 127741

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1.0 INTRODUCTION

This Planning Statement has been prepared in respect of an application for permission in principle (PiP) for the proposed demolition of existing buildings and structures and the construction of up to 2 residential dwellings at Avan, Odstock Road, Salisbury SP2 8BH.

This PiP application seeks to establish whether the site is suitable in-principle for residential development. The scope of the PiP, and therefore consideration of it, is limited to location, land use and amount of development.

This statement provides a review of the application proposal, relevant planning history and planning policy of the site. This is followed by consideration of the town planning merits of the proposal, namely the principle of development, then reviewed against both relevant planning policies in the development plan and other material considerations.

2.0 THE SITE AND PROPOSED DEVELOPMENT

2.1 The Site

The application site comprises a parcel of land occupied by an array of buildings including an agricultural barn, static caravan, ground mounted solar panels and greenhouses. The static caravan is used for residential purposes on a full-time basis as confirmed by planning application ref: S/2011/16090. These buildings and structures are positioned on an area of hard standing to the east of the site. To the west of the site lies a pond, mature trees and garden. The site is well enclosed by a boundary hedgerow and close boarded fence and benefits from an established access point onto Odstock Road.

The application site is relatively level and measures 0.19ha.



Figure 1: Aerial photo of the site (outlined yellow)

The application site is located in the open countryside, approximately 2.0km south of Salisbury city centre. The site is predominately surrounded by agricultural fields although immediately south of the site lies the Oak Tree Field Gypsy & Traveller Site and Salisbury District Hospital.

2.2 Site Designations

According to the planning policy proposals map, the site is located outside the built-up area of Salisbury. The site is designated a Special Landscape Area and Area of Special Archaeological Significance. The Scheduled Ancient Monument known as Woodbury Ancient Villages is located to the north and west of the site and at its nearest point is approximately 70m away.

According to the Environment Agency Flood Risk Map, the application site is located in Flood Zone 1, an area at the lowest probability of flooding.

2.3 Planning History

According to the Council's planning register, the application site has been subject to the following application:

S/2011/1609 - Certificate of lawful development for existing use for the sitting of a static caravan – Approved

2.4 The Proposal

This application is seeking PiP for the proposed development of up to 2 dwellings on land at Avan, Odstock Road, Salisbury SP2 8BH.

Given that the application is seeking PiP only, details in relation to the specific design, scale, layout, ecology, drainage and highways would be confirmed at the Technical Details Consent (TDC) stage.

The application has given initial consideration to the scale and layout of the proposed development with the intention being to construct up to 2no. single storey dwellings on the existing hardstanding area and utilising the existing access into the site.

At Technical Details Consent Stage, a full set of reports would be undertaken, to include:

- Drainage Strategy;
- Arboricultural Report;
- Ecology Report;
- Archaeological Assessment;
- Nutrient Neutrality Assessment and Mitigation Strategy.

3.0 PERMISSION IN PRINCIPLE

The Housing and Planning Act 2016 introduced Section 58A in the Town and Country Planning Act 1990, which states that "permission in principle may be granted for housing led development of land". This application seeks to agree the principle of up to 2 dwellings on site. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development. The PiP consent has two stages: the first

("permission in principle") stage establishes whether a site is suitable in-principle and the second ("Technical Details Consent") stage is when the detailed development proposals get assessed.

This application relates to the first of these stages. The scope of the consideration for a PiP is limited to location, land use and the amount of development permitted. All other matters are to be considered as part of the subsequent TDC application, if permission in principle is granted. There is therefore no requirement for technical reports to accompany this submission.

4.0 PLANNING POLICY

4.1 Legislation

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with Section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires local planning authorities (LPA) to determine planning applications in accordance with the development plan, unless there are material considerations which indicate otherwise. Section 70(2) provides that in determining planning applications the LPA - "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations".

4.2 Development Plan

The Development Plan for the area comprises the Wiltshire Core Strategy 2015 (WCS) and a number of saved policies from the Salisbury District Local Plan 2011.

The Wiltshire Local Plan Review is at draft stage and is currently being prepared for publication following the initial rounds of public consultation. According to the Local Development Scheme, the Local Plan Review should be published later this year for further public consultation. The weight applied to this Plan in the determination of an application is therefore limited.

4.3 Wiltshire Core Strategy

The Wiltshire Core Strategy was adopted in 2015. The following policies are of relevance this application and the wording of each policy is contained in the Core Strategy itself:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 20 Spatial Strategy for the Salisbury Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 45 Meeting Wiltshire's housing needs
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping CP 58
- Core Policy 60: Sustainable transport
- Core Policy 61 Transport and new development

4.4 Salisbury District Local Plan

- Policy H30: Replacement Dwellings in the Countryside
- Policy CN17: Trees
- Policy C6: Special Landscape Area

4.5 National Policy and Guidance

National planning policy and the associated guidance is contained within the following documents:

• National Planning Policy Framework (NPPF) 2021
• National Planning Practice Guidance (PPG)

4.6 National Planning Policy Framework

The revised NPPF was published in 2021 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF replaces the previous NPPF published in March 2012.

The revised NPPF continues to set out a presumption in favour of sustainable development; it identifies three facets of sustainable development: economic, social and environmental, noting that they are interdependent and need to be pursued mutually.

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Local Planning Authorities (LPAs) should approach decision making on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 11 of the NPPF relates to making effective use of land with paragraph 119 stating planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.0. PLANNING ANALYSIS

As set out above, the scope of any PIP application, and therefore the consideration of it, is limited to location, land use and the amount of development. It is through any subsequent TDC where the detailed development proposals are to be assessed. As such, this section of the Planning Statement focuses primarily on the principle of development.

5.1 Principle of development

The application site is located outside the settlement boundaries of Salisbury, in the open countryside. Policy CP2 of the WCS states that "Other than in circumstances as permitted by

other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map..."

The development proposal does not comply with the exception policies listed under paragraph 4.25 of the WCS and therefore conflicts with the Council's countryside policies. However, paragraph 12 of the NPPF confirms that "...Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

In this case, the planning history and permitted development right provisions constitute relevant considerations in the determination of this planning application and warrant a departure from the development plan policies.

For these reasons, the principle of residential development on site should be accepted by the Council.

5.2 Fallback Position

Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows landowners to convert existing agricultural buildings into Class C3 residential use, subject to a number of criteria and conditions.

The acceptability and material impact of a fallback position was confirmed in the case of Mansell v Tonbridge & Malling Borough Council, handed down by the Court of Appeal. This appeal decision held that permitted development rights can represent a legitimate fallback position when considering alternative proposals and forms a material consideration in the decision making process.

Further to this, the judge confirmed that the legal considerations in determining the materiality of a fallback position as a planning judgement related to the basic principle that for a prospect to be a "real prospect" it does not have to be probable or likely; instead, a possibility will suffice.

The principle of a fallback position has also been examined at appeal (APP/C1760/W/16/3154235 – Barrow Gill Barns, Goodworth, Clatford). In this case, the site benefited from a notification of prior approval under Class J (and also formely Class O) of the Town and County Planning (General Permitted Development) Order 1995 for the conversion of the existing building into residential units. The Inspector concluded that whilst the development would conflict with the Council's countryside policies, the likely residential use of the site forms a material consideration which would justify making a decision which did not accord with the development plan.

In this case, the existing agricultural building on site would comply with the relevant criteria and conditions of Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would therefore form a material fallback position.

In addition to the above, under planning application ref: S/2011/1609, the Council granted a lawful development certificate confirming the existing residential use on site by way of the

siting of a static caravan. The lawful position of the static caravan therefore constitutes a material fallback position and can be afforded significant weight in the planning balance.

The application is also an opportunity to replace the existing buildings and structures of no architectural or historic merit with 2 new purpose-built dwellings of a higher quality design and appearance to assimilate well into this setting. As such, the development would constitute a betterment compared to the existing and weigh in favour of the application.

5.3 Five Year Housing Land Supply

The NPPF requires LPAs to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

Wiltshire Council cannot demonstrate a five year housing land supply, providing a supply of 4.6 years only, as identified in the most recent Housing Land Supply Statement 2022. This also constitutes a significant material consideration in the determination of planning applications proposing additional homes.

Where LPAs cannot demonstrate a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, as is the case, the NPPF directs that the most relevant policies of Local Plans can be considered to be out of date. This triggers the tilted balance, identified in paragraph 11(d) of the NPPF, which applies the presumption that permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or there would be adverse impacts which would significantly and demonstrably outweigh its benefits. Therefore, less weight can be given to the housing policies contained in the WCS and the principle of the proposed development taking place is accepted by NPPF paragraph 11(d).

5.3 Design and landscape impacts

The quantum and visual impact of the proposed development would be assessed at the technical details stage. The design would be informed by the existing cumulative footprint and scale of the existing buildings to protect the local landscape, in accordance with policies CP51 and 57 of the WCS.

5.4 Biodiversity and Trees

No specific details have been provided at this stage regarding biodiversity and trees. However, these matters would be assessed in detail at the technical details stage.

5.5 Impact on Neighbour Amenity

The application site is bounded by the Oak Tree Field Gypsy & Traveller Site to the south and therefore careful consideration would be given to the design and layout of the proposed dwellings at the technical design stage, to protect the neighbours amenity levels in terms of overlooking, loss of privacy, overshadowing and overbearing impacts.

5.6 Historic Environment

The application site is located in an Area of Special Archaeological Significance, a designation that covers the majority of the former Salisbury District Council area. Any subsequent TDC

application would be accompanied by a desktop assessment to identify and assess the potential for archaeological remains.

5.7 Phosphorus neutrality

The application site falls within the Hampshire River Avon catchment area that is deteriorating due to increased nutrient loads. Any subsequent TDC application would therefore demonstrate how the development achieves nutrient neutrality to comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

6.0 Conclusion

The application seeks permission in principle (PiP) for the proposed redevelopment of up to 2 residential dwellings at Avan, Odstock Road, Salisbury SP2 8BH. This PiP application seeks to establish whether the site is suitable in-principle for residential development.

Although the site is located outside the defined settlement boundaries of Salisbury and in the open countryside, material planning considerations relevant to this site must be taken into account and justify a decision which does not accord with the development plan.

In this case the permitted development right provisions under Class Q of the General Permitted Development Order and lawful position of the static caravan represents a legitimate fallback position when considering this PiP application and forms a material consideration in the decision making process. The application is also an opportunity to replace the existing buildings and structures with 2 new purpose-built dwellings of a higher quality design and appearance resulting in a betterment compared to the existing and weighing in favour of the application.

In addition, Wiltshire Council are unable to demonstrate a five-year housing land supply and therefore less weight can be given to the housing policies contained in the WCS and the principle of the proposed development taking place is accepted by NPPF paragraph 11(d).

The principle of development is therefore acceptable and the specific details of the proposal would accompany any subsequent TDC. At that stage an assessment would be provided on all technical matters including, amongst other others, biodiversity and trees, archaeology and Nutrient Neutrality Assessment and Mitigation Strategy.