Section 73A Application for the Removal of Tourism Occupancy Restriction Conditions (16 & 17) and Addition to Plans set out within Informative 1 Associated with Permission ref: N/10/00054/FUL and replace with condition (s) restricting permanent occupancy to over 55's only plus dependent relatives and carers.

The Chalk Barn, Buttle Farm, Compton Bassett, Nr Calne, Wiltshire, SN11 8RE.

Submitted on Behalf of the Applicants: Mr and Mrs Buttle.

Planning Statement

6th September 2023

Our Ref: RBU/002/RG – PS(B)

Previous LPA Ref: N/10/00054/FUL

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A. Drawing Ref: 2435:L:02 (As from Within Previous Application Ref: N/10/00054/FUL)

B. Decision Notice Ref: N/10/00054/FUL (dated 12/04/2010)

C. Appeal Decision APP/&3940/W/22/3309354

1.0 Introduction

1.1 This Statement is produced by Impact Planning Services Ltd (IPS), on behalf of the Applicants: Mr and Mrs Buttle to support a Section 73A application for the removal of tourism occupancy restrictions (associated with conditions 16 & 17 of permission ref: N/10.00054/FUL) and replace with condition(s) restricting permanent residential occupancy to over 55's only plus dependent relatives and carers at The Chalk Barn, Buttle Farm, Compton Bassett, Nr Calne, Wiltshire SN11 8RE ('the site'). This application also seeks to provide details of external elevation treatments and the proposed boundary treatments defining residential curtilage, the details of which contained within plans that are intended to be appended to Informative 1 of the previous approval notice.

1.2 This Statement provides an overview of planning policy within local development plan documents. The Statement also assesses the proposed scheme against these policies and other relevant material considerations, having regard to the documents submitted within the application package. It evaluates the scheme's compliance with the development plan and suitability of the site for the proposed development.

1.3 Since planning permission was granted for various combinations of residential, agricultural and tourism uses at the site in 2010, The Applicants have been faced with economic conditions that require an adjustment to the operation of the site. The on-set of the Covid pandemic devastated the business's commercial restaurant market and effectively forced the end of trading and closure of the business following the final slaughtering and sale of the livestock. A post Covid pandemic re-establishing of the business is now impossible as the business's market for the produce has been effectively replaced by other producers an in increasingly competitive market.

1.4 Similarly, the tourism market has undergone a considerable post pandemic reshaping and as a consequence of new forms of accommodation such as Airbnb, the short-term letting market has fundamentally changed. Despite continued advertising (with a very limited number of bookings in 2023), the holiday accommodation in this location, despite being of a very high standard has not proved commercially attractive. Together with increased maintenance and running costs a continuation of the holiday lets side of the business, which originally was established to complement the rare breed pork business, is also no longer regarded as commercially viable.

1.5 The intention is to therefore replace the current tourism occupancy restriction with a condition limiting the occupation of the dwelling to persons of over 55 years of age, dependant relatives and carers. The suggested wording of the condition is set out in full below at paragraphs 3.7 and 3.8.

1.6 Further detail is also provided through the current application relating to the adjacent buildings, to be appended to the informative (no.1) of the previous approval at the site. Proposed elevational treatments of the barn immediately to the north of the Chalk barn comprise Yorkshire boarding. Curtilage areas, and the restriction of connectivity between the access points to the farm site internally will be defined through 1.2 metre post and rail fence, plus 1.8 metre concrete post and timber panel fence respectively.

1.7 A separate planning application has been submitted at the site to change the use of buildings within the courtyard (at the west of the site) to permanent residential use, extending the existing dwelling.

1.8 The structure of this Statement is as follows:

- Section 2 describes the site and its surroundings as well as analyses the previous planning history for the site;
- Section 3 provides a description of the proposed development
- Section 4 identifies the relevant policy and other material considerations;
- Section 5 considers the proposals in light of these policies and other material considerations; and
- Section 6 forms the summary, planning balance and conclusion to the Statement.

2.0 Site Context

Site Description

2.1 The site lies within the built framework of Compton Bassett to the south west of the elongated village. The rural settlement features a number of farms, residential development typical of all eras, larger residential properties, a church, village hall and public house. The village is not however, the subject of a defined settlement boundary.

2.2 The site lies approximately 2km east from the urban framework of Calne and

approximately 3km east from Calne town centre.

2.3 The site lies between two residential properties; Home Farm (west) and The Walled Garden House (east). Further east from the site lies Rectory Cottages, Keepers Cottage (Grade II Listed) and The Old Rectory (Grade II Listed). The nearest Listed Building: Keepers Cottage lies approximately 200 metres south east from the Buttle Farm site.

2.4 The majority of the site lies within the Compton Bassett Conservation Area, with the exception of the most northerly large, modern barn. This Conservation Area boundary washes over the main farmyard element of Buttle Farm, including the building subject of the current application.

2.5 There are no Tree Preservation Orders (TPOs) noted on or adjacent to the site, nor does the site lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The AONB designation in Compton Bassett is limited to the east and southern side of Compton Basset Road.

2.6 The site benefits from two access points at the south east of the site and centrally to the site. These access points are between brick walls abutting the highway verge and also form a continuation of the external elevations of the three most southerly buildings. Both access points are gated.

2.7 The site itself is made up of a number of buildings, comprising of 9 distinct components. Included at **Appendix A** of this Statement is drawing ref: 2435: L:02 associated with this previous application that includes building references. The references attached to buildings through the site remain consistent with this plan.

2.8 The courtyard of buildings (A - D) at the west of the main site area were all originally associated with the former traditional farmyard and are currently under single occupation comprising the two-storey principal dwelling, a single storey office associated with the farm holding, redundant food preparation and processing accommodation within the principal traditional wooden cladded and red brick plinthed barn and two single storey holiday lets.

2.9 The building subject of this application is a traditional chalk stone and brick barn which lies adjacent to the south of the site and the southern elevation of the building aligns

with the wall abutting Compton Bassett Road.[1] This property is capable of being occupied independently (currently for tourism use), including two bedrooms, kitchen, living space and bathrooms. This building has ample parking areas available to the east and a curtilage area to the immediate west.

2.10 A long open fronted, lean-to barn lies adjacent to the eastern site boundary (Building I). This is used for covered storage associated with the farm buildings and covers the length of the eastern boundary from the roadside to the north east of the main farmyard area.

2.11 Within the centre of the farmyard complex lies a more modern steel framed and sheet metal clad open fronted farm building currently used for storage. The end section resembles a "Dutch barn" in profile and is also open ended. These buildings are annotated on plan 2435: L:02 at **Appendix A** as Building G.

2.12 Building E at the south of the site is a board cladded single storey building with corrugated roof. This has been used as a store and workshop. There are no changes proposed for this building under the current planning application.

2.13 A large modern open fronted steel sheet clad farm building lies at a lower ground level to the north east of the complex (Building H). This building was formerly associated with poultry and equipment storage however it is now effectively redundant.

Planning History

2.14 The Wiltshire Council planning applications website was consulted for the planning history of the site.

2.15 Application ref: N/10/00054/FUL sought the 'Change of Use of Three Agricultural Buildings to Live/Work Units (Building B) and Holiday Accommodation (Building C and F), Creation of a New Access, Temporary Mobile Home, Outdoor Food Demonstration Area, Vehicle Parking (Building I) and Associated Works'. This application was approved with conditions on 12th April 2010. The decision notice can be found attached to this Statement at **Appendix B**.

[1] Compton Bassett Road is the sole road through the village and is formally unnamed.

2.16 Conditions 16 and 17 from this approval stated:

"Buildings C and F hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation."

2.17 Application ref: N/11/00197/FUL sought the '*Provision of Stainless-Steel Flue for Biomass Boiler to Building 'A', Provision of Stainless Steel Flues for Wood Burning Stoves to Buildings 'B' & 'F'. 5 No Windhanger Solarwin SWI 225 Solar Panels on Building C*.' This application was approved planning permission on 22nd March 2011.

3.0 Proposed Development

3.1 The proposals comprise the removal of occupancy restrictions for tourism use, associated with previous permission ref: N/10/00054/FUL to an existing barn adjacent to the southern boundary at Buttle Farm (as well as the courtyard tourism use that is the subject of a separate planning application).

3.2 The development requires minor external addition (cladding) to the building adjacent to the site entrance but no new internal changes to buildings (as depicted at drawing ref: 2205_GA_222_A). The Chalk Barn does not require any internal or external alterations to change this use to a permanent residence. The proposal will retain the internal layout of the property comprising living space, kitchen space, bathrooms and two bedrooms, as well as maintain the existing external appearance of the building.

3.3 The existing property has been advertised for tourist occupation across numerous booking websites and social media platforms with very few bookings having being received. Bookings at the property have been limited in 2023 to just two bookings (3 days in June and 2 days at the start of July 2023) and a stay that overlapped into new year.

3.4 It is proposed to vary the current tourism occupancy restriction to occupation as a primary residence and restricted to permanent occupancy for residents over 55 years of age plus dependent relatives and carers.

3.5 The curtilage area, parking arrangements and waste storage and collection for the property are proposed to remain consistent with existing arrangements for the tourism unit. The existing internal route between the two access points will be closed with timber board fencing, preventing an intensification of use of the central access point and providing physical and visual separation between the properties at Buttle Farm. This fence will not be visible from public vantage points or the wider Conservation Area owing to this being sited behind existing buildings and boundary walls.

3.6 The application also proposes the addition of Yorkshire boarding to the elevations of Building I, adjacent to the site entrance. The latter will facilitate an enclosure for a cycle store.

3.7 To the north of the Chalk Barn, a further boundary treatment is proposed to define the curtilage area for the new, permanent dwelling for older people. This boundary is proposed to be defined with a 1.2 metre post and rail fence.

3.8 The modest elevational changes and filling of open fronted bays with boarding are proposed to be included as an addition to the Informative (no.1) attached to the previous decision notice ref: N/10/00054/FUL.

3.9 This application is accompanied by the following documents and drawings:

Document Title	Reference	Produced By
Application Form		Impact Planning Services Ltd
Existing Ground Floor Plan	2205_17_200	Levitate
Existing Sections EE & FF	2205_17_210	Levitate
Existing North and East Elevations	2205_17_220	Levitate
Existing South and West Elevations	2205_17_221	Levitate
Proposed Elevations (Buildings G & I)	2205_17_222_A	Levitate
Proposed Ground Floor Plan	2205_GA_200	Levitate

Proposed Site Boundaries	2205_GA_502_E	Levitate
Annotated Site Plan of Buildings	2435:L:02 (**Appendix A**)	Ashley Design
Technical Note – Highways Appraisal	8836/01	Cole Easdon
Preliminary Roost Assessment	Dated 03/11/2022	Focus Environmental Consultants
Planning Statement	RBU/002/RG-PS(B)	Impact Planning Services Ltd

3.10 The form of proposed occupancy restriction is as follows:

"The dwelling the subject of this approval shall be only permanently occupied by:

- *Persons over 55 years of age where the property is their principal place of residence;*
- *Persons living as part of a single household with such a person or persons including dependant relatives and carers; or*
- *Persons who were living as part of a single household with such a person or persons but who have since died.*

Reason: The condition is regarded as necessary as it restricts occupation in order to respond to a particular housing need in circumstances where normally permanent residential development would not be permitted."

3.11 Further to the above, a separate condition is proposed to ensure that the home will be occupied as a primary residence, to avoid this becoming a second/holiday home. The wording proposed is as follows:

"The dwellings the subject of this approval shall be occupied as the primary place of residence.

Reason: As this form of residential occupancy has been justified under exception Core Policy 46 to development plan policy, it is necessary to prevent the use of the dwellings as second homes or other forms of non-permanent residential use."

4.0 Planning Policy Context

Development Plan

Wiltshire Core Strategy

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (The Act) requires that planning applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990, requires that the authority 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 The adopted development plan is the Wiltshire Core Strategy (WCS). This became adopted in January 2015 and covers the period up to 2026. The Core Strategy is now long overdue for revision. The Compton Bassett Neighbourhood Plan also forms a part of the development plan[2]. This was *made* in May 2016 and sets requirements and standards for development up to 2030.

4.3 **Core Policy 1: Settlement Strategy** establishes the settlement hierarchy within Wiltshire and sets out the levels of housing and employment development expected to be delivered over the plan period up until 2026. Compton Bassett is not listed as a principal settlement, market town, nor local service centre. As a small village, any development will be limited to that required for housing needs of the settlements.

4.4 **Core Policy 2** sets out the minimum housing and employment land contributions required by each housing market area within the county. Beyond the defined limits of developments housing may only be permitted in instances where one of the exceptions listed at paragraph 4.25 in the plan are met.

4.5 Core Policy 2 continues to state that at smaller villages, development should be limited to infill within the existing framework of the settlement. Development at smaller villages will be supported provided that the proposals also satisfactorily demonstrate that the design of the proposals respects the existing character and form of the settlement,

[2] In his Report to Wiltshire Council (December 2014), the Examination Inspector noted that [paragraph 20] the Council had indicated that it was committed to undertaking a planned early review of the Core Strategy to ensure "*the development provision looks to an appropriately long-term date"* which would be supported by un up-dated Strategic Housing Market Assessment

does not impose on sensitive landscape areas and does not consolidate loose knit development.

4.6 **Core Policy 8: Spatial Strategy: Calne Community Area** defines Compton Bassett as a small village. Across the plan period, a total of 165 homes were envisaged to be delivered within the community area, beyond Calne (expected to deliver 1,440 homes). Table 5.3 set out the commitments and completions within the Community Area, that results in the residual requirement for the areas beyond Calne is 75 dwellings during the plan period.

4.7 Paragraph 5.41 supports the Core Policy and sets out key considerations for the growth of the Calne Community Area. Non-strategic growth within the Community Area is expected to be brought forward in accordance with the aims of Core Policy 2 in order to deliver homes in a '*balanced manner*'.

4.8 **Core Policy 41: Sustainable Construction and Low-Carbon Energy** requires new development, conversions, refurbishments and extensions to incorporate design measures to reduce energy demand, through insulation, maximising the use of natural light and use natural air movement for ventilation.

4.9 For existing buildings Core Policy 41 seeks the requirement of retrofitting to ensure that the energy performance of buildings will be encouraged through the reduction of energy consumption and installation low carbon and renewable energy features.

4.10 **Core Policy 45: Meeting Wiltshire's Housing Needs** concerns the need for an appropriate type, size and mix of homes to address the housing needs of the area, in order to create balanced communities.

4.11 **Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People** includes support for the delivery of housing that assists older people to live securely and independently within their community. Accommodation that promotes independent living in suitable locations to meet specific needs of the population will be supported. It must be noted that the wording of this policy differentiates between targeting the market towns and larger settlements for the provision of specialist housing for those who are vulnerable including specialist care for the elderly, as distinct from older persons housing, which is aimed at enabling independent older persons to remain within their community. Accordingly, such provision is not so directed at larger settlements but is to be distributed throughout the rural settlements.

4.12 **Core Policy 48: Supporting Rural Life** requires proposals for the conversion and re-use of rural buildings to ensure clear evidence is made available to justify that a building is not suitable for employment, community and tourism uses to allow for re-use for residential purposes. The re-use of redundant buildings for residential purposes in rural areas may be permitted when being able to demonstrate that the national policy concerning such conversions may be satisfied. Key criteria for assessing whether buildings are suitable for conversion require:

"*i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*

ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.

iii. The building can be served by adequate access and infrastructure.

iv. The site has reasonable access to local services.

v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding."

4.13 **Core Policy 50: Biodiversity and Geodiversity** requires development proposals to demonstrate how features of natural conservation and geological value are conserved, protected and where possible enhanced. All development proposals are required to incorporate measures to avoid and limit disturbance to sensitive wildlife species and habitats through the lifetime of the development. All developments are expected to demonstrate how biodiversity net gains may be secured through opportunities to restore, enhance and create valuable habitats.

4.14 **Core Policy 51: Landscape** states that: "…*development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible…"*

4.15 **Core Policy 57: Ensuring High Quality Design and Place Shaping** required development proposals to secure a high standard of design, including the extension, alteration and change of use of existing buildings. Development is expected to make a positive contribution to the character of Wiltshire by; enhancing local distinctiveness

and relating positively to the landscape setting (criterion 'i'), retaining important natural featured, including maximising opportunities for biodiversity net gain (criterion 'ii'), maximising opportunities for sustainable construction techniques and energy use (criterion 'v'), having regard to adjacent uses (criterion 'vi'), considering the needs of occupants through adaptability (criterion 'xi') and using high quality materials, finishes and landscaping (criterion 'xii').

4.16 **Core Policy 58: Ensuring the Conservation of the Historic Environment** requires development proposals to protect, conserve and where possible, enhance the historic environment, including the character and appearance of conservation areas (criterion 'iv').

4.17 **Core Policy 61: Transport and New Development** expects proposals to demonstrate that they are capable of being served by an appropriate access point (criterion 'ii').

Compton Bassett Neighbourhood Plan

4.18 The Compton Bassett Neighbourhood Plan was *made* in 2016 and covers the period of 2015 to 2030. Policies relevant to housing are regarded however as out-of-date, in terms of national planning policy, as explained below.

4.19 Page 5 features 10 separate objectives of the plan. Of particular note are objective 4 concerning the need to deliver sensitive development that enriches biodiversity, preserving the character of the conservation are (objective 7) and delivering high quality housing tailored to the needs of the village (objective 9).

4.20 Paragraph 12 defines that the Compton Bassett comprises a total of 97 properties at the time of publication. As per the 2011 ONS census data, the properties supported a population of 223 people.

4.21 To support the Neighbourhood Plan, a survey was issued to the local population in 2013, with 47 being returned (representing 85 individuals). 60 members of the local community attended a discussion and feedback meeting in the village hall.

4.22 Of the 85 responses to the questionnaire, 70% were aged over 50 years old.

4.23 Page 14 sets out **CBNP Policy 1**, that states development must respect local character, that states proposals that maintain or enhance local assets that are valued by the community will be supported.

4.24 In accordance with the aims of the NPPF **CBNP Policy 3** requires developments that will result in serve impacts upon highways safety to be refused planning permission.

4.25 **CBNP Policy 4** requires the protection and, where possible, enrichment of the habitats and biodiversity of Compton Bassett will be supported.

4.26 **CBNP Policy 5** expects proposals for development to encourage re-cycling, minimisation of the carbon footprint and the increased use of renewable energy within the Parish.

4.27 Paragraph 92 states that: "…*Compton Bassett Parish Council is committed to working pragmatically with owners to find positive solutions which will allow adaptation of such buildings to reflect modern living aspirations. Such alterations will only be acceptable where they are consistent with the conservation of a heritage asset's significance*…"

4.28 Supporting this objective, **CBNP Policy 7** required proposals for development to preserve the character of Compton Bassett, the conservation area, historic buildings and historic rights of way.

4.29 Paragraph 108 defines the number of homes Compton Bassett may be expected to contribute towards the Calne Community Area housing requirement for the WCS plan period. Based upon the parish neighbourhood plan area of Compton Bassett within the Calne community area, seven new homes were required to be delivered within the village. The site at Briar Leaze, north east from the Buttle Farm site has delivered a net addition of 7 units (comprising the demolition of 6 units and erection of 13 units) to the village. Attached to the above, paragraph 109 notes that this contribution is constrained by the 60% of the neighbourhood plan area comprises a mixture of AONB and Conservation Area land.

4.30 Attached to the above, paragraph 109 notes that this contribution is constrained by the 60% of the neighbourhood plan area comprises a mixture of AONB and Conservation Area land.

4.31 Paragraph 112 sets out the findings of the questionnaire concerning new development within the parish. Some 47% of responses supported some form of development, whilst 48% objected to any new development.

4.32 **CBNP Policy 9** states that: "The development of up to 7 new dwellings within the area shown on the plan labelled "Briar Leaze –location for new residential development" will

be supported, subject to it respecting local character and residential amenity…" The site secured 13 new dwellings following the demolition of 6 existing properties under application ref: 15/12294/FUL.

4.33 **CBNP Policy 10** states that: "*Development should conserve the landscape and scenic beauty to the AONB*."

4.34 Paragraph 132 notes that: "*In 2023 the Parish Council will again recruit a new Steering Group from within the community to undertake a review and decide on the need for a subsequent Neighbourhood Plan and if so decided, to overview the development of the subsequent fifteen year plan which would commence in 2026*." At the time of writing, no evidence is available to suggest work on this has commenced.

Other Material Considerations

Planning (Listed Buildings and Conservation Areas) Act 1990.

4.35 The subject building is not Listed or regarded as a non-designated heritage asset however the majority of the farmyard complex lies within the designated Compton Bassett Conservation Area, with the exception of the larger modern barn (building H) and all of the lower-level farmland to the immediate north.

4.36 With regard to the provisions of the 1990 Act, s.72 (1) requires that, inter alia, in the exercising of its duties concerning any buildings or land within a Conservation Area, (2) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66(1) is also relevant to the consideration of any harm through impacts (direct and indirect) to listed Buildings within the vicinity of the site. Special regard must be had to the desirability of preserving such buildings or their settings or any features of special architectural or historic interest which they possess. The proposals have been formulated to accord with the local planning authority's duty.

National Planning Policy Framework

4.37 The National Planning Policy Framework (NPPF) was most recently revised in July 2021. This document forms the overarching policy for the function of the planning system.

4.38 The presumption in favour of sustainable development is set out at **Paragraph 11**, described as the 'golden thread' running through plan making and decision-taking in the planning system. For "…*decision taking this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*

    i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed: or

    ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*…"

4.39 Wiltshire Council cannot currently demonstrate having maintained a 5-year supply of deliverable housing land, thus the *'tilted balance*' within the NPPF would ordinarily be engaged. However, in accordance with footnote 7, the site lies within a Conservation Area, thus tests set out above within Sections 70(1) and (2) of the Planning (Listed Buildings and Conservation Area) Act 1990 must be satisfied before a presumption in favour of development can be engaged (as set out above).

4.40 Paragraph 11 d) applies to this case and with regard to sub paragraph 'ii.' in the consideration of the planning balance. The proposals comprise no elevation changes to the principal building but with a modest extent of enclosure of two open fronted outbuildings with wooden boarding and therefore the appearance of the buildings as appreciated from within the Conservation Area are little changed with no materially significant impact upon the character and appearance of the Conservation Area and thus, the Policy tests satisfied to allow for the *tilted balance* become re-engaged. As a result of the less than substantial harm caused to the significance of the Conservation Area by the proposals, it is considered there are no impacts of the development that would significantly or demonstrably outweigh the benefits of the proposals when considered in the context of the NPPF as a whole.

4.41 **Paragraph 60** of the NPPF states that: "…*it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirement are addressed and that land with permission is developed without delay*…"

4.42 **Paragraph 62** seeks the provision of a variety of housing types to meet the particular needs of different groups within society including older persons:

"…Within this context, 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, those who require affordable housing, families with children, older people[3], students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. [IPS emphasis]

4.43 **Paragraph 69** states the importance of small and medium sites' contribution to meeting the housing requirement of an authority area, as they are often built out quickly when compared with large scale sites.

4.44 **Paragraphs 74-79** set out the requirements of national planning policy in relation to the maintenance of housing land supply and delivery. Paragraph 74 makes plain policy obligation placed upon local planning authorities to provide and maintain a minimum of five years' worth of housing against their housing requirement set out, as in this case, within the Wiltshire Core Strategy. Wiltshire Council cannot currently comply with this policy as it is experiencing a land supply shortfall[4].

4.45 Paragraphs 74-79 set out the requirements of national planning policy in relation to the maintenance of housing land supply and delivery. Paragraph 74 makes plain policy obligation placed upon local planning authorities to provide and maintain a minimum of five years' worth of housing against their housing requirement set out, as in this case, within the Wiltshire Core Strategy. Wiltshire Council cannot currently comply with this policy as it is experiencing a land supply shortfall.

4.46 **Paragraph 78** states:

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[3] Older persons are defined within the NPPF Annex 2 – Glossary and includes those approaching retirement or having just become retired.
[4] Appeal decision APP/&3940/W/22/3309354 is attached at **Appendix C**.

"*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this."*

4.47 **Paragraph 92** requires planning decisions to ensure development achieves healthy, inclusive and safe places that: promote social interaction (criterion 'i'), are designed to be accessible and safe (criterion 'ii') as well as support healthy lifestyles (criterion 'iii').

4.48 **Paragraph 111** states that planning permission should only be refused permission on highways grounds in the event that there would be an unacceptable impact on highways safety, or in circumstances where the residual cumulative impact on the network would be severe.

4.49 **Paragraph 123** states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently undeveloped but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

4.50 **Paragraph 124** states that planning decisions should support development proposals that make efficient use of land. The decisions particularly should consider: identified needs for certain types of housing (criterion 'a'), local market conditions (criterion 'b'), availability and capacity of infrastructure (criterion 'c'), the desirability of maintaining the prevailing character and setting of an area (criterion 'd') and also, the importance of securing well designed and attractive places (criterion 'e').

4.51 **Paragraph 130** states that: *"…planning policies should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users49; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*."

4.52 **Paragraph 174** requires planning decisions to enhance the natural and local environment, through minimising impacts on and providing net gains for biodiversity (criterion 'd').

4.53 Section 16 concerns the conservation and enhancement of the historic environment.

4.54 **Paragraph 194** requires applicants to describe the significance of any heritage assets affected by development, including Conservation Areas.

4.55 **Paragraph 195** states that local authorities should identify and assess the particular significance of heritage assets that will be affected by development proposals. When considering the impact of development proposals upon assets, conflict between the asset's conservation and any aspect of proposals should be avoided or minimised.

4.56 **Paragraph 197** requires that local authorities should take account of: the desirability of sustaining and enhancing the significance of assets (criterion 'a'), the contribution assets can make to sustainable communities (criterion 'b') and the desirability of new development making a positive contribution to local character and distinctiveness.

4.57 **Paragraph 199** expects great weight to be accorded to the conservation of heritage assets. Greater weight ought to be accorded to more important assets, irrespective of whether potential harm amounts to substantial, total loss or less than substantial harm to the asset's significance.

4.58 **Paragraph 201** states that proposals that will lead to substantial harm (or a loss of significance of) to a heritage asset, local planning authorities should refuse planning consent unless it can be demonstrated that the substantial harm to or loss is necessary to achieve public benefits that outweigh harm.

4.59 **Paragraph 202** states that where a proposal will lead to substantial harm, this ought to be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.60 **Paragraph 206** expects proposals affecting conservation areas to preserve and enhance its significance, including its setting.

Section 73 of the Town and Country Planning Act 1990

4.61 Section 73 of the Town and Country Planning Act 1990 enables the variation of conditions previously attached to the development through previous planning approvals.

4.62 Section 2 of this Part states that the local authority is required to consider whether conditions may be attached to a new permission that negate the need for compliance with previous with conditions previously attached to a property or site.

4.63 Section 73A states that: "…*on an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application*", including criterion 'c)' that applies to development without compliance to conditions subject to which permission was previously granted.

National Planning Practice Guidance

4.64 Paragraph 031 (Ref ID 21a-031-20180615 advises that:

"*Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disrupted condition/s that are the subject of the application – it is not a complete re-consideration of the application*…"

Supplementary Planning Documents – Empowering Rural Communities (Wiltshire Council 2021)

4.65 As part of the Wiltshire Core Strategy review, the Empowering Rural Communities document has been formed as to form an approach to planning decisions for rural areas may be made, to secure economic, social and environmental vitality for rural communities.

4.66 Paragraph 10 of this document states that: "*Wherever possible, local communities should determine how their areas change. Neighbourhood Plans are the main vehicle for communities to allocate land for new housing development, but the Council also wants to try and ensure that new homes are built to match local needs as far as possible*…"

4.67 Paragraph 11 continues to state that communities are encouraged to carry out a Rural Housing Needs Survey. Paragraph 14 continues to state that as well as affordable housing, market housing sectors such as housing for older people and entry level homes may be needed within these communities.

4.68 Paragraph 23 states that the vitality of rural communities relies on the presence of a variety of household sizes and ages. A range of household sizes and ages allows for a more resilient community.

4.69 Page 6 sets out the proposed amended Core Policy 44 from within the WCS that includes the omission of the need for development proposals to be accessible to employment and services, owing to the acceptance that rural communities have limited access to such facilities. Criterion 'iii' is however retained, requiring housing for local needs to be well related to, or within the framework of existing settlements.

4.70 Paragraph 30 states:

"*Small Villages have a low level of services and facilities, and few employment opportunities. Some modest development may be appropriate to respond to local needs and contribute to the vitality of rural communities but generally limited to infill*…"

<u>Compton Bassett Neighbourhood Plan – Appendix 5: Design Statement</u>

4.71 The Compton Bassett Design Statement was produced to support the formation of the Neighbourhood Plan and was formed to primarily to manage change in both buildings and landscape, including additions and alterations. The formation of this document was completed in November 2014.

4.72 **DSP1** requires the landscape resources (woodlands, hedgerows, ponds, streams**,** ditches, verges, geological features and views) within the neighbourhood plan area to be preserved and/or enhanced by future developments.

4.73 **DSP2** expects all new developments to be designed to a height, size and appearance which does not adversely affect distinctive landscape views into and out of the Parish, particularly views of St. Swithin's church and the prominent listed buildings.

4.74 Design Statement Policy **DSP3** states that: "…*designers should minimise the impact of new buildings on the landscape, as considered from all major viewpoints around the village and particularly from the AONB, by careful attention to landscaping, scale, visual amenity and the character and heritage of Compton Bassett. Where any developments are over 2 storeys in height, it should be demonstrated that views across the village and to listed buildings in the conservation area are not adversely affected*."

4.75 **DSP5** expects new development to minimise the impact of new buildings on the environment, including air quality, particularly within the Conservation Area.

4.76 **DSP7** expects future development to be designed so that it may continue the tradition of adapting to change but should be of a scale and design that is compatible with a predominantly rural settlement with a distinctive local vernacular.

4.77 Policy **DSP10** expects proposed development to be sensitively designed in order to be appropriate within the context of adjacent buildings.

"***DSP11****: Restoration and adaptation of old buildings should be sensitive and sympathetic to their character and should be carried out following the appropriate BREEAM and CABE standards, with appropriate measures to improve the energy performance where possible."*

4.78 The Statement continues at page 336 to state that promoting independent living is important, particularly for older people when considering the significant number of older people within the parish.

4.79 **Policy DSP12** is of direct relevance for the proposals, this states that the scale and density of new development should reflect incremental growth in proportion with existing buildings and should not visually dominate, nor detract from the character of the village.

4.80 Policy **DSP13** continues to state that development will be expected to enhance the

quality and character of the conservation area, following appropriate BREEAM[5] and CABE[6] standards.

4.81 Policy **DSP14** continues to state that the scale, size and height of new buildings and extensions to buildings should reflect the balance of the new existing buildings.

4.82 Policy **DSP15** requires proposals for new housing to secure appropriate broadband connectivity to facilitate working from home.

4.83 Policy **DSP16** states: **"***DSP16: All proposals should reflect and be sympathetic to the characteristic building vernacular. Traditional building materials, quality, housing density, open space allocation, pedestrian access, vehicle access and appropriate car parking allocation are key considerations which must be addressed to the appropriate CABE standards*."

4.84 Policy **DSP17** continues to state that materials and methods that reduce negative impacts upon buildings will be supported. All new homes are expected to incorporate green technology, including photovoltaics (when they are not visually intrusive), heat exchange systems and rainwater collection systems.

4.85 Policy **DSP18** expects "*Details of windows, doors, vernacular, gutters, roofs, waste storage, gardens, open spaces and offroad car parking areas (designed in line with national and local parking policy and guidance documents), should be submitted with all planning applications for new housing development*…"

4.86 Policy **DSP20** states that "*wherever practicable, new housing developments should seek to deliver and promote independent living, particularly for older people*."

4.87 Policy **DSP22** is of relevance to the proposals, this requires that "*future development should create stronger, more resilient communities and ensure that new housing is delivered in a proportionate manner whereby housing is delivered in settlements where there are insufficient employment opportunities leading to out commuting*."

4.88 Policy **DSP24** expects development proposals to demonstrate that there would be no adverse effects on water supply, drainage, electricity supply, telecommunications and

[5] Building Research Establishment Environmental Assessment Method
[6] Chartered Association of Building Engineers

broadband infrastructure.

4.89 Pages 343 to 345 of the Statement establishes the WCS policies that the Design Statement policies have been formed in accordance with.

The Need for Older Persons Independent Living Accommodation

4.90 The proposals also include the intention to restrict occupancy of this dwelling to use for older persons (aged 55+), in order to meet identified needs within rural areas for appropriate downsizing and independent living accommodation for persons wishing to remain within their rural communities.

4.91 The UK population is ageing as the "*baby boomers*" move beyond their retirement years. Currently the over 65's are growing at three times the rate of the overall UK population and by 2050 the ONS projects that one in four people in the UK will be aged 65 years and over, and increase from approximately one in five in 2019. The demand for new age-related housing is accepted by central government policy makers as rising. While one third of proposed new schemes are in rural areas, these are all relatively high-density apartment-based schemes. There is consumer resistance to such schemes particularly among those who have lived most if not all of their lives within rural communities. The rural population is ageing faster, and by 2039 half of rural households will be aged over 65.

4.92 The changing demographic of the population is focusing attention on addressing the concerns regarding the ageing population, longevity, public health and social welfare costs and critically, loneliness. These issues are driving to find accommodation solutions which will inevitably lead to the need to find accommodation options for ageing members of the population who want to downsize and remain independent, but importantly, close by their existing social network.

4.93 The evidence to justify this proposed change to a specific type of housing comes from the Census and a series of reports including the 2011 Census Profile and the *All-Party Parliamentary Group report on 'Rural Housing for our Ageing Population'*, April 2018. Older people range from those approaching retirement, recently retired to the very elderly, and from those who are active to the very frail.

4.94 Underoccupancy of housing is relatively high in the rural areas of Wiltshire (54.8% of properties had an occupancy rate of +2 or more bedrooms and 80.5% of properties 1+

or more) bedrooms[7]. The wider benefit to the housing market is the release of family housing which is under occupied particularly in the rural areas of Wilshire so that families can move into such accommodation. This in turn revitalises the socio-economic circumstances of rural communities providing increased spending in local shops or stores, post office, the village pub and provides children for local schools etc. Enabling re-occupation of family homes by families in the rural areas can help to reverse decline associated with under-occupation and an ageing population.

4.95 The *Too Little, Too Late?* report was formed by Dr Les Mayhew alongside the University of London, ARCO and Centre for the Study of Financial Innovation. Within the foreword, key statistics of the existing situation within the housing market for older people. Paragraph 2 notes that less than 3% of the UK's housing stock is generated to meet the needs of older people specifically. Paragraph 3 notes that there are 15 million 'surplus' bedrooms within the UK, of which half are within properties owned by over 65s. Paragraph 4 continues, to state that many older people are spending longer than necessary in hospitals, as an effect of a social care crisis within the UK, that leads to costs for the NHS and over stretched care services.

4.96 The rural issue has been described by Lord Best, (Chair of the All-Party Parliamentary Group Rural Housing Inquiry, in the HAPPI 4 report) as being:

"… *For all the many advantages of living in the countryside, life can be pretty miserable if your home is no longer right for you: if you can no longer manage the steps and stairs, if maintaining the property is costing too much, if keeping warm is a trial and your energy bills a nightmare, if you can no longer tend the once-beautiful garden. Indeed, if you need some support – and some company – but if these are not to hand, then country living can be tough*."

4.97 As evidenced in the HAPPI 4 APPG report, there are barriers to the provision of more and better rural homes for older people, however if the recommendations in that APPG report are followed, many more people previously expected to move to institutions, will prefer to live in bespoke rural housing designed for their preferences and needs. This would have the twin benefits of reducing the pressure on the care sector and at the same time release under occupied rural housing for younger families onto the local

[7] ONS Census Data 2021

housing market.

4.98 The wider benefit to the housing market is the release of family housing which is under occupied particularly in the rural areas of Wilshire so that families can move into such accommodation. This in turn revitalises the socio-economic circumstances of rural communities providing increased spending in local shops or stores, post office, the village pub and provides children for local primary schools etc. Enabling re-occupation of family homes by families in the rural areas can help to reverse decline associated with under-occupation and an ageing population.

4.99 It is important to recognise that there is a range of accommodation necessary to meet the housing needs of older people. The NPPF Annex 2: Glossary definition of older persons makes clear that this includes those approaching retirement (active independent living) through to the frail elderly (in extra care facilities).

4.100 It is acknowledged that active older people are unlikely to be interested in moving unless an attractive housing product is available locally. Presently many are under occupying family homes at a high cost, both personally and to society as family homes remain effectively “blocked” and unavailable to families within the rural housing market. The added public benefit (apart from helping to reduce health and welfare costs) is therefore the release of family homes back into the local housing market, increasing the range of homes available and enabling movement and better utilisation within the local housing stock.

4.101 This demographic group is also typically “asset rich” but increasingly less able to access capital for the purposes of maintaining a good standard of living in retirement. Furthermore, many are facing other financial pressures from within their own families for assistance with say deposits for first time buyers, clearance of student debt and personal pension funding.

4.102 The housing needs of this increasingly large section of the community have been the subject of several All-Parliamentary Group reports as noted in paragraphs 4.30. This form of housing has, as yet, not entered mainstream thinking within the planning and land-use system, with the Government’s advice on forecasting local housing need set out in paragraph 61 of the National Planning Policy Framework (NPPF).

4.103 The Mayhew Review[8] forms an independent review of the retirement housing sector is designed to inform the Older People's Housing Task Force, a government initiative that arose out of the: '*People at the Heart of Care: adult social care reform white paper'* published in December 2021. Views that informed the findings of this report are gathered from a wide range of operators in the retirement sector, architects, investors, think-tanks and academics.

4.104 Paragraph 2 on page 48, the report states that approximately 7,000 homes targeted at the retirement age population had been constructed annually (across 10 years), a significant greater number are required to meet the demographic changes that are leading to an increase in the age of the UK population.

4.105 Pages 49 and 50 expand on the economic factors that influence the choices of the older demographic in what type of properties they occupy. In particular, it is noted that older residents remain in larger family homes once their children have moved out, due to the finance of moving homes being unavailable, owing to the asset rich and cash poor nature of much of this demographic. Therefore, the housing industry must supply appropriate, attractive and affordable homes to encourage a downsizing and making larger family homes become available into the housing market.

4.106 Within page 55 of the document, part of the survey conducted by the research team summarises the concerns of personnel with the actions of planning authorities to delivering targeted housing. In particular, it is noted that fewer young people can afford to get onto the housing ladder, that is an impact of inappropriate downsizing properties for older people who instead choose to remain in their large family home that may not be suitable for their needs.

4.107 The National Planning Practice Guidance (PPG). This focuses on the 'standard method' to identify the minimum number of homes to be planned for. It is a basic way of estimating the levels of new housing required. It does not break the need down into specific age groups and for this reason it is relatively unsophisticated. The provision of active older people's housing has conventionally only been accommodated within larger proposals, if at all. The inclusion of active older person's accommodation within a proposal is often at the discretion of developers and therefore rarely if ever

[8] The Mayhew Review: Future Proofing Retirement Living (2022)

contemplated as a specialist housing type in open market and affordable housing. The volume national house builders have, as yet to respond to this increasingly obvious element of the housing market.

4.108 As few large allocations are capable of accommodating a sufficiently varied mix of house type are made within the rural area, provision for such accommodation needs to be brought about on small-to-medium scale sites such as in this case, where there is the opportunity to take advantage of a vacant property.

4.109 Page 57 of the Mayhew Review states that: "…*competition and pressure from standard housing builders were crowding out retirement housing. As an example, West Oxfordshire District Council formally adopted its Local Plan in 2018, covering a period from 2011 to 2031. In a district where 30% of the population is over 65, there was not a single allocation for retirement housing*…"

4.110 It is suggested that the occupancy of the accommodation at phase IV is restricted to the over 55s by the use of an appropriately worded condition such as:

'*The dwellings the subject of this approval shall be only permanently occupied by:*

- *Persons over 55 years of age where the property is their principal place of residence;*
- *Persons living as part of a single household with such a person or persons including dependant relatives and carers; or*
- *Persons who were living as part of a single household with such a person or persons but who have since died.*

Reason: The condition is regarded as necessary as it restricts occupation in order to respond to a particular housing need in circumstances where normally permanent residential development would not be permitted.'

4.111 In terms of any concerns regarding the potential for use as a second home, it is considered that a further conditional restriction be applied:

- *The dwellings the subject of this approval shall be occupied as the primary place of residence.*

Reason: As this form of residential occupancy has been justified under exception Core

Policy 46 to development plan policy, it is necessary to prevent the use of the dwellings as second homes or other forms of non-permanent residential use.

5.0 Planning Considerations

Principle of Development and Conversion from Tourism Use

5.1 Wiltshire Council is currently unable to demonstrate a 5-year deliverable supply of housing land[9], thus adopted housing policies are regarded as out of date and *the tilted balance* in favour of sustainable development would ordinarily be engaged. However, as the site lies within a Conservation Area and in the vicinity of a number of Listed Buildings, the tests of Sections 66(1) and 70(1) and (2) from the Listed Buildings Act 1990 must first be satisfied before the *tilted balance* becomes engaged (footnote 7 of NPPF Paragraph 11). The proposals are considered to meet these requirements due to the absence of need for internal or external changes to the principal property (owing to the existing living space, kitchen space, bathrooms and curtilage area) and the fact the property is capable of permanent residential occupation. The minor extent of external timber cladding to the southern end of the long barn, adjacent to the site entrance is not regarded as affecting the character or appearance of the Conservation Area. The proposed development is therefore considered a materially insignificant proposal that will ensure a continuation of the character and appearance of the Conservation Area.

5.2 As a result of the compliance with the above requirements, it is considered that the proposals benefit from the *tilted balance* in favour of sustainable development in accordance with the aims of NPPF Paragraph 11. There are no impacts of the proposals that would significantly or demonstrably outweigh the benefits of the proposals when tested against the NPPF as a whole.

5.3 The application seeks to vary the form of occupation from tourism use to permanent residential use for persons over 55 years of age. This requires the removal of the conditions 16 and 17 associated with the permission ref: N/10/00054/FUL that sought

[9] As found within Appeal Decision ref: APP/&3940/W/22/3309354 at Brynards Hill, Royal Wootton Bassett (**Appendix C**).

to restrict occupancy units for tourism use. The accommodation is not intended as second homes and in both respects, an occupancy restriction condition can be proposed to secure the use of the dwelling as a primary residence.

5.4 Owing to the effects of the global pandemic and changes within the UK holiday market, the proposals to vary the occupancy of this property forms an appropriate reuse of the building. The tourism use property has received an insufficient number of bookings to remain economically viable, limited in 2023 to a short stay at the turn of the new year, 3 days in June and 2 days at the start of July. Prior to this, booking requests have been extremely limited and across 2022 equated to just 20 bookings (55 days) and occupancy at just 15% of the maximum potential capacity. There are no further bookings due for the remainder of 2023.

5.5 The tourist use property cannot practically continue to operate viably for economic uses (agricultural or tourism) and therefore, permanent residential use is an appropriate alternative use for the building (subject to compliance with the relevant criteria of Core Policy 48).

5.6 The works required to facilitate the proposals require no structural works, external elevation adjustments or internal layout amendments, thus the proposals will remain consistent with the existing character and appearance of the building within the Conservation Area. In accordance with the aims of criterion ‘iv.’, the site lies within the built framework of Compton Bassett, between existing residential sites and is served by the bus service that runs through the village. As a result, the proposals are continued to meet the relevant criteria to allow a reuse of this for permanent residential use. It is therefore considered that the proposals accord with the aims of Core Policy 48 of the WCS.

Heritage Considerations

5.7 As a result of the proposals comprising the change of use of an existing property, with no external site layout adjustments, the proposals will have no impacts upon the character and appearance of the Conservation Area. The change in occupancy and have no materially different consequences for the settings of any nearby Listed Buildings, than the currently approved tourism use.

Site Layout

5.8 The proposals do not comprise changes to the layout of the site and the parking associated with the existing tourism unit will be retained in the same location.

5.9 The property will continue to operate from the same, primary access point at the south east from the site.

5.10 The curtilage area for this property will remain as is existing for the area around the tourist unit. The northern boundary of this will be defined using a post and rail fence. This will prevent internal travel between the two access points and create a sense of privacy for the newly proposed permanent residential unit. This will not be visually prominent from within the Conservation Area or public vantage points.

5.11 It is considered that due to the consistency in external elevations between the existing proposed building, the character, appearance and setting of the Conservation Area will be maintained. The sole elevation change relates to the building adjacent to the site entrance, to comprise the addition of Yorkshire board cladding for the creation of a residential storage area. It is considered that the conservation of the character and appearance of these buildings within the Conservation Area will be able to accord with the aims of Core Policy Core Policy 58, CBNP Policy 7 and NPPF Paragraph 206. As a result, the necessary Policy tests have been passed that in accordance with NPPF Paragraph 11 allow for the engagement of the tilted balance in favour of development, unless there are adverse impacts that significantly and demonstrably outweigh the benefits of the proposals when tested against the NPPF as a whole.

Highways

5.12 It should be noted that the submitted Transport Assessment has found that the development would lead to a negligible effect on the number of vehicle movements resulting from the change of use of the property.

5.13 The proposed parking area remains consistent with the current parking area for the tourist dwelling, at the east of the property. The area available for vehicle parking exceeds the minimum standards required by Wiltshire Council. Sufficient turning area is provided to enable vehicles to manoeuvre and exit the site in forward gear from the south eastern access point.

5.14 Cycle and residential external storage is proposed to be delivered opposite the Chalk Barn and adjacent to the site entrance within the existing long barn at the eastern boundary. The open elevation will be contained at the southernmost part of this building with Yorkshire timber boarding.

5.15 The is accessed via the unnamed road through Compton Bassett that is served by the Numbers 42 and 642 buses, operating between Calne and Marlborough.

Ecology

5.16 The submission is accompanied by an updated Preliminary Roost Assessment completed in November 2022 by Focus Environmental Consultants. This update refers to previous assessments completed that confirm that no further presence surveys are necessary for bats and licensing. A precautionary approach is recommended for works that are proposed at the site, particularly the courtyard element of the site, as the building the subject of the current S73A application requires no internal or external works to allow reuse of this building for permanent residential occupation.

Waste Refuse Collection

5.17 The waste refuse arrangements will remain consistent with the existing arrangements for the property. Refuse containers are to be collected from the existing access point.

6.0 Planning Balance and Conclusions

6.1 In assessing development proposals, NPPF paragraph 11 is an essential material consideration. This requires that proposals which accord with the Development Plan are approved without delay. Wiltshire Council is currently unable to demonstrate a minimum of 5-years' deliverable supply of housing land, thus adopted housing policies considered out of date and the tilted balance in favour of sustainable development be engaged. However, as the site lies within a Conservation Area and in the vicinity of a number of Listed Buildings, the tests of Sections 66(1) and 70(1) and (2) from the Listed Buildings Act 1990 must be satisfied before the tilted balance becomes engaged (footnote 7 of NPPF Paragraph 11). The proposals are considered to meet these requirements due to the absence of need for external changes to the property,

limited changes to other buildings, comprising a sensitive installation of Yorkshire timber boarding, post and rail fence and therefore, a materially insignificant proposal that comprises a continuation of the character and appearance of the Conservation Area.

6.2 As a result of the compliance with the above requirements, it is considered that the proposals benefit from the tilted balance in favour of sustainable development in accordance with the aims of NPPF Paragraph 11. There are no impacts of the proposals that would significantly or demonstrably outweigh the benefits of the proposals when tested against the NPPF as a whole.

6.3 The application is considered to accord with adopted policies of the Development Plan, particularly Core Policy 46 which seeks to address the issue of an ageing population and securing adequate provision of homes for older people to live independently within their existing communities.

6.4 It is considered that the proposals comprise an appropriate re-use of an existing building that has become redundant for tourism uses and is capable or being converted without the need for any extensive works or extensions. Significant weight ought to be accorded to the compliance of the proposals with policies and guidance that preserve the character and appearance of the village whilst also forming the most efficient re-use of redundant buildings. As a result, the development accords with the aims of WCS Core Policies 48, 57, NPPF paragraph 130, CBNP Policy 7, NPPF paragraph 206, CBNP Design Statement the DSP7 and DSP12 and may benefit from the removal of conditions 16 and 17 associated with previous permission ref: N/10/00054/FUL. The proposed conditional restrictions to older persons primary residence occupation would replace the conditions currently restricting occupancy to tourism use and are considered acceptable under the terms of Section 73A of the Town and Country Planning Act 1990 and NPPG.

6.5 There are clear housing benefits associated with this proposal. First albeit a modest contribution to land supply but more importantly the provision of a form of low-cost maintenance and efficient contemporary living for older persons wishing to down size and remain within the rural community. This has obvious socio-economic and welfare benefits as it offers choice to those unwilling to leave under-occupied family homes in the rural area.

6.6 The continued occupancy of the building in residential use is clearly a material

advantage over the current circumstances as it will enable investment to be made in the upkeep and maintenance of a traditional older former farm building in the Conservation Area. This change in occupancy will therefore serve to benefit the character and appearance of that Area.

6.7 Presently, a major contributory factor to under-occupancy is reluctance to leave rural life-style and social setting for say a flatted retirement complex "in town". This form of accommodation will enable such a form of down-sizing, releasing the family home back onto the housing market.

6.8 Attached to the above, weight should be accorded to the compliance of the proposals with WCS Core Policy 2 by securing development beyond defined boundaries at a small scale, but to meet a housing need and maintain resilient rural communities[10]. Similarly, weight should be accorded to the compliance of the proposals with the aims of the CBNP Design Guide Policy 20 that seeks the delivery of dwellings to meet the needs of older people to live independently within the community.

6.9 As set out above, conditional restrictions are proposed to ensure that the development will secure homes targeted at meeting the needs of older people within the rural community, that will reside within, and support the vitality of the local Compton Bassett community. The conditions also prevent the building from becoming a second home.

6.10 Some weight in the planning balance should be accorded to the ability of the proposals to utilise a safe access point to the highway. Owing to the modest number of vehicle movements the development will result in, impacts of the proposals would fall significantly below what may be considered severe as expected by WCS Core Policy 61, CBNP Policy 4 and NPPF 111. Further to this, the proposals retain the existing waste refuse storage and collection points.

6.11 Overall, it is considered that the impacts of the proposed development would not significantly or demonstrably outweigh the benefits of the proposal when weighed against the policies of the NPPF. As a result, this application is considered to accord with local and national policies and benefit from the presumption in favour of sustainable development, therefore be considered acceptable in accordance with

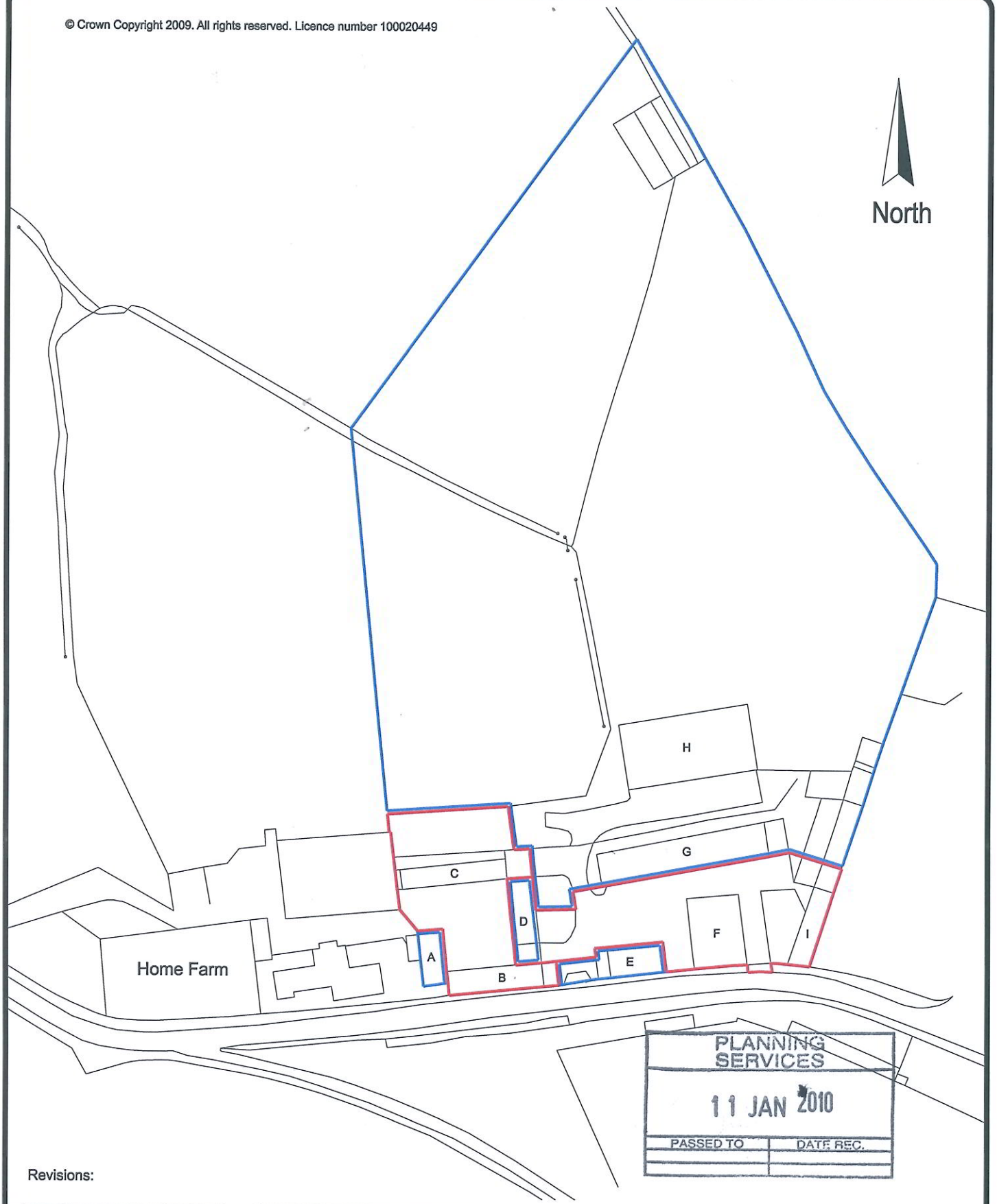
[10] In accordance with the aims of Wiltshire Council's Empowering Rural Communities paragraphs 23, 60 and 78.

S73A of the Town and Country Planning Act (1990).

A. Drawing Ref: 2435:L:02 (As from Within Previous Application Ref: N/10/00054/FUL)

10/00054

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PLANNING SERVICES
11 JAN 2010
PASSED TO | DATE REC.

Revisions:

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ASHLEY DESIGN ASSOCIATES

CLIENT Mr R Buttle

PROJECT Buttle Farm
Compton Bassett, Wiltshire.

DRAWING TITLE Location Plan

SCALE 1:1250 @ A4 DRAWN DPO DATE Dec 2009

DRAWING NUMBER
2435 : L : 02

REVISIONS

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B. Decision Notice Ref: N/10/00054/FUL (dated 12/04/2010)

Town & Country Planning Act 1990 (as amended)

NOTIFICATION OF PLANNING DECISION

Application Reference Number: N/10/00054/FUL

Applicant
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Parish: - Compton Bassett

Particulars of Development: - Proposed Change of Use of Three Agricultural Buildings to Live/Work Units (Building B) and Holiday Accomodation (Building C and F), Creation of New Access, Temporary Mobile Home, Outdoor Food Demonstration Area, Vehicle Parking (Building I) and Associated Works.

At: - Buttle Farm, Compton Bassett, Calne, Wiltshire, SN11 8RE

In pursuance of its powers under the above Act, the Council hereby GRANT PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below), subject to compliance with the condition(s) specified below:-

Permission granted for the following reason:

The proposed development for agr-tourism involves the appropriate change of use of rural buildings without the need to significant extension, alteration or rebuild. The re-use of such buildings complies with Policy BD6 of the Local Plan 2011 and RLT9 of the Structure Plan as well as guidance contained in PPS7 and PPS4. The scheme would result in the enhancement of the Compton Bassett Conservation Area compliant with Policy HE1 also.

Subject to the following condition(s):

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 Notwithstanding the details submitted, no development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY-HE1 C3

3 No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and or/ occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY-HE1 C3

4 No development shall commence until details of all new external joinery have been submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.

Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.

5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
(b) means of enclosure
(c) finished levels and contours;
(d) surfacing materials;
(e) minor artefacts and structures (e.g. furniture, signs, lighting etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY-C3 HE1

6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY-C3 HE1

7 The development hereby permitted shall not be brought into use until the first ten metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY-C3

8 The development hereby permitted shall not be first brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the carriageway, measured along the centre line of the access, to points on the edge of carriageway 90m in both directions from the centre of the access in accordance with the approved plans "Proposed Access Arrangement, Swept Path Analysis - Plan 2854/202 (except in the east direction to the tangent point demonstrated). Such shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the carriageway.

Reason: In the interests of highway safety.

9 No part of the development hereby approved shall be occupied or first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

POLICY-C3

10 Any gates shall be set back 5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

POLICY- C3

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY-C3, HE1

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON: To safeguard the character and appearance of the building and area.

POLICY-C3, HE1

13 The use of the open kitchen area hereby permitted shall only take place between the hours of 10:00hrs to 20:00hrs from Mondays to Saturdays, 10:00 to 18:00hrs on Sundays and Bank /Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

14 Prior to the commencement of development, details of the open kitchen area shall be submitted to and approved in writing by the Local Planning Authority. Details shall include existing and finished levels, materials and means of enclosure.

Reason: In the interests of the character and appearance of the area and residential amenity.

15 No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the details so approved.

Reason: In the interests of highway safety.

16 Buildings C and F hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY – RLT9

17 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY – C3 RLT9

18 The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY – C3 RLT9

19 The business uses taking place to Buildings A, C and D shall be undertaken solely by the occupant of building B as a private domestic residence unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, having regard to the specific uses taking place in the buildings.

20 Within three months of completion of Building B, the temporary caravan to be stored in Building G, shall cease being used for residential purposes.

Reason: Having regard to Policy H4 and the nature of the site.

Policy: C3 H4

Informatives:

1 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

2435:S:01, L:01, L:02, L:03, E:01, DHS:01, 02 and 03, DHS:02, 2854/202, 979.01, 02B and 03A date stamped 11 January 2010
2435:AB:01D date stamped 15 March 2010
2435:CF:01F date stamped 6 April 2010

2 The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site will negate the permission hereby granted.

3 Seperate permission is required for the off site storm water drainage pond and associated deposit of excavations.

Signed



Director for Development Services
Dated: 12 April, 2010

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the district and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath;

   1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a public highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD.

   (It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The Secretary of State has the 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 of the proposed development could not have been so granted otherwise than subject to the conditions imposed 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. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, 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 a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions 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.

5. **Discharge of Conditions**. The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fee chargeable is £25 per request for householder development and £85 per request for all other types of development. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1APP forms which are available on the Council's Website or the Planning Portal. You are advised that, as the local planning authority has up to 12 weeks to consider the request, you apply well in advance of when you intend to start work.

C. Appeal Decision Ref: APP/&3940/W/22/3309354

The Planning Inspectorate

Room 3J
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5022
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Email: holly.dutton@planninginspectorate.gov.uk
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Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your Ref:
Our Ref: APP/Y3940/W/22/3309354

04 May 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Wainhomes Severn Valley Ltd
Site Address: Land at Brynards Hill, Wootton Bassett, SN4 8FT

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Holly Dutton
Holly Dutton

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Inquiry held on 28-30 March 2023 and 3 April 2023

Site visit made on 27 and 30 March 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/Y3940/W/22/3309354
Land at Brynards Hill, Royal Wootton Bassett

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wainhomes Severn Valley Ltd against the decision of Wiltshire Council.
- The application Ref 20/11655/FUL, dated 24 December 2020, was refused by notice dated 29 June 2022.
- The development proposed is erection of 61 dwellings, access and open space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Statement of Common Ground[1] (SoCG) sets out that highway matters which formed the basis of reason for refusal 3 are no longer contested by the Council.

3. Reason for refusal 4 required the provision of affordable housing, contributions towards infrastructure and securing surface water drainage management and maintenance. The Planning SoCG confirms that this reason for refusal would be addressed through the completion of a section 106 agreement (s106 agreement).

4. In support of the appeal, the appellant has submitted a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended). This is signed and dated 12 April 2023. The UU makes provision for affordable housing, surface water drainage management and maintenance as well as financial contributions to infrastructure, including waste and recycling, early years and secondary education, off-site leisure and off-site highway works. It would also secure green travel vouchers. In addition, it provides a sum of money for country park enhancements and a commuted sum to be paid on the transfer of the country park to the Town Council.

5. The submitted UU deals with the matters in respect of reason for refusal 4. The Council confirmed it would not be defending this reason for refusal and no evidence was submitted to the Inquiry. I have therefore proceeded to deal with the appeal on the basis that reasons for refusal 3 and 4 are no longer contested.

[1] CD4.03, para. 5.9

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- whether the site is a suitable location for the proposed development, having regard to the spatial strategy;
- the effect of the proposed development on green infrastructure with particular regard to recreational provision at Brynards Hill Country Park; and
- whether there are any other material considerations, including the housing land supply situation and benefits of the proposal, which would indicate that the proposal should be determined otherwise than in accordance with the terms of the development plan.

Reasons

Character and appearance

7. Brynards Hill Country Park is a large area of open parkland, enclosed by development on its western, northern and eastern boundaries and a mainline railway line on its southern boundary. The land slopes steeply from north to south, becoming less steep on its southern slopes. The Wilts and Berks Canal and canal path run parallel to railway to the south, with open and rural countryside beyond. The country park is open and largely undeveloped apart from a series of footpaths which traverse parts of its upper and western slopes, some formal with gravel surfacing and others just mown pathways. The absence of large amounts of formal landscaping, development and its openness, contribute to the rural character of the country park.

8. The appeal site is positioned within the south-eastern corner of the country park where it adjoins a recent housing development, Woodshaw Meadows, to its east and the railway line to the south. It currently comprises a large area of open and sloping land, partially enclosed by trees and hedgerows. It therefore has the appearance of an agricultural field. The absence of any boundary planting between the Woodshaw Meadows development and the country park results in a stark and well-defined edge to the settlement. The appeal site clearly lies outside the built up area and therefore does not form part of the urban fringe.

9. Neither the appeal site nor the wider country park fall within any designated landscape area and would not be a valued landscape in terms of paragraph 174 of the National Planning Policy Framework (the Framework). This area of parkland nevertheless provides an attractive, soft and verdant edge to the settlement as it transitions into the rural landscape beyond the railway line. Its sloping character gives the site prominence locally. As such, I take the same view as Mr Radmall, the Council's landscape witness, that the country park is a locally valued landscape asset.

10. The appellant submitted that the low level of public participation at the Inquiry runs counter to that view. However, there were some 552 objections to the scheme, and whilst I accept that not all of these relate to the loss of the

country park or ham to its character, a substantial level of objection to this is identifiable. I therefore place limited weight on the appellant's submission and it does not alter my view that the country park should be considered a locally valued landscape asset.

11. A Landscape and Visual Impact Assessment (LVIA)[2] of the proposal was undertaken by Mr Friend but as evidence to the Inquiry rather than to inform the application[3]. The LVIA identified that the landscape sensitivity of both the site and its context was medium. Whilst Mr Radmall broadly agreed with this assessment, he considered the sensitivity to be higher for the country park. This does suggest that the site itself has a lower sensitivity than the rest of the country park. I concur with that position because the appeal site, is on the lower slopes and to a degree, enclosed by vegetation. Nevertheless, it remains visible and if developed, whilst it could no longer form part of the country park, it would be prominent and a detractor within its rural setting.

12. The respective landscape witnesses disagreed as to the extent of harm that would arise and this is largely based on professional judgment. However, a more fundamental difference arose in respect of whether or not the country park had been assessed as a landscape receptor which the Council's landscape witness advocated should have been done. I concur with the Council in this regard. Whilst it has been put to me that Mr Friend did consider this and the difference of opinion arises from terminology, the evidence on cross-examination was not clear that he had drawn a clear distinction between the country park and any other type of park, including those that may be found within an urban area. I consider these to be fundamentally different in character and therefore requiring a different response in landscape terms.

13. To my mind, a country park, differs from other types of parks in respect of how it looks and feels to be within it. Notably, its character is less formal than that of a more urban park. I note that Natural England in its guidance[4] on obtaining accreditation describes a country park as an area for people to visit and enjoy recreation in a countryside environment. The proposal would diminish the countryside character of the country park.

14. I was guided to a number of different viewpoints[5] from which to consider the effect of the proposed development. It was agreed that views of the proposed development would be relatively localised, limited to views from within the country park and from surrounding residential areas. The railway line and significant intervening vegetation would largely screen it from the canal path to the south. Nevertheless, as part of my site inspection, I observed that currently views from the upper slopes of Brynards Hill looking south are largely uninterrupted views of open land, fields and trees. Development to the east, notably Woodshaw Meadows, and west, sit on the periphery of that view.

15. The proposed development would be set in from the boundaries of the appeal site where they adjoin the country park. It would be largely enclosed by existing vegetation and would therefore be partially screened from view. As suburban development the appeal scheme would not be uncharacteristic of Woodshaw Meadows which it would adjoin. It would also have a similar

[2] CD4.14B
[3] CD4.10 para 1.6
[4] CD8.3
[5] CD8.08

relationship to the surrounding open land that Woodshaw Meadows has with the appeal site.

16. However, the proposed development would extend considerably into the open area. It would diminish the sense of an extensive area of open land both physically through a reduction in size but also visually in terms of seeing the park as extending towards the rural landscape beyond. It would be far more visually intrusive and significantly more urbanising than the railway infrastructure that is currently visible but viewed in the context of significant vegetation. It would significantly intrude into the country park, extending across a large section of the lower slopes, enclosing it considerably and more prominently along its southern edge, with a consequent erosion of its rural character. Therefore, it would fundamentally change the views from the upper slopes of Brynards Hill.

17. Specific viewpoints within the country park were highlighted to me, however, visitors to the country park are not static. They would therefore experience the sense of enclosure and urbanisation of the area from both the defined paths and also when roaming off path around the park. The adverse and urbanising effects of the proposal, whilst largely limited to views from within or just outside the country park, would therefore be widely experienced by a multitude of users.

18. Landscape mitigation is proposed to build upon existing planting to reduce the effects. The existing trees and hedgerows surrounding the site would be retained apart from an 11m section which would be removed to accommodate a relocated car park for the country park[6]. The existing field boundaries would therefore be largely retained with the development contained within it. The proposed trees and planting to augment the field boundaries which would be provided in mitigation would not be uncharacteristic.

19. As part of the mitigation, it is proposed to form a better transition between the built form and the country park by providing a more permeable green edge than currently exists to the east. The scheme would provide a much greater depth of planting between the proposed dwellings and the country park. There would certainly be a benefit in the provision of a more gentle transition between the edge of built development and the open land of the country park. However, this would not entirely screen the development. Moreover, any benefit derived from this would be significantly outweighed by the extent of built and urbanising development proposed to extend into a substantial area of the country park.

20. Despite the assertion that the proposal would not interfere with the footpaths to the north or the integrity of the country park, the scheme proposes the formation of a new footpath / cycleway through the country park to be provided as a 3m wide route, hard surfaced and lighted. The proposed route would zig zag up the steeper slope section of the slope and then extend across the upper slopes towards the north-west corner of the country park. This would be substantially wider than the existing paths through the country park and with the addition of lighting would have an urbanising effect that would be visually intrusive. This would also significantly detract from the rural character and would adversely impact the integrity of the country park.

[6] CD4.03, para 5.8, CD1.01.12

21. My attention has been drawn to appeal decisions[7] in respect of development to the north of the appeal site and upon the higher parts of Brynards Hill which was found to be acceptable in landscape terms. However, that housing was set upon the plateau at the top of Brynards Hill and not within the line of views southwards towards the rural landscape beyond the settlement. Of particular note, the Inspector found there would be no harmful disruption to any important views from Brynards Hill. Given my conclusions above, that is clearly not the case here.

22. Overall, whilst it has been stated that the proposal has been landscape-led, the production of an LVIA at the appeal stage indicates that landscape matters had not been fully considered at the application stage. As I have set out above, the scheme gives rise to adverse effects to the country park, its appearance and its open and rural character. The proposed landscape mitigation would not overcome these effects.

23. In conclusion, I find that the proposed development would result in significant harm to the character and appearance of the area. It would therefore conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2018 (the WCS) which together require development to protect, conserve and where possible enhance landscape character. This includes enhancing the transition between man-made and natural landscapes at the urban fringe and important views, enhancing local distinctiveness, responding to local topography through the retention and enhancement of views into and within the site and the delivery of appropriate development which relates to its immediate setting and the wider character of the area. It would also conflict with the objectives of the Framework in respect of achieving well-designed places that are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Suitable location

24. The Council's spatial strategy for the delivery of growth is to guide development to the larger settlements in accordance with a settlement hierarchy, restricting development outside defined development limits. This is set out in Core Policies 1 and 2 of the WCS.

25. The appeal site lies outside the defined settlement boundary of Royal Wootton Bassett. It therefore lies in the open countryside for planning purposes. As such, the proposed development for housing on an unallocated site beyond the settlement boundary conflicts with the spatial strategy. This is accepted by the appellant. However, it is the appellant's view that the conflict with the development plan should be reduced as the most relevant policies are out of date. The development plan is failing to meet housing need and has not worked as intended. I return to this in my planning balance below.

26. Royal Wootton Bassett is a Market Town and a second tier settlement in the settlement hierarchy set out within the spatial strategy. Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. They are also identified as having the potential for significant development that will increase jobs and homes in each town in order

[7] CD5.01a – APP/Y3940/A/09/2115332, CD5.02a – APP/Y3940/A/10/2141906

to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

27. As a site adjacent to a Market Town, I do not dispute that the appeal site is in a sustainable location when considered in the context of the predominantly character of the County. However, the sustainability of a location is influenced by various factors including its accessibility to services and facilities by means other than the private car. The Highways SoCG Addendum Information[8] sets out that the appeal site is in an accessible location in respect of walking and cycling distances from services and facilities within the town. I also recognise that the accessibility of the site in itself no longer forms a reason for refusal. Notwithstanding this, the suitability of the proposed pedestrian / cycling route between the appeal site and the town was disputed by the Council during the Inquiry.

28. I concur that the distance of the appeal site itself would not be a barrier to accessing services and facilities by means other than the private car. However, due to the topography of Brynards Hill, the steepness of that walking / cycling route would make this a less viable option for some future occupants, particularly those with young children, the elderly or less mobile. In order to address this barrier to accessibility, significant interventions are required to make the route less steep through the formation of a zig-zag path at gradients agreed by the highways authority. The path would nevertheless still slope and would be a lengthy and convoluted route, and it would be unlikely to appeal to those with limited mobility. Furthermore, these interventions, which would include lighting to make the route safe, would be harmful to character and appearance in themselves.

29. For this reason, whilst I accept that some people may walk or cycle to services, even with significant intervention which gives rise to other harms, I do not consider that the route would be suitable for the majority. Therefore, based on the evidence I cannot conclude in favour of the proposal as being in a sustainable location in respect of its accessibility despite its proximity to the services and facilities available within the town. I recognise that it is closer to the town centre than the Woodshaw Meadows development to the east. However, this does not alter my conclusions in respect of the suitability of the location for the proposed development.

30. In conclusion on this second main issue, the appeal site is not a suitable location for the proposed development having regard to the spatial strategy. It therefore conflicts with Core Policies 1, 2 and 19 of the WCS and Saved Policy H4 of the North Wiltshire Local Plan 2006 which together identify the spatial strategy, the distribution and delivery of housing development within the County and restrict development within the countryside. The Royal Wootton Bassett Neighbourhood Plan 2018 (the RWBNP) is cited in the decision notice but no specific policy referenced.

Green infrastructure

31. The country park is an area of local green infrastructure intended to serve both the local population as well as visitors to the area. It gained consent on appeal[9] in 2010 for a change of use from agriculture to a country park of approximately

[8] CD4.07
[9] CD5.01a – APP/Y3940/A/09/2115331

22 hectares of land. In the intervening period between now and that original consent, there have been subsequent applications for residential development which have reduced its size over time, with Woodshaw Meadows being the most recent. Currently, it is agreed by the parties that the country park is formed of around 17.8ha.

32. The country park is not formally designated within the local plan and is only recognised in the RWBNP rather than designated as a Local Green Space in the manner set out under paragraph 101 of the Framework. However, green infrastructure is a broad term used to characterise a range of different spaces and features. From my site visits, I observed that the country park provides an area of open land, accessible to the public for informal recreational purposes. It is an area of land, identified for use as a country park with some sign boards identifying it as such and footpaths. Therefore, I find the country park is green infrastructure irrespective of whether it has been formally designated as such.

33. Core Policy 52 of the WCS deals with green infrastructure. It sets out that where development is permitted developers will be required, amongst other things, to retain and enhance existing on site green infrastructure. It also states that if damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity of the green infrastructure network will be required.

34. The proposal would reduce the area of country park by 3.1 hectares. This would be a loss of green infrastructure. It was argued that the loss of green infrastructure would be unavoidable because there is an immediate housing need. It is acknowledged that there is a shortfall in housing supply and this is discussed later on in my decision. However, whilst this point was made in the appellant's opening submission, there was no evidence that this had formed the basis upon which the application for development of this area of green infrastructure land had originally been made or justified.

35. Even if I were to agree that such a shortfall in housing supply were to lead to unavoidable loss of green infrastructure, the requirement of the policy in terms of new or replacement green infrastructure would still need to be satisfied.

36. The application and interpretation of Core Policy 52 in respect of this part of the policy was a matter of some dispute between the parties. Whilst the correct interpretation of policy is certainly a matter for the law, the Council took the view that the policy requires a quantity of green infrastructure to be provided, the appellant argued that qualitative improvements must form part of that assessment.

37. There is no proposal to replace the amount of green infrastructure that would be lost, therefore if the policy were to be applied on quantitative grounds, then the proposal would be in direct conflict. However, I find this part of the policy to be somewhat ambiguous. To my mind, the policy must consider more than just the quantum of land otherwise there would be no differentiation between what is required in terms of 'new' and 'replacement' green infrastructure. Thus, there is some merit in the appellant's argument that making qualitative improvements to that part of the country park which would remain could provide the required compensation for any quantitative loss, provided it maintains the integrity and functionality of the green infrastructure.

38. I turn now to whether the proposed enhancements would improve the quality and value of the green infrastructure. In particular, whether it would enhance the recreational role of the country park. The country park currently provides a small car park, a couple of information boards, which I note are not accurate, a number of footpaths and some planting. It was confirmed that, with the exception of sowing wildflower seeds that would be completed in the next planting season, there are no outstanding facilities or features that are required to be provided in association with any of the earlier consents relating to the country park.

39. Core Policy 52 additionally sets out that proposals for major development should be accompanied by an audit of the existing green infrastructure within and around the site and a statement demonstrating how this will be retained and enhanced through the development process. This did not form part of the Council's reason for refusal although it was referred to in its evidence to the Inquiry. The Council also did not request this audit as part of the application process.

40. It is not entirely clear why audit information in accordance with Core Policy 52 was neither requested nor provided to inform the application. However, this does not to my mind, negate the value of undertaking such an exercise in order to determine what improvements would be required and would be appropriate.

41. The appellant has identified various qualitative improvements to the paths as well as provision of signage, seating, bins, additional planting to benefit biodiversity, equipped play areas and public art. There is evidence from third parties, both orally and within written submissions, that they have concerns about the existing pathways through the country park, particularly in terms of their accessibility for people with mobility impairments. I also recognise that the park can become very wet and muddy during wet weather as I experienced on my site visit. I agree that it would benefit from some of the proposed improvements put forward by the appellant.

42. It was apparent through cross-examination of Mr Friend that the proposed improvements have not been informed by any specific assessment of the park, rather they are general features which would provide generic improvements. Moreover, from what I heard, it was evident that Mr Friend had only visited the country park during winter months and during weekdays, when it would not be expected to be busy.

43. In the absence of any such assessment, and on the basis of Mr Friend's evidence, I cannot find that the proposed improvements are soundly based taking into account the specific circumstances of the country park and how it is used. In this context, whilst I therefore agree there would likely be benefits from some of the proposed improvements, other improvements would be less suitable. I therefore attribute low weight to this.

44. Both parties have sought to rely on Natural England's accreditation guidance[10] which sets out a range of essential and desirable criteria as to how to get accredited status for a country park. The country park, in its current state, meets some but not all of the essential criteria. Should the appeal be allowed and the site developed, the overall size of the country park would remain above the 10 hectare minimum advised in the guidance. Through this the

[10] CD8.3

appellant asserts that the country park would become more inclusive and accessible, therefore meeting equality and disability needs; would be signposted and easier to navigate; as well as visibly staffed, for example through litter collection and maintenance.

45. There would be some improvements to accessibility through the proposed improvements to the footpaths. However, a substantial part of the less steeply sloping part of the country park, would be lost to development which would potentially exclude some users who are unable to access the steeper slopes despite measures to reduce the gradient of the footpath, from accessing the park.

46. Even if the proposals did bring about some improvements to the country park, such that it would meet more of the essential and desirable criteria as set out in the accreditation guidance, there would nevertheless be a substantial loss of the park area which would not be outweighed by the proposed enhancements. Furthermore, I have concerns about the urbanising effects of some of these improvements. Therefore, overall, I do not find this would equate to an increase in the value or quality of the green infrastructure.

47. Public access over the whole of the country park area was identified as a significant benefit of the scheme when granted permission on appeal in 2010. The proposal would decrease the benefit of this, not only in terms of reducing the physical space available to do this, but also the visual experience of doing so. This weighs against the loss of the country park.

48. The provision of the country park was tied to the 2016 planning approval[11] for the Woodshaw Meadows development through a section 106 agreement[12]. This effectively caused all previous planning permissions and obligations relating to the provision of the country park to cease to have effect. This benefit to the community met the CIL tests and was necessary to make the development acceptable. Therefore, to now reduce the quantity of country park, raises some question in my mind as to whether or not the obligation associated with that earlier development would continue to have effect in terms of making that earlier development acceptable.

49. In this regard, I note that an Inspector in dismissing an appeal[13] at Land to the west Drynham Lane and east of Eagle Park in Trowbridge considered a similar scenario in respect of Biss Meadows Country Park where a country park extension (CPE) had been secured through a section 106 agreement. The Inspector recognised that the requirement for the CPE at the time it was secured must have been deemed to be necessary to render the application acceptable in planning terms. He therefore was concerned that any variation to that agreement reducing the area of land within the CPE would undermine that.

50. The appellant in its Planning Statement[14] sought to justify the scheme on the basis that a precedent was set since the loss of part of the committed country park had been accepted by an Inspector on appeal[15] who concluded that the overall integrity of the country park would remain despite some loss. The appellant has argued that the same conclusions should be reached in relation

[11] CD5.05A Council Ref: N/15/10486/FUL
[12] CD05.05B Section 106
[13] CD6.02 – APP/Y3940/W/22/3295577
[14] CD1.01.01.44
[15] CD5.02A – APP/Y3940/A/10/2141906

to this scheme. However, this neither sets a precedent nor provides the justification for a further reduction in the country park. Notwithstanding that commentary within the Planning Statement, in closing it was made clear that the appellant recognised that the appeal scheme should be determined on its own individual merits irrespective of past consents. I therefore give those decisions little weight in terms of justification for the scheme before me.

51. For the same reasons, whilst I recognise the concerns of the local community that the country park has been promised to them but has been eroded over time through incremental development, I must judge this appeal on its own merits irrespective of who the appellant is. The previous loss of the part of the country park does not therefore alter my findings in respect of this appeal.

52. The scheme was not objected to by the Council's public open space, urban design or public rights of way officers. No evidence has been presented to suggest that there is a deficit of open space. At the same time, I have no substantive evidence to suggest that the country park is not well used.

53. The submitted UU would secure the retention of the country park including through the transfer of the park to the Town Council with a financial contribution to secure its future maintenance. This would be a significant benefit of the scheme, however, it would not outweigh the significant harm that would arise from the loss of the country park.

54. In conclusion on this main issue, I find the loss of the green infrastructure and recreation provision has not been justified and would be harmful. This would conflict with Core Policy 52 as referred to above as well as Core Policy 51 which requires development to demonstrate that landscape functions including places to relax and recreate are either conserved, enhanced or mitigated against if lost. It would also conflict with the Framework which seeks to achieve healthy and inclusive places, including accessible green infrastructure and to guard against the loss of recreational facilities and for any loss of recreational land to be replaced by equivalent or better provision in terms of quantity and quality.

Other material considerations

55. The parties agree that the Council does not have a five year supply of deliverable housing sites as required by the Framework and have agreed that it falls within the range of 4.44 to 4.7 years. As such, where a five year housing land supply cannot be demonstrated, in accordance with paragraph 11 d) and footnote 8 of the Framework, the most important policies for determining the application are deemed to be out-of-date. My decision should therefore apply a presumption in favour of sustainable development. I return to this in my planning balance below.

56. The Council has acknowledged that it needs to address housing supply and has issued delivery briefing notes[16] setting out its approach to dealing with this. These advise that the Council should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus a breach of the settlement boundary alone does not preclude development. I address this in my planning balance.

[16] CD3.6 – Briefing Note on Housing Land Supply No.20-20 June 2020 and CD3.07 – 5 Year Housing Land Supply and Housing Delivery Test Briefing Note No.22-09 April 2022

57. The Government is seeking to significantly boost the supply of housing. The scheme in providing 61 dwellings would make an important contribution to that as well as helping to address the Council's shortfall in housing land supply, both general and affordable within the County and within the North and West Housing Market Area. The houses would be delivered by a developer with a local track record for delivery. This attracts high weight.

58. The submitted UU would secure affordable housing contributions in accordance with policy and the aims of the Framework. It is agreed that there is an unmet need for affordable housing and therefore high weight should be attributed to this.

59. The scheme would deliver a number of economic benefits both during construction in relation to job creation and supply chain, but also through the occupation of the homes once completed, with economically active people and household spending within the local area. The parties agree these should carry medium weight.

60. The provision of 10% biodiversity net gain is a benefit of the scheme that the parties agree would attract low weight.

61. The appellant has attributed medium weight to the provision of open space. However, as this is required to meet the needs of the proposed development, it is not a wider benefit of the scheme and it is a neutral factor in the balance.

62. The Council considers accessibility is not a matter to which materially separate weight should be applied. However, I consider that the accessibility of housing, thereby reducing the need to use private vehicles for accessing everyday needs, is a factor that can attract weight in its own right. In this case, whilst the distance between services and facilities and the proposed development are not significant, the route itself is unlikely to significantly reduce car use due to its steepness and convoluted nature. Thus, I attribute low weight to the accessibility of the site.

63. In terms of the country park itself, there would be a reduction in size overall. Whilst I agree some of the improvements and the transfer of the country park to the Town Council would be beneficial, I find some of these improvements would be detrimental to the character of the country park. Taking all these factors into account, I find that the loss of green infrastructure and recreational provision within the country park weighs against the proposed development. I attribute high weight to that loss.

Planning Balance

64. The proposal would give rise to significant harm to the character and appearance of the area and significant adverse effects from the loss of green infrastructure. I find the conflict with the development plan policies in respect of these two matters would represent major policy obstacles to the proposed development. As such, there is no justification for the proposed development outside the settlement boundary when taking into account the Council's approach to addressing the shortfall in housing land supply as set out in its delivery briefing notes. Thus the proposal conflicts with the spatial strategy in terms of the site's location outside the settlement boundary and in the open countryside. The proposal would therefore conflict with the development plan as a whole.

65. Paragraph 11 d) of the Framework sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

66. The proposal would deliver housing, both market and affordable, factors which carry high weight. It would deliver a range of economic, social and environmental benefits which together I attribute medium weight.

67. However, as I have identified above, the proposal would give rise to significant harm in respect of the character and appearance of the area and loss of green infrastructure, to which I attribute high weight. The harmful impact is a matter of very substantial weight and importance in the planning balance.

68. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

69. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gary A Grant	Counsel for the Local Planning Authority, Instructed by Alwyn Thomas, Solicitor to Wiltshire Council
He called	
Peter Radmall MA (Oxon), BPhil (Newcastle)	Chartered Landscape Architect
Lachlan Robertson MA Dip (UD) BSc (Hons) MRTPI	

FOR THE APPELLANT:

Paul G Tucker KC Shemuel Sheikh	Counsel for the Appellant, Instructed by Stephen Harris of Emery Planning Partnership
They called	
John-Paul Friend HND (LGD) BA (Hons) Dip LA CMLI	Director, LVIA Ltd
Stephen Harris BSc (Hons) MRTPI	Managing Director, Emery Planning Partnership
Andrew Thomas	Solicitor for the Appellant

INTERESTED PARTIES:

Mr Richard Storey	Local resident
Ms Jemma Oakes	Local resident
Cllr Steve Walls	Chair Planning Committee, Royal Wootton Bassett Town Council

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	SoCG on Housing Need and Supply – Appeal at Land off the B4069, Chippenham
ID2	Opening statement on behalf of the appellant
ID3	Opening statement on behalf of the Council
ID4	Draft Unilateral Undertaking
ID5	Photograph of gap in hedge on SW boundary of the appeal site
ID6	Draft conditions in relation to new LEAP condition and amendment to existing condition 12
ID7	Amended draft list of conditions
ID8	Councillor Wall's statement
ID9	Closing statement on behalf of the Council
ID10	Closing statement on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

ID11	Signed and dated unilateral undertaking
ID12	Written agreement of the appellant to pre-commencement conditions

END