PLANNING STATEMENT

LAND TO THE NORTH OF NEWTOWN ROAD, RAMSBURY, WILTSHIRE.

Prepared by Pro Vision on behalf of Messrs Gorringe, Bennett and Marks

November 2023

PRO VISION

LAND TO THE NORTH OF NEWTOWN ROAD, RAMSBURY, WILTSHIRE.

PLANNING STATEMENT

PROJECT NO. 51478

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DATE:

NOVEMBER 2023

PRO VISION

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1.0 Introduction

Overview

1.1 This Planning Statement has been prepared by Pro Vision on behalf of the Messrs Gorringe, Bennett and Marks in connection with the submission of a Permission in Principle (PiP) application for the erection of a minimum of 7 dwellings and a maximum of 9 dwellings at land to the north of Newtown Road in Ramsbury.

1.2 It is possible to apply for PiP for this development because it is not:

a. Major development;

b. Habitats development;

c. Householder development; or

d. Environmental Impact Assessment development.

1.3 The scope of PiP applications is limited to location, land use and amount of development. Other matters should be considered at the Technical Details Consent (TDC) stage.

Content of the Application

1.4 Details of the plans and supporting information submitted are outlined in the submitted supporting letter.

Structure of the Document

1.5 The site and its surroundings are summarised in Section 2. Section 3 sets out the relevant planning history for the site and surrounds. Section 4 describes the application proposals. Planning policy and other relevant material considerations are covered in Section 5. A planning assessment of the proposals is provided in section 6. Finally, Section 7 provides a summary and conclusions.

2.0 The Site and Surroundings

2.1 The site is located on the north side of Newtown Road in Ramsbury and has an area of 0.96 hectares. The site is agricultural land with trees and hedgerows around the boundaries of the site. Levels rise from the south to the north of the site. There is existing vehicular access from Newtown Road.

2.2 To the east and west of the site are residential dwellings. To the north of the site is further agricultural land in the Applicant's ownership as outlined in blue in the submitted Site Location Plan. To the south of the site on the other side of Newtown Road is the River Kennet which is designated as a Site of Special Scientific Interest (SSSI).

2.3 The site lies outside of the Settlement Policy Boundary (SPB) for Ramsbury. The SPB is located approximately 170 metres west of the site, however there are two dwellings between the SPB and the site and other dwellings adjoining the site immediately to the east, therefore the site lies within the existing built form of the village.

2.4 Ramsbury, including the application site, lies within the North Wessex Down Area of Natural Beauty (AONB).

2.5 The site lies outside of the Ramsbury Conservation Area which is located approximately 350 metres to the west. Rush Cottage is located to the south of the site on the opposite side of Newtown Road and is a grade II listed building.

2.6 The trees and hedgerow on site are not protected, however the west boundary vegetation of the adjacent property Wootton House is protected by a Tree Preservation Order (TPO)[1].

2.7 The site is within Flood Zone 1 and is therefore at lower risk of flooding. Also, according to the Environment Agency online Flood Maps, the site is at very low risk of surface water flooding.

2.8 The site does not lie within a Nitrate Vulnerable zone.

2.9 There are public rights of way (PROW) located approximately 170 metres west of the site[2] and 100 metres east of the site[3].

[1] TPO Reference 2014/00008/MIXED
[2] PROW Reference RAMS64
[3] PROW Reference RAMS47A

2.10 Ramsbury is a large and vibrant village and contains a number of services and facilities including shops, post office, public houses, church, primary school, pre-school, children's play areas, library, doctors surgery, and recreation centre including tennis cricket and bowls facilities.

2.11 The village of Ramsbury is served by bus routes 46A and 48. These services provide transport to Swindon, Wanborough, Albourne and Hungerford. The nearest bus stop to the site is outside of the Paddocks on Newtown Road approximately 280 metres to the west of the site.

3.0 Relevant Planning History

3.1 In 2014 an outline application was submitted for 51 dwellings[4] (hereafter referred to as the '2014 planning application') for a site which included the application site and land to the north within the Applicant's ownership as outlined in blue on the submitted Site Location Plan. This application was withdrawn in 2015.

3.2 The 2014 planning application proposed an access from Newtown Road which is the same as that shown on the submitted Illustrative Site Plan. The Highways Officer commented on the application and confirmed that the access from Newtown Road was suitable and provided the required visibility. The Highways Officer also commented that the existing highway was able to accommodate the likely increase in vehicles movements, and that the scheme showed a proposed footway on Newtown Road which was not necessary as there is no existing footway to tie into.

3.3 The Landscape Officer commented on the 2014 planning application and stated that *'in landscape terms, I do not consider the potential residential development of this site would generate any really harmful landscape or visual effects to the AONB or for wider countryside receptors'*. The Landscape Officer also had no objection to the vegetation removal required for the site access on Newtown Road, subject to full details being secured via condition.

3.4 The AONB Planning Advisor commented that *'the AONB Unit accept that part of this site may have the ability to accommodate a small housing site at less than 10 dwellings'.*

3.5 The Public Rights of Way Officer commented that *'there should be no significant impact on the nearby rights of way network'.*

3.6 In 2015 an outline application was submitted for 25 dwellings[5] (hereafter referred to as the '2015 planning application') on land to the north of the application site, on land within the Applicant's ownership as outlined in blue on the submitted Site Location Plan. This application was refused planning permission and subsequently dismissed at appeal[6] for two reasons relating to the principle of development, and character.

3.7 The appeal site is outside of the settlement boundary and the Council had a healthy supply of housing of 8.21 years at this time, therefore on the principle of development the Inspector

[4] LPA reference 14/09660/OUT
[5] LPA reference 15/07232/OUT
[6] Appeal reference APP/Y3940/W/16/3156940

concluded that to *'allow residential development in the countryside without regard to the quantified need for it and would be in direct conflict with the core planning principle of the Framework that planning should genuinely be plan-led'*[7].

3.8 On the subject of character, the Inspector accepted that '*general visibility of the site is minimised by the vegetated landscape features that exist in the wider setting that form visual barriers to views'*[8]. The Inspector also agreed that *'there are two viewpoints (Newtown Road and Whittonditch Road) which have a residual significant effect on the North Wessex Downs AONB; they are however close to the sites boundary and would be unlikely to affect the wider landscape…..and in time as the proposed mitigation landscaping (Landscape Strategy Plan) matures in the medium to long term; such effects will be softened and lessened.'* However the Inspector concluded that the proposal *'would result in a limited degree of incremental erosion of the rural openness and landscape of the area that is a component part of the North Wessex Downs AONB particularly when viewed from Newtown Road and Whittonditch Road…..As such the proposal would result in minor harm to the scenic quality of the North Wessex Downs AONB'*[9].

[7] Paragraph 10 of appeal decision APP/Y3940/W/16/3156940
[8] Paragraph 9 of appeal decision APP/Y3940/W/16/3156940
[9] Paragraphs 12 and 13 of appeal decision APP/Y3940/W/16/3156940

4.0 The Proposal

4.1 The proposal is for Permission in Principle for the erection of a minimum of 7 dwellings and a maximum of 9 dwellings.

4.2 The Illustrative Site Plan shows one way in which the proposed development could be achieved on the site, however a detailed scheme would be required at TDC stage.

4.3 The Illustrative Site Plan shows nine detached, family houses of traditional scale and design, with a mix of dwelling sizes, complementing the character of the local area. Each would have generous private garden space. Access would be from Newtown Road utilising the existing access, with improvements to increase the visibility splays.

5.0 Planning Policy and Other Relevant Material Considerations

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 PiP applications should be made in accordance with the relevant policies in the Development Plan unless there are other material considerations, such as those in the National Planning Policy Framework[10] (The *"Framework"*).

Development Plan

5.3 The relevant part of the Development Plan for Wiltshire currently comprises of the Wiltshire Core Strategy 2015 and the saved policies from the Kennet Local Plan 2011.

Wiltshire Core Strategy 2015

5.4 The policies within the Core Strategy of most relevance in this case are:

Core Policy 1- Settlement Strategy

5.5 Core Policy 1 sets out the settlement categories within the Wiltshire Authority area. Ramsbury is identified as a 'Large Village'. It explains development at 'Large Villages' will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

5.6 In the supporting text for Core Policy 1[11], the Council explains that development will predominantly take the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as sites involving fewer than 10 dwellings. It further sets out that development outside the settlement boundary will be strictly controlled and that the relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary.

10 National Planning policy Guidance: Paragraph: 011 Reference ID: 58-011-20180615.
11 Paragraph 4.15 of the Wiltshire Core Strategy 2015

Core Policy 2- Delivery Strategy

5.7 Core Policy 2 states the delivery strategy seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes.

5.8 The Policy adds that within the settlement boundaries there is a presumption in favour of sustainable development, including at the 'Large Villages'. Outside of the settlement boundaries, development will not be permitted other than in circumstances as permitted by other policies within the plan.

Core Policy 3- Infrastructure Requirements

5.9 Core Policy 3 sets out that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal.

Core Policy 14- Spatial Strategy: Marlborough Community Area

5.10 Core Policy 14 sets out the spatial strategy for the Malborough Community Area which includes Ramsbury. Its sets out that over the plan period (2006-2026), approximately 920 homes will be provided in accordance with Core Policies 1 and 2 in the Malborough Community Area (680 should occur at Malborough, with 240 in the rest of the community area).

Core Policy 41- Sustainable Design and construction

5.11 Core Policy 41 sets out that new development will be encouraged to incorporate design measures to reduce energy demand.

5.12 The policy sets out that new homes will be required to achieve Level 4 of the Code for Sustainable Homes. As the Code for Sustainable Homes is now withdrawn there are no specific reduction targets relating to proposed residential development.

Core Policy 43- Providing Affordable Homes

5.13 Core Policy 43 confirms that on sites of five or more dwellings, affordable housing provision of at least 40% (net) will be provided within the 40% affordable housing zone, which includes Ramsbury.

Core Policy 45- Meeting Wiltshire's Housing Needs

5.14 Core policy 45 explains that new housing must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities.

Core Policy 50- Biodiversity and Geodiversity

5.15 Core Policy 50 sets out that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

5.16 All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains.

Core Policy 51- Landscape

5.17 Core Policy 51 explains 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 through sensitive design and landscape measures.

5.18 The policy adds that proposals affecting the AONBs shall demonstrate that they have considered the objectives, policies and actions set out in the relevant Management Plan.

Core Policy 57- Ensuring high quality design and place shaping

5.19 Core Policy 57 requires a high standard of design in all new developments. Development is expected to create a strong sense of place through drawing on local context and being complementary to the locality.

Core Policy 58- Ensuring the conservation of the Historic environment

5.20 Core Policy 58 explains that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their setting will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Core Policy 60- Sustainable Transport

5.21 Core Policy 60, states that they will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. This will be achieved through various measures, including: [inter alia] planning developments in accessible locations and promoting sustainable transport alternatives to the use of the private car.

Core Policy 61- Transport and development

5.22 Core Policy 61 similarly notes that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Saved policies from the Kennet Local Plan 2011

5.23 The only saved policy which is relevant to the proposed development is Policy HC35 which relates to Recreational Provision on Small Housing Sites. This policy sets out that new residential developments of between 5 and 19 dwellings will be expected to provide land for children's recreation on the basis of 0.72 ha/1000 people.

Other Material Considerations

5.24 Section 70 (2) of the Town and Country Planning Act 1990 requires that all material considerations are taken into account.

National Planning Policy Framework (NPPF) (2023)

5.25 The NPPF sets out the Government's planning policies for England and how these should be applied. The sections of most relevance to this application are summarised below.

5.26 Paragraph 2 explains that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

5.27 Paragraph 7 explains the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 identifies three overarching objectives to achieving this, comprising of economic, social and environmental objectives.

5.28 Paragraph 11 highlights the presumption in favour of sustainable development. Paragraph 11d identifies that where there are no relevant development plan policies or the policies most important for determining an application are out of date, planning permission should be granted 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.

5.29 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way and should use the full range of planning tools available including PiP to secure developments which improve the economic, social and environmental conditions of an area.

5.30 Paragraph 47 explains that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.31 Paragraph 48 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

5.32 Paragraph 60 identifies the Government's objectives of significantly boosting the supply of homes and allowing a sufficient amount and variety of land to come forward for development where it is needed.

5.33 Paragraph 64 states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

5.34 Paragraph 69 confirms that small and medium sized sites can make an important contribution to meeting the housing requirements of an area.

5.35 Paragraph 79 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.36 Paragraph 105 explains that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

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

5.38 Paragraph 126 outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

5.39 Paragraph 130 states that planning decisions should ensure that developments will function well, are visually attractive, sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site, and create places that are safe, inclusive and accessible.

5.40 Paragraph 174 explains that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and minimising impacts on and providing net gains for biodiversity.

5.41 Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

5.42 Paragraph 179 states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

National Planning Policy Guidance (NPPG)

5.43 The NPPG states that the PiP route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The PiP consent route

has two stages, the PiP stage which establishes whether a site is suitable in-principle and the TDC stage where detailed development proposals are assessed[12].

5.44 The scope of PiP is limited to location, land use and amount of *development*. Issues relevant to these 'in principle' matters should be considered at the PiP stage. Other matters should be considered at the TDC stage[13].

5.45 Following a grant of PiP, the site must receive a grant of TDC before development can proceed. Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has PiP for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted.

5.46 The granting of technical details has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application must be in accordance with the PiP specified by the Applicant[14].

5.47 Once a valid application for TDC has been received, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit of 5 weeks[15].

5.48 It is not possible for conditions to be attached to a grant of PiP, nor is it possible to secure planning obligations. However it is possible to attach conditions and secure planning obligations at TDC stage[16].

[12] Paragraph: 001 Reference ID: 58-001-20180615
[13] Paragraph: 012 Reference ID: 58-012-20180615
[14] Paragraph: 003 Reference ID: 58-003-20180615
[15] Paragraph: 053 Reference ID: 58-053-20180615
[16] Paragraphs 020 Reference ID: 58-020-20180615, 021 Reference ID: 58-021-20170728, and 022 Reference ID: 58-022-20180615

Supplementary Planning Documents (SPDs) and other guidance

5.49 The following SPDs and other guidance are relevant to the proposal:

North Wessex Downs AONB Management Plan (2019-2024)

5.50 The Management Plan sets out the vision for the AONB and its special qualities. It presents its objectives to help conserve and enhance the nationally important landscape.

5.51 With regards to design, the Management Plan confirms that '*good design and siting of all new developments in the North Wessex Downs is essential. They should reflect the local landscape character and architecture and make use of local materials*[17]*'*

5.52 The Management Plan, also advises that '*…small scale housing sites within or on the edges of the secondary larger villages may be supported where all landscape and other planning issues have been resolved*'[18].

North Wessex Downs AONB Integrated Landscape Character Assessment (2002);

5.53 The site lies within Character Area 7A: Kennet Valley. The key characteristics of this area are:

- *'relatively steep sides and a narrow valley floor providing a strong sense of enclosure in its upper reaches, broadening out to a wider lowland landscape east of Hungerford;*
- *valley floor dominated by pasture, although east of Hungerford pasture is intermixed with arable fields. Valleys sides are generally under arable cultivation;*
- *diverse vegetation including lush floodplain pasture, marsh and reedbeds, lines of willow pollards and poplars;*
- *varied field pattern including some small fields with sinuous boundaries near Overton, which may date to Saxon enclosure. Boundaries are formed by hedgerows;*
- *remnants of valley floor floated water meadows;*
- *historic parklands, based on medieval sites, are a particular feature of the middle section of the valley;*

[17] Paragraph 7.25 of the North Wessex Downs AONB Management Plan (2019-2024)
[18] Paragraph 7.26 of the North Wessex Downs AONB Management Plan (2019-2024)

- *sinuous belts of woodland line the valley sides and some larger broadleaved woodland blocks on the valley floor. More wooded character east of Marlborough;*

- *an important lowland chalk river - much of the length downstream from Marlborough is designated as a SSSI. Many important wetland and woodland habitats within the wider valley which includes four SSSI;*

- *many archaeological features, including the Sanctuary (part of the Avebury monument complex). Continuity of settlement e.g. Saxon settlement at Marlborough;*

- *the Kennet and Avon Canal is a dominant feature merging with the river east of Hungerford and includes industrial archaeological sites (sluices, locks and warehouses etc.) and World War II military structures;*

- *many attractive settlements of detached houses are located at regular intervals along the whole length of the valley, typically on the south facing side and range from tiny hamlets to the two market towns;*

- *varied built form reflects the local geology including brick/flint and clay tile dominating the area east of Marlborough, and sarsen stone and brick dominating the west. Mills and churches are a distinctive landmark and feature;*

- *overall, an intimate, pastoral rural valley character.'*

Wiltshire Landscape Character Assessment (2005)

5.54 The site lies within Character Area 5A: Kennet Chalk River Valley. The key characteristics of this area are:

- *'Strongly enclosed valleys with an intimate scale contrasting with the surrounding open upland landscape.*

- *Level, often narrow valley floors with relatively steep sides.*

- *Pastoral land use along the valley floor with small scale fields contrasts with arable farmland on the valley sides with medium to large geometric fields.*

- *Hedgerows and hedgerow trees add to the lush and enclosed feel of the valleys.*

- *Riparian woodlands, lines of poplar along ditches and willow pollards.*

- *Diverse mosaic of land cover and habitats includes meadows, fen and wet woodland on valley floor.*
- *Clear fast flowing chalk rivers and streams a key habitat.*
- *Valleys contain a concentration of settlement in contrast to the adjacent unsettled downs.*
- *Many long established villages, sited along the spring line and built of a rich variety of vernacular materials.*
- *Isolated Neolithic long barrow burial monuments, Bronze Age round barrows and water meadow channels on the valley floor contribute to the visible archaeology.*
- *Valley used as transport corridors with major roads and railway lines along valley sides.*
- *Rural landscape sometimes interrupted by the large volume of traffic.*

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011)

5.55 The parking standards set out minimum parking standards for residential development of 1-3 spaces per dwelling depending on the size of the dwelling.

Planning Obligations SPD 2016

5.56 This SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure.

5.57 It explains that CIL will contribute towards the funding of infrastructure to support the cumulative impact of development across the county. Planning obligations will therefore be used to mitigate the site-specific impact of development and to deliver affordable housing.

The Council's Five Year Land Supply Position

5.58 The Council's most up to date position on five year housing land supply (5YHLS) is set out in the latest Housing Land Supply Statement published in 2023[19]. In this Statement the Council confirm that, at that time, the authority wide housing land supply position was 4.6 years.

[19] Housing Land Supply Statement May 2023 (base date April 2022)

5.59 The shortfall in housing has been ongoing for some time and has been confirmed in several recent appeal decisions.

5.60 In a recent appeal in Chippenham[20] dated May 2023 it was found that the supply was between 4.36 years (1,555 homes) and 4.70 years (618 homes).

5.61 The timescales of the emerging Wiltshire Local Plan Review and its adoption (anticipated in Quarter 4 2024) are noted by the Inspector in Chippenham as unrealistic[21]. The Inspector follows on to states that '*it was accepted by the Council that there is no practical plan led solution to remedy the shortfall and that there has been a failure in planning policy to deliver housing in the area*. *Given the housing land supply shortage has now been in place for over 3 years, it is persistent and is expected to continue for another 21 months at an absolute minimum*'[22]. Furthermore, the Inspector notes that to restore the 5YRHLS, the Council agree that it will be necessary to support development of unallocated sites outside settlement boundaries[23].

5.62 In the planning balance, the Inspector notes that the 'in principle' policy harm is of *'limited weight because there is no obvious remedy to the housing shortfall…Thus, despite the number of permissions for housing that have been granted, delivery is not forthcoming, and the settlement strategy and limits of development are not working effectively'[24].*

5.63 Another recent appeal decision in Devizes[25] also dated May 2023 follows similar outcomes to the Chippenham appeal, including on the Council's 5YHLS position. The Inspector also notes that the Wiltshire Core Strategy was based on a housing requirement below the objectively assessed need at the time. This was accepted because the housing need was to be reassessed and met through an early review of the Core Strategy, which has not taken place[26]. The Inspector adds that there is a shortfall of between 701 and 1,407 homes against the minimum housing requirement over the plan period for Wiltshire[27].

[20] Appeal reference APP/Y3940/W/22/3309170- Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham
[21] Paragraph 89 of appeal decision APP/Y3940/W/22/3309170
[22] Paragraph 90 of appeal decision APP/Y3940/W/22/3309170
[23] Paragraph 90 of appeal decision APP/Y3940/W/22/3309170
[24] Paragraph 119 of appeal decision APP/Y3940/W/22/3309170
[25] Appeal reference APP/Y3940/W/22/3312268- Land off Coate Road, Devizes, SN10 3LU
[26] Paragraph 16 of appeal decision APP/Y3940/W/22/3312268
[27] Paragraph 17 of appeal decision APP/Y3940/W/22/3312268

5.64 The Inspector for the Devizes appeal concluded that the housing supply policies are deemed to be '*out of date due to the housing land supply position and carry limited weight. The material harm arising from the conflict would be minor*'[28].

5.65 A further appeal in Great Somerfield[29] dated March 2023 concludes that given the 5YRHLS shortfall, the conflict with the spatial strategy is attributed '*limited weight*'[30].

5.66 Furthermore committee reports for two major housing schemes[31] which were taken to the last Wiltshire Strategic Planning Committee on 01/11/23 explain the number of appeals since 2019 where 5YHLS has been a principal consideration:

> *'There have been 26 appeals since 2019 where 5 year land supply has been a principal material consideration. 19 of the appeals have been allowed, with 12 of 15 allowed in the last 16 months. Those few appeals that were dismissed had, in the main, other technical objections which tipped the balance the other way (for example, ecology, highway safety, loss of a country park, etc.).'*

5.67 The committee reports note that in order to address the housing shortfall the Council issued a briefing note in April 2022[32]. Section 6 of the briefing note relate to what the Council can do to restore a 5YHLS, and sets out the following three action points:

> *'(i) Work positively with developers to take key strategic sites through the planning system.*
>
> *(ii) Continue supporting Neighbourhood Plans, identifying any suitable sites for housing.*
>
> *(iii) 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.'*

Emerging Local Plan

5.68 The Council is currently consulting on the Regulation 19 stage of the Wiltshire Local Plan 2020-2038, until this has been through examination, it carries little weight in decision making and therefore the policies are not covered within this statement. However of particular relevance

[28] Paragraph 24 of appeal decision APP/Y3940/W/22/3312268
[29] Appeal reference APP/Y3940/W/22/3296058- Land at Broadfield Farm, Broadfield Farm, Great Somerford
[30] Paragraph 26 of appeal decision APP/Y3940/W/22/3296058
[31] PL-2021-09013 and PL/2021/03749
[32] 5 Year Housing Land Supply and Housing Delivery Test Briefing Note No.22-09.

to this proposal the draft Plan identifies that Ramsbury as having a residual need of 35 new dwellings over the plan period[33].

[33] Table 4.12 of the draft Wiltshire Local Plan 2020-2038

6.0 Planning Assessment

6.1 The application is for Permission in Principle. The scope of PiP applications is limited to location, land use and amount of development. Other matters would need to be considered at the TDC stage.

6.2 The proposed development is eligible for consideration for PiP because it is not major development, habitats development, householder development or Environmental Impact assessment development.

6.3 The three matters relevant to the principle of development are now each addressed in turn below.

1. Location

Housing land supply

6.4 The latest Housing Land Supply Statement identifies that the Council continues to be unable to demonstrate the requisite five-year supply of new homes to meet its housing requirement.

6.5 As noted in Section 5 of this Statement, in a recent appeal at Chippenham a range was agreed with that Appellant suggesting 4.36 years and the Council indicating 4.70 years. The Inspector concludes that either way the shortfall (accounting for the size of the local authority) cannot be described as modest. The Council also accepted that the shortfall is persistent (over 3 years) and that there is no practical plan led solution to remedy the shortfall. The timescales of the emerging Wiltshire Local Plan Review and its adoption (anticipated in Quarter 4 2024) are noted by the Inspector in Chippenham as 'unrealistic'. Therefore, the Council's 5YHLS shortfall will continue until the end of 2024 as a minimum.

6.6 The application site is unallocated for development and lies within the 'countryside' for planning purposes, beyond the SPB (albeit close to it). It is therefore accepted that, in principle, the proposal is not fully in accordance with Core Policies 1, 2 and 14 of the Wiltshire Core Strategy which seek to restrict new build development beyond the settlement boundary.

6.7 However, given that the Council does not have a 5YHLS as required by the NPPF, the Development Plan policies governing housing supply (i.e. in this instance Core Policies 1, 2 and 14) and the settlement boundaries are automatically 'out of date'.

6.8 Whilst the settlement boundaries and key policies are 'out of date', there is a requirement to undertake an assessment of the weight to be given to any conflict with such policies. In this case, there are several factors that contribute to the out datedness of these policies and the settlement boundaries:

- There is no plan-led remedy to the 5YHLS shortfall expected before the end of 2024 as a minimum, and the Council accept in their Housing shortfall briefing note that there is a need to grant planning permissions for speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

- The policies and settlement boundaries have not worked to allow sufficient land to be brought forward to meet the minimum requirements to demonstrate a 5YHLS as required by the NPPF.

- The Core Strategy is over 5 years old. Furthermore, the Core Strategy was found to be sound based upon a housing figure below the objectively assessed need. The housing need was meant to be reassessed and met through an early review of the Core Strategy which has not occurred. Overall, as demonstrated in the appeal at Devizes, there is also a shortfall of between 701 and 1,407 homes against the minimum housing requirement over the plan period for Wiltshire.

6.9 With the above in mind, it follows that any harm from the conflict with Core Policies 1, 2 and 14 cannot attract anything more than 'limited' weight. This is supported by Inspector's at appeal decisions in Wiltshire, including at the recent appeals in Chippenham, Devizes and Great Somerford as set out in Section 5 of this Statement.

6.10 Considerable weight should therefore be attached to the fact that the development proposal will boost local housing supply in the context of a housing supply shortfall, particularly on a small site which is capable of delivering quickly, as outlined in paragraph 69 of the NPPF.

Sustainability

6.11 The site lies is a sustainable location suitable for new housing, close to the SPB, and with easy access to a number of services and facilities in Ramsbury as outlined in paragraphs 2.10-2.11 of this Statement and therefore complies with paragraph 105 of the NPPF which sets out that development should be focused in locations which are sustainable.

Conclusion on location

6.12 The site is a suitable location for new housing, having regard to the Council's 5YRHLS position, and the fact that the site is in a sustainable location for new housing being situated close to SPB with easy access to a wide range of services, facilities and public transport in Ramsbury.

2. Land Use

6.13 The residential use is appropriate for the site as it is well located to the existing SPB and its associated services, facilities and public transport. There are two dwellings between the SPB and the site, and other dwellings adjoining the site immediately to the east, therefore the proposal is a logical continuation of the existing surrounding land uses within this part of Ramsbury.

6.14 It is envisaged that a mix of dwelling sizes will be included at TDC stage.

6.15 Whilst Core Policy 43 seeks 40% affordable housing on sites of 5 or more dwellings this pre-dates the NPPF paragraph 64 which sets out that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. The proposal is not for major development and Ramsbury is not a designated rural area and as such affordable housing is not required.

3. Amount of Development

6.16 The proposal is for a range of between seven and nine dwellings. The Illustrative Site Plan shows one way in which the site can comfortably accommodate nine traditional family sized, detached homes, and their associated curtilages, necessary roads, private parking and landscaping (a detailed scheme would follow in the TDC application).

6.17 The Illustrative Site Plan further demonstrates how this amount of development would be an appropriate density having regard to the character of the local area, whilst making efficient use of land.

Other considerations

6.18 Whilst specific technical details are not valid considerations at this PiP stage, it is reasonable to consider the principle of matters insofar as they form part of the assessment of the appropriateness of the site for development.

Landscape/AONB

6.19 It is an important material consideration that on the 2014 planning application the Landscape Officer commented that the proposal *'would not generate any really harmful landscape or visual effects to the AONB or for wider countryside receptors'*, the AONB Planning Advisor commented that *'the AONB Unit accept that part of this site may have the ability to accommodate a small housing site at less than 10 dwellings'* and the Public Rights of Way Officer raised no objections. The proposed development is for a smaller site and smaller scale of development and therefore the same conclusions should apply.

6.20 Furthermore, in the appeal decision for the 2015 planning application the Inspector concluded that the proposal would result in *'minor harm'* to the scenic quality of the North Wessex Downs AONB. At this time the Council had a healthy supply of housing. As such, it seems likely that if there had been a housing land supply shortfall, the minor harm would have been outweighed by the need for housing. Furthermore, the proposed development is for a smaller scale of development on adjoining land, and noting the Landscape and AONB Unit comments on the 2015 planning application is it considered that the proposed development would not result in harm to the character of the landscape or AONB.

6.21 The proposal would not result in harm to the character of the local landscape as set out in the Landscape Character Assessments in Section 5 of this Statement.

Heritage

6.22 Rush Cottage is located to the south of the site on the opposite side of Newtown Road and is a grade II listed building. The proposed development will retain the majority of the boundary vegetation between the site and Rush Cottage; therefore it is considered that the proposal will conserve the setting of this heritage asset.

6.23 The proposal would conserve the setting of the Ramsbury Conservation Area, which is located quite some distance away, approximately 350 metres west of the site.

6.24 A Heritage Assessment would be provided as part of the TDC submission.

Trees/vegetation

6.25 The majority of the trees and vegetation around the boundaries of the site can be retained with some removal necessary to facilitate a suitable access. As noted in Section 3 of this

Statement, the 2014 planning application included access from Newtown Road and the Landscape Officer had no objection to the vegetation removal required for the site access, subject to full details being secured via condition. In this case further details can be secured at the TDC stage.

6.26 The west boundary vegetation of the adjacent property Wootton House is protected by a TPO, sufficient separation distance can be provided to protect this vegetation.

Biodiversity

6.27 Ecological reports would be provided as part of the TDC submission, including an assessment of opportunities to enhance biodiversity.

Drainage

6.28 The site is within Flood Zone 1 and is therefore at lower risk of river flooding. Also, according to the Environment Agency online Flood Maps, the site is at very low risk of surface water flooding.

6.29 It is likely that the proposed development will result in a small increase in surface water runoff, however a sustainable drainage system can be accommodated within the site.

6.30 Full details of both surface and foul drainage would be provided as part of the TDC submission.

Access and parking

6.31 Access would be from Newtown Road utilising the existing access, with improvements to increase the visibility splays.

6.32 The 2015 planning application proposed an access from Newtown Road which is the same as that shown on the submitted Illustrative Site Plan. The Highways Officer commented on the 2015 planning application and confirmed that the access was suitable and provided the required visibility.

6.33 On the 2015 planning application the Highways Officer also confirmed that the existing highway was able to accommodate the likely increase in vehicles movements, and that a proposed footway outside the site on Newtown Road was not necessary as there is no existing footway to tie into.

6.34 The Illustrative Site Layout shows one way in which the site could accommodate sufficient on-site parking for the proposed development in accordance with the Council's parking standards.

6.35 Full details on the access, highways and parking matters would be provided as part of the TDC submission.

Infrastructure

6.36 CIL payments at the TDC stage will contribute towards the funding of infrastructure to support the cumulative impact of development across Wiltshire Council. It is not foreseen that there would be any additional site-specific impacts that would require mitigation through a planning obligation at TDC stage.

6.37 Saved policy HC35 from the Kennet Local Plan 2011 relates to recreational provision and sets out that new residential developments of between 5 and 19 dwellings will be expected to provide land for children's recreation on the basis of 0.72 ha/1000 people. This policy is dated, originally adopted in 2011. Furthermore, since this policy was adopted CIL has been introduced which collects payments towards open space. Therefore, it is not clear whether this policy requirement is justified. Notwithstanding this the Illustrative site plan shows an area of open space outside of H3 which meets the standards as set out in saved policy HC35, if this is required.

7.0 Conclusion

7.1 The proposed development is eligible for consideration for PiP because it is not major development, habitats development, householder development or Environmental Impact assessment development. The scope of PiP applications is limited to location, land use and amount of development. Other matters would need to be considered at the TDC stage.

7.2 The site is a suitable location for new housing, having regard to the Council's 5YHLS position, and the fact the site is in a sustainable location being situated close to SPB with easy access to a wide range of services, facilities, and public transport.

7.3 The residential use is appropriate for the site as it is well located to the existing SPB and its associated services, facilities, and public transport. There are two dwellings between the SPB and the site and other dwellings adjoining the site immediately to the east, therefore this is a logical continuation of the existing surrounding land uses within this part of Ramsbury.

7.4 The amount of development is appropriate. The Illustrative Site Plan shows one way in which the site can comfortably accommodate nine traditional family sized, detached homes, and their associated curtilages, necessary roads, private parking, and landscaping in keeping with local character whilst making efficient use of land.

7.5 There is some conflict with Core Policies 1, 2 and 14 of the Wiltshire Core Strategy that seek to restrict new dwellings in the 'countryside'. However, as the Council do not have a 5YRHLS the Development Plan policies governing housing supply (i.e. Core Policies 1, 2 and 14 in this instance) are automatically 'out of date'.

7.6 With regards to limb i of Paragraph 11 d), footnote 7 of the NPPF identifies designated heritage assets and AONB as 'assets of particular importance'. It is considered that a small-scale residential development would have no significant harm on the AONB or the setting of heritage assets. Therefore, it does not provide a clear reason for refusing the development in accordance with the policies in the Framework.

7.7 Accordingly, the 'tilted balance' applies in accordance with paragraph 11 d) ii of the NPPF – i.e. planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This means that decision taking is weighted in favour of the proposals.

7.8 In this case any harm from the conflict with Core Policies 1, 2 and 14 cannot attract anything more than 'limited' weight (this is supported by numerous Inspectors at appeal decisions in Wiltshire as highlighted at Section 5 of this Statement) and does not come close to reaching the threshold of significantly and demonstrably outweighing the benefits arising from the contribution made to the provision of additional new dwellings in context of the persistent housing land supply shortfall.

7.9 Permission in principle should therefore be granted in accordance with paragraph 11 d) ii of the NPPF.