From: Steve woodhead **Sent:** Friday, October 27, 2023 8:53 PM
To: Developmentmanagement <Developmentmanagement@wiltshire.gov.uk>
Subject: Objection to Planning Application PL/2023/08833. - Permission in Principle - Land off Stanton Lane, Kington St Michael

Dear Mr Crozier,

I am writing to register my objections to planning application PL/2023/08833.

Permission in principle for erection of 9 houses.

Land off Stanton lane, Kington St Michael, Chippenham, Wiltshire.

My name is Stephen Woodhead and I have been a resident of the conservation village of Kington St Michael for the last 35 years. Recently I have volunteered for, and been accepted by the Kington St Michael Parish Council to lead the next phase of the Neighbourhood Plan looking at the feasibility to introduce more affordable housing into the village

The Localism Act 2011 focusses on the principle that decision making be passed to a more local level, from national or local government to local communities. Parish councils are mandated to produce, through a plan led process neighbourhood plans and development plans for their communities. Wiltshire Core Strategy and the Wiltshire Council Local Plan pre-submission draft 202-2038 supports this plan led process and provides clear strategic guidelines reinforced through the National Policy Planning Framework September 2023.

The parish council have had in place the neighbourhood plan steering committee who have, through considerable consultation and communication with its community are approaching schedule 15 and onto 16 in early 2024.

The planning application PL/2023/08833 by reason of its location outside of the defined settlement boundary and within open countryside would be contrary to the settlement, delivery and community area plans of the Wiltshire Core Strategy.

The proposed application conflicts directly with the councils plan led approach to sustainable development.

When weighed against the National Policy Planning Framework the adverse impacts to the open countryside are permanent, character changing and non-compliant, and should be rejected.

Speculative developers and land owners who have no interest in meeting the needs of the community with no social housing, no affordable housing, poor design location which is primarily based on profit only and not the housing needs of the local communities.

The land in question is in open countryside and outside of the village defined settlement boundary and is on a slope of 1 in 3. Significant high voltage power distribution cables cross the area. Stanton Lane through the government flood risk assessment mechanism is classified as flood risk 2. Hence this proposal fails to meet National Planning Policy Framework 2023 section 2 Achieving sustainable development, section 9 Achieving sustainable transport, section 12 Achieving well designed places and section 15 Conserving and enhancing the natural environment.

The developer has totally preempted the Wiltshire Core Strategy relating to Core Policies 1 ,2 and 10 relating to settlement strategy, delivery strategy and the spatial strategy for the Chippenham community area.

The development contravenes the Human Rights Act Protocol 1 Article 1 – this article specifically looks to protect your right to enjoy your property peacefully. In the case of the residents of Stanton Lane, Kyneton Cottage, The Orchard and Kyneton Way whose family homes will be exposed to permanent negative landscape alterations and construction work. This clearly is an infringement of their human rights under protocol 1 article 1.

Seven planning applications precedents have been highlighted clearly stating in all cases that outline planning applications for dwellings outside of the settlement boundary and open countryside have been rejected.

In particular I ask you to reference PL/2023/04815 dated 21st September- land at Kington Lane, Stanton St Quintin, Chippenham which was rejected on the same basis.

Planning application PL/2023/08833 makes no reference to noise assessment, ecological mitigation, dwelling design, refuse collection, transport issues, flooding risk, community consultation, social housings needs analysis, SHELAA assessment, meeting the needs of the community and hence should be rejected according to National Planning Policy Framework section 12 paragraph 126, 132 and 129.

I respectfully ask that receipt of my objections report are acknowledged and I ask for your support in rejecting this application.

Your Sincerely

Stephen Woodhead

Report: Land off Stanton Lane.
Permission in principle for the erection of 9 houses.
Planning Application PL/2023/08833.

Objections to the above planning application – Permission in Principle.

Date: 26th October 2023

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Land off Stanton Lane – Permission in principle for the erection of 9 houses

1. Executive Summary

This report details the implications, risks and effects of the planning application – permission in principle for the erection of 9 houses on the conservation village of Kington St Michael. The information gathered in this report has been used in conjunction with all relevant and historical planning applications and highlights significant and conclusive contraventions of Local Government, Parish Council and National Planning regulations/guidelines in addition to a direct contravention relating to the Neighbourhood Plan Draft Schedule 14 /15 and as a consequence the Wiltshire Core Policy and Wiltshire Council Local Plan Pre-submission 2020-2038. I respectfully request that the Wiltshire Council Planning Authority reject this application for permission in principle.

The issue of sustainable housing and the needs of our local community are a serious issue for everyone and local residents in particular however this application totally disregards the Kington St Michael neighbourhood plan process and steering groups significant progress to date, has failed to even consult in a meaningful manner with those residents that will be severely affected by the proposal and disingenuously focusses on bypassing established processes that have been generated from the Localism Act 2011.

2. Background

The proposal is for the erection of 9 houses in an open area of countryside that is also outside of the settlement boundary of the conservation village of Kington St Michael.

The submission is a permission in principle and focusses on the requirement of the Kington St Michael parish to deliver the housing requirements of the Wiltshire Council Local Plan pre-submission draft 2020-2038. The village of Kington St Michael, identified as a large village has been identified to accept 34 houses for the needs of our community (not the needs of the developer or land owner). The process is being plan lead by the Kington St Michael Neighbourhood Plan steering group who have diligently worked to a schedule 14 position and entering into 15 and 16 with a planned submission to Wiltshire Council in early 2024 with a village plan for sustainable housing.
This is a speculative and pre-emptive application trying to bypass the Kington St Michael Neighbourhood plan and hence the Localism Act 2011 for our village.

3. Kington St Michael Conservation Village

- History

The village of Kington St Michael was originally called Kington and was first recorded in a Saxon document in 934 AD. The street village pattern dates back to the 12th century with many of the houses (in particular 77, 78, 75 Kington St Michael) having key historical locations. The Manor House was built in 1860 along with the school and schoolhouse and is one of the very few in the country to be retained once they ceased to be used for educational purposes.

- Listed Buildings and Almshouses
  The village and its 45 listed buildings both within and outside the conservation area are mentioned in the Doomsday book as being worth 30 shillings containing a mill held by the Church at Glastonbury. The Parish finally become known as Kington St Michael in 1280. Many of the village cottages were used as public houses, blacksmiths and breweries with the Almshouses being held for sheep markets.
  Whilst a number of buildings do not meet the 'special' benchmark for grade I and II listing, their heritage value has the potential to place them in the category of *'Buildings of Local Interest – non-designated heritage assets.*

- Kington St Michael is situated approx. 3 miles to the north west of Chippenham and is a small, friendly and thriving village with in excess of 700 inhabitants.

- The Kington St Michael Neighborhood Plan Regulation 14 Consultation Draft describes a vision for the village over the next 25 years as one where 'our natural environment and beautiful countryside will continue to be one of our most prized assets'.

- Location Heritage
  The village of Kington St Michael has a rich heritage which contributes to its distinctive character and the quality of resident's everyday life. The protection of our local heritage assets is a priority for local people. The conservation area is, in law an area of special architectural and historic interest. *Planning authorities are legally required to pay special attention to conserving and enhancing the character of conservation areas. Any proposed development which conflicts with this objective should usually expect to be refused*. The Red Barn solar farm proposal will be shown in the forthcoming information to directly and uncontrivable diminish the character, heritage and beauty of our landscape and village.
  The Historic Environment Record (HER) for Kington St Michael provides a wealth of information on the Parish's historic environment, and should be referred to where proposals have the potential to effect heritage assets.



Figure 9: Kington St Michael Conservation Area: Key Features

Details of the land off Stanton Lane



1. The proposed field has an area of approx. 4,576 m2 and is classified by the developer as open countryside and is outside the Kington St Michael parish settlement area as defined in the Kington St Michael Neighborhood plan draft schedule 14 leading to 15.

2. The proposed field area for the proposed development is approx. 1.7 acres.

3. The proposed field area occupies approx. 36% of the open countryside (of the total field in question).

4. The initial slope of the field is 1.2 but then extends to 1.3 for the remainder proposed area.

5. The area at the end of the field (steepest slope) nearest the stream, floods due to the run off from the field.

6. Stanton Lane access road floods and is classified as Flood risk 2 (refer to flood section).

Physical, Ecological and Environmental details of the Land off Stanton Lane

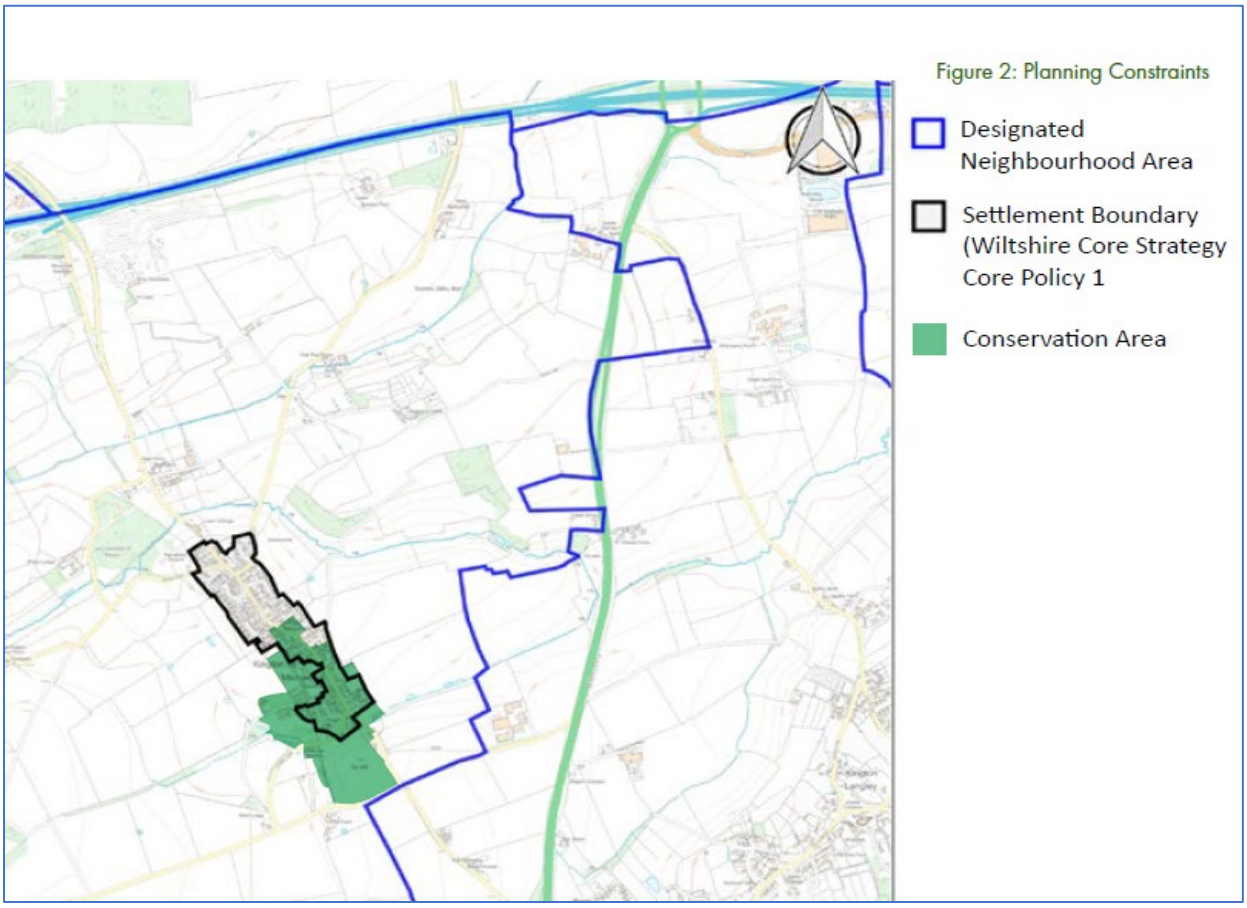


4. Objections

1. Kington St Michael Neighborhood Plan Regulation 14 Consultation Draft dated October 2023

The Kington St Michael Neighbourhood Plan Regulation 14 Consultation Draft is in the final stages of Parish Council approval and was designated by Wiltshire Council as part of the Localism Act 2011 to allow local communities to shape new development and promote better land use in their communities by preparing a neighbourhood plan, effectively empowering our communities.
The Kington St Michael Neighbourhood Plan was developed with appropriate regard to NPPF (National Planning Framework) 2021 revised sept 2023, Wiltshire Local Plan (Core Strategy) and compatible with the Human Rights Act.

Whilst the Plan has not been formally approved there has been substantive village consultation over a number of years.
Process plan to date:
2019 – Prevision survey by residents
2019 - Neighbourhood plan open day
2020 – Consultation on village assets
2021 - Neighbourhood plan stall at fun day
2022 - Evidence gathering and input to village website and newsletter
2023 - Formal regulation 14 consultation draft – approved by KSM village council
2023 - Nov Formal regulation 14 – Conclusion of evidence-based assessment
2023 – Dec Formal regulation 15
2024 – Jan Formal regulation 16



Planning application PL/2023/08833 is outside of the Kington St Michael settlement boundary.

Key Aims from the Kington St Michael Neighbourhood Plan Regulation 14 Consultation Draft -Oct 2023

AIM 2 - TO PROTECT AND STRENGTHEN OUR VALUED COMMUNITY FACILTIES AND COMMUNITY LIFE

*'The beautiful rural surroundings of the village should be protected and enhanced' – **not met by the PL/2023/0883 since the development is in open countryside and outside the defined settlement boundary.***



AIM 3 – OUR DISTINCTIVE VILLAGE

*'The historic core, locally valued heritage and distinctive character of the village should be protected, and any new development should respect our valued assets.'- **not met by the PL/2023/0883 since the development is in open countryside and outside the defined settlement boundary.***



AIM 3 – OUR GREEN ENVIROMENT

*'KSM5 – The rural landscape setting of Kington St Michael will be protected. Any proposal for development which, by reason of their scale, siting and design, would affect the landscape setting as described in Wiltshire Landscape Character Assessment and Kington St Michael Community Design Statement, musty demonstrate how the landscape setting will be protected and enhanced' - **not met by the PL/2023/0883 since the development is in open countryside and outside the defined settlement boundary***



AIM 4 – PROTECTING THE OPEN COUNTRYSIDE

'Any development in the Neighbourhood area should ensure the rural landscape character of the village, immediately surrounded by long standing farmland, is respected and enhanced'
- – not met by the PL/2023/0883 since the development is in open countryside and outside the defined settlement boundary.



AIM 5 – TO ENSURE THAT ANY NEW HOUSING DEVELOPMENT WITHIN THE PARISH HELPS TO MEET THE EVIDENCED LOCAL HOUSING NEED

The Localism Act 2011 focusses on the principle that decision making be passed to a more local level, from national or local government to local communities. Parish councils are mandated to produce, through a plan lead process neighbourhood plans and development plans for their communities. Wiltshire Core Strategy and the Wiltshire Council Local Plan pre-submission draft 202-2038 supports this plan led process and provides clear strategic guidelines reinforced through the National Policy Framework September 2023.
The parish council have had in place the neighbourhood plan steering committee who have, through considerable consultation and communication with its community are approaching schedule 15 and 16.
The planning application PL/2023/08833 by reason of its location outside of the defined settlement boundary and within open countryside would be contrary to the settlement, delivery and community area plans of the Wiltshire Core Strategy.
The proposed application conflicts directly with the councils plan led approach to sustainable development.
When weighed against the National Policy Planning Framework the adverse impacts to the open countryside are permanent, character changing and non-compliant, and should be rejected.

AIM 6 – GETTING AROUND, ACTIVE TRAVEL AND PUBLIC TRASPORT

Access from Stanton lane is clearly unsafe with a non DMRB access point, no public footpath, the road has a stream running down the 1 in 3 slope and the bottom of Stanton lane being flood risk 2 - not met by PL/2023/0883



Series of blind bends on single track lane.



Passing point on Stanton Lane that floods with exposed drainage.



Stanton Lane condition with flood erosion on the rhs and flood risk 2 from the stream.

2. Contravenes Wiltshire Core Policy 50 - Biodiversity and Geodiversity

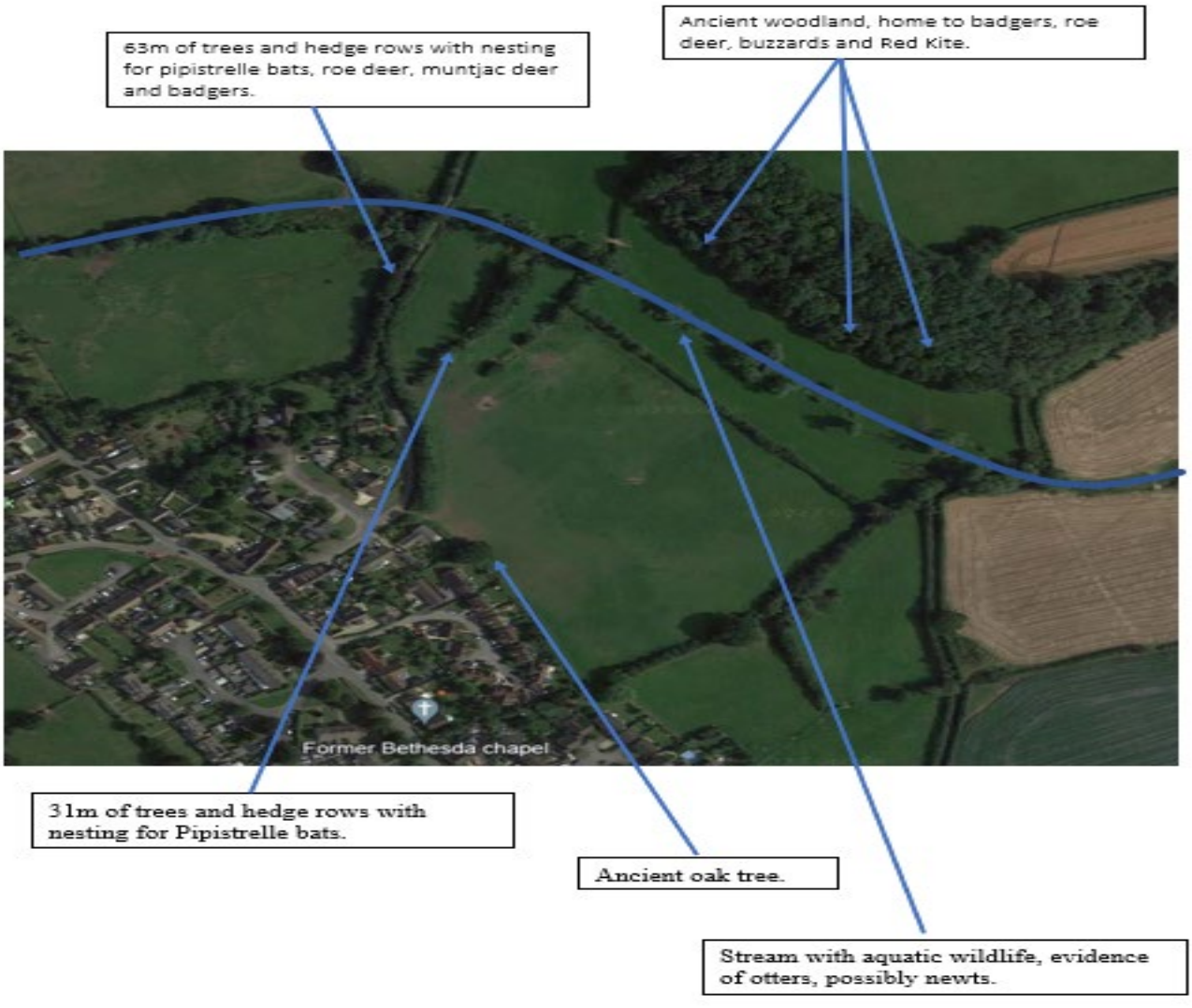
Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered and managed favourable.

Planning application PL/2023/08833 does not state any biodiversity and ecological enhancement net gain in its submission for the erection of 9 houses outside of the village settlement boundary.

Whilst mitigation could be applied the planning application has made no effort to describe how the open countryside will be protected and how biodiversity and geodiversity can be enhanced.

It is anticipated that significant disruption will be incurred within the ecological environment due to civil engineering construction, drainage issues, flooding mitigation, hedge and tree habitat removal.

- Vehicle ingress into the proposed site from Stanton Lane and the impact on the watercourses from construction 'run off' will seriously disrupt habitat and nesting area.
- The stream at the northern edge of the proposed area may contain Great Crested Newts – no 200m buffer has proposed. In addition, the 440volt high voltage power cable will be required to be moved or modified by the DNA.
- Sky larks have been seen to inhabit the fields, hedges and woodland adjacent to the proposed housing development.
- Various species of bats inhabit the woodland, hedges and tree line adjacent to the proposed housing.
- Deer roam freely within the landscape and open countryside.
- Badgers sets have been previously disturbed and their habitat in the wooded area and hedgerow will be further disrupted.



2. Contravenes Wiltshire Core Policy 51 – Landscape

Sections 6.79 and 6.8 are extremely clear on seeking to protect, conserve and enhance Wiltshire's distinctive landscape character.
Our village Neighbourhood Plan Regulation 14 Consultation Draft, which is fundamentally aligned to the Wiltshire Core Strategy and Wiltshire Council Local Plan pre-submission 202-2038 clearly states that '*The rural landscape setting of Kington St Michael will be protected. Any proposal for development which, by reason of their scale, siting and design, would affect the landscape setting as described in Wiltshire Landscape Character Assessment and Kington St Michael Community Design Statement, musty demonstrate how the landscape setting will be protected and enhanced'.*

The core policy makes clear reference to *The European Landscape Convention which promotes landscape protection, management and planning, and applies to all landscapes, towns and villages, as well as open countryside.*
However, the principle pressure on the landscape arising from the proposed development is a clear erosion of our villages separate identity, character and views of the open countryside by the nature of planning application PL2023/08833.



Nodal view from the resident of No2 Stanton Lane



Nodal view from the resident of Kyneton Cottage

2. Contravenes Wiltshire Core Policy 62 – Development impacts on the transport network.

This policy states that all new developments are required to assess the transport issues related to that development. Where a development will have significant transport implications, the council will require a transport assessment to be prepared and submitted alongside a planning in accordance with national guidelines.

The proposed access into the development can be from two independent locations



The picture above illustrates the access into the proposed housing development situated within open countryside outside of the parish defined settlement boundary. The access is a farm gate at a width of 2.4m width. The trees on both sides of the access would have to be removed and hence effecting the ecological environment. A significant soil slope provides access to the field. Stranton Lane already provides access to Stanton St Quintin and the M4 via junction 17.



The adjacent picture illustrates the second potential access and exit from the proposed housing development. Stanton Lane has in recent years become a common thoroughfare for traffic coming from and into Stanton St Quinton.

Since this provides quick access to the M4 and Cirencester via the A350.

The lane adjacent is severely narrow, consists of three blind bends with a portion of the lane that floods and is classified through the government website as flood risk.

Raised drainage pipes are located hazardously in the only passing area in the lane.

No footpaths are situated in this lane and hence an increase in vehicle traffic would be expected.

3. Contravenes Wiltshire Council Local Plan Pre submission draft - Policy 82 Housing in the Countryside.

Policy 82

Housing in the Countryside

Proposals for housing development outside of the defined settlement boundaries and outside of the built areas of Small Villages, on land that is not allocated in the development plan or subject to an exceptions policy will not be supported, unless it meets one of the following criteria:

i. The proposal would deliver onsite housing to accommodate employees that are essential for the viable operation of a rural business[16]. In such circumstances, applicants will be expected to submit clear evidence to show:
   - the functional need for permanent onsite accommodation, including an assessment of alternative options at nearby settlements and/or as part of existing onsite accommodation;
   - that the enterprise will remain financially viable for the foreseeable future, to justify the development of permanent accommodation.

ii. The proposal would enable a viable and sensitive alternative use of a heritage asset in a manner which secures its protection and longevity, and retains the characteristics for which it is valued as a heritage asset.

iii. The proposal is for the conversion or re-use of a disused building in the countryside. In such circumstances, evidence will be required to show that the building is structurally sound and capable of conversion without major rebuilding, and that the development would enhance the character of the original building. [17] and its setting.

iv. When the development would entail the replacement or subdivision of an existing residential dwelling, provided that the scale and design of the development is appropriate, having regard to the local landscape and design context.

In all cases, it must be demonstrated that safe and suitable access to the site is achievable for all users; that appropriate opportunities to promote sustainable transport modes have been considered; and that any adverse impacts on the transport network can be acceptably mitigated.

Planning application PL/2023/08833 directly contravenes this clear draft policy for the following quantifiable reasons:

- The permission in principle planning application has bypassed the Kington St Michael Neighbourhood plan process and the work done by the steering committee in progressing the plan to schedule 14/15/16.
  In effect also bypassing the Localism Act 2011 and putting forward a speculative development that in no way considers the needs of the community.

- Does not deliver on site housing to accommodate employees with no evidenced based submission.

- Does not enable a viable and sensitive alternative for the use of a heritage asset which secures its protection since the development is within the open countryside.

- Does not involve the conversion or re-use of disused buildings in the countryside.

- Does not entail the replacement or subdivision of an existing residential dwellings

- The field in question is outside of the defined Neighborhood Plan settlement boundary with access that is not suitable due to flooding risk, road condition and excess traffic on Stanton Lane where planning application PL/2023/04815 was rejected for these reasons in September 2023.

3. Contravenes Wiltshire Core Policies 1, 2 and 10.

Core Policy 1 Settlement Strategy

Development outside the settlement boundary will be strictly controlled. 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 to identify new developable land to help meet the housing and employment needs of that community

Planning application is in direct conflict with core policy 1. The application has been made without any reference, consultation, communication with either the Parish Council, Parish council neighbourhood plan steering committee or residents of the village. This application looks to bypass the plan led strategy of Wiltshire council core strategy.

Core Strategy 2 Delivery Strategy

At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries, sites for development in line with the area strategies will be identified through subsequent site allocations and by local communities to identify sites through lead neighbourhood planning.

Planning application is in direct conflict with core policy 2. The application is outside of the settlement boundary of the village as acknowledged in the letter from LPC planning consultants. Furthermore, the proposal is in open countryside and directly against the neighbourhood plan draft schedule 15 /16.

Core Strategy 10 Spatial Strategy for the Chippenham Area

The Spatial Strategy: Chippenham Community Area

Development in the Chippenham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Principle Settlements:	*Chippenham*
Large Villages:	*Christian Malford, Hullavington, Kington St Michael, Sutton Benger and Yatton Keynell*
Small Villages:	*Biddestone, Burton, Grittleton, Kington Langley, Langley Burrell, Lower Stanton St Quintin, Nettleton, Stanton St Quintin and Upper Seagry*

2. The capacity to provide a mix of house types, for both market and affordable housing alongside the timely delivery of the facilities and infrastructure necessary to serve them;
3. Offers wider transport benefits for the existing community has safe and convenient access to the local and primary road network and is capable of redressing transport impacts, including impacts affecting the attractiveness of the town centre
4. Improves accessibility by alternatives to the private car to the town centre, railway station, schools and colleges and employment
5. Has an acceptable landscape impact upon the countryside and the settings to Chippenham and surrounding settlements, improves biodiversity and access and enjoyment to the countryside
6. Avoids all areas of flood risk (therefore within zone 1) and surface water management reduces the risk of flooding elsewhere

Planning application Pl/2023/08833 contravenes core policy 10 since the area in question has a significant impact upon the countryside, does not improve biodiversity and has unsafe access in an already high volume high street.

4. Contravenes National Planning Policy Framework Section 80

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

1. The planning application contravenes National Planning Policy Framework section 80 since the location of the 9 houses is in the open countryside and outside of the village settlement boundary.

2. The erection of 9 houses will not be for the use of rural workers

3. The erection of 9 houses has no correlation to any heritage asset or part of any development to secure the future of heritage assets.

4. The field in question has no redundant or disused buildings as part of the housing proposal.

5. The field in question has no residential properties on the land and hence no subdivision is applicable

6. Whilst no design parameters or specifications have been submitted as part of this planning application. It would be reasonable to determine that the housing would not be classified as outstanding, raise standards of design or be sensitive to the defining characteristics of the village.

The application fails to meet the criteria for section 80 of the National Planning Policy Framework and should be rejected.

4. Contravenes National Planning Policy Framework Section 12 – Achieving Well-designed Places

- Section 126 states that

The creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve.
Neighbourhood planning groups can play an important part in identifying the special qualities of each area and explaining how this should be reflected in the development.

- Section 130 states that

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) Visually attractive as a result of good layout and appropriate and effective landscaping.
f) create places that are safe, inclusive and accessible and which promote health and wellbeing.

- Section 132 states that

Applications that can demonstrate early, proactive and effective engagement with the community should be looked at favourably. This has not been done at either community, Parish Council or Neighbourhood Steering Group level.

- Section 134 states that

The Development that is not well designed should be refused.

The planning application PL2023/08833 is not well designed but expedient to bypass the plan led process for sustainable development in the village of Kington St Michael and directly contravenes the National Planning Policy Framework section 12 subsections 126, 130, 132, 134 on the following criteria points.

1. The Kington St Michael neighbourhood plan steering group are responsible for delivering the neighbourhood plan for the village and have been significant progress with the current submission at schedule 14. The Steering group have commissioned Place Studios to help with moving the plan led process to schedule 16 in early 2023.
   This process is fully in line with the Wilshire Core Strategy, Wiltshire Council Local Plan presubmission draft 2020-2038 and National Planning Policy Framework 2023.

2. The planning application is within open countryside and outside of the village settlement boundary and would be classified as permanent with no demonstrable visual attractiveness, effective landscaping and due to the issue with Stanton Lane potentially unsafe for access.

3. The planning application has been made with absolutely no interaction with the Parish Council, Parish Council Neighbourhood plan steering committee or residents affected by the housing development.

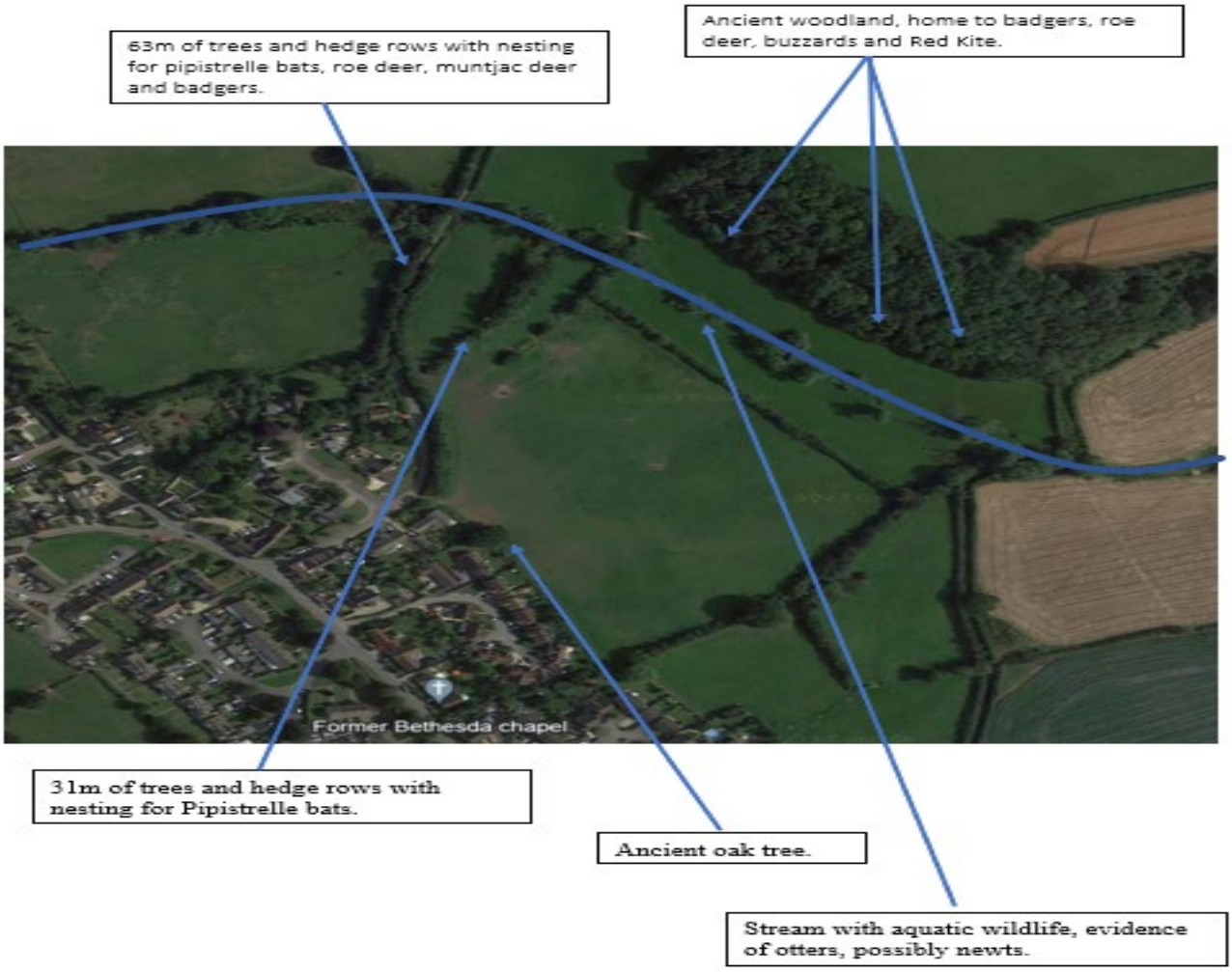
4. No detail has been submitted with regard to ecological or geo diversity net gain, noise assessment, flood risk management due to the bottom of Stanton Lane being classified as flood risk 2.

4. Contravenes National Planning Policy Framework Section 15 - Conserving and Enhancing the natural environment

- *Section 174 states that planning policies should contribute to and enhance the natural and local environment.*
  a) <u>Protecting and enhancing values landscape</u>, sites of biodiversity or geological value.
  b) <u>Recognizing the intrinsic character and beauty of the countryside.</u>
  c) Preventing new and existing developments from contributing to, being put at unacceptable risk or adversely affected by unacceptable levels of noise pollution.

- *Section 185 states that planning policies and decisions should also ensure that the new development is APPROPRIATE for its location considering the likely effects (including cumulative effects) of noise pollution* (this can also be light, dust and factors that affect mental health) *on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*

  In doing this planning policies should:
  a) Mitigate and reduce to a minimum potential adverse impact resulting from noise from the new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.
  b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and prized for their recreational value.
  c) Limit the effect of light pollution from artificial light.



1. Planning application PL/2023/08833 - permission in principle provides absolutely no information, research or risk based assessment on the ecological and biodiversity effects within the open countryside through the

erection of 9 houses in the field.

2. The construction of the 9 houses on open countryside will have an inevitable effect on the habitat and nesting of birds and mammals that occupy the hedgerows, trees, streams and woodland within the area.

3. No Ecological Assessment or supporting documentation has been prepared in the permission in principle planning application PL/2023/08833 in relation to the inevitable disturbance of noise, light and dust during construction.

4. No specific noise assessment has been made in relation to the permission in principle application. Considering the locality to residents in Stanton Lane, The Orchard and Kyneton way this is both negligent and disturbing, with a total lack of regard to National Planning Policy Framework guidelines.

- The high voltage 440volt 3 phase overhead power cables and pylons will have to relocated. No assessment has been forthcoming on the impact of this relocation on the environment.

- The impact on 63m of hedgerow due to the proximity of the 9 houses has not be considered or mentioned in the application. The hedgerow is a local habitat for Muntjac and Roe deer, badgers and a multitude of birds.

- The field has a slope of 1 in 3. Consequently, the civil engineering requirements to provide level construction will be considerable. No assessment or mention has been made in the planning application on how the stream will not be contaminated with construction material.

- Planning application PL/2023/08833 has made no reference to any biodiversity net gain.



The picture above is of the landscape that the proposed application wishes to erect 9 houses within. This directly contravenes section 15 of the National Planning Policy Framework paragraph 174 relating to recognising the intrinsic character and beauty of the countryside.

5. Planning Application PL/2023/04815
Land at Kington Lane, Stanton St Quintin, Chippenham

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

Refused 21th September 2023

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/04815

Decision Date: 21 September 2023

Applicant:	Mr and Mrs Bailey c/o agent, SN7 7PN
Particulars of Development:	The construction of 12 dwellings, including 5 affordable housing units, and associated infrastructure.
At:	Land at Kington Lane, Stanton St Quintin, Chippenham, Wiltshire, SN14 6DF

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (4)

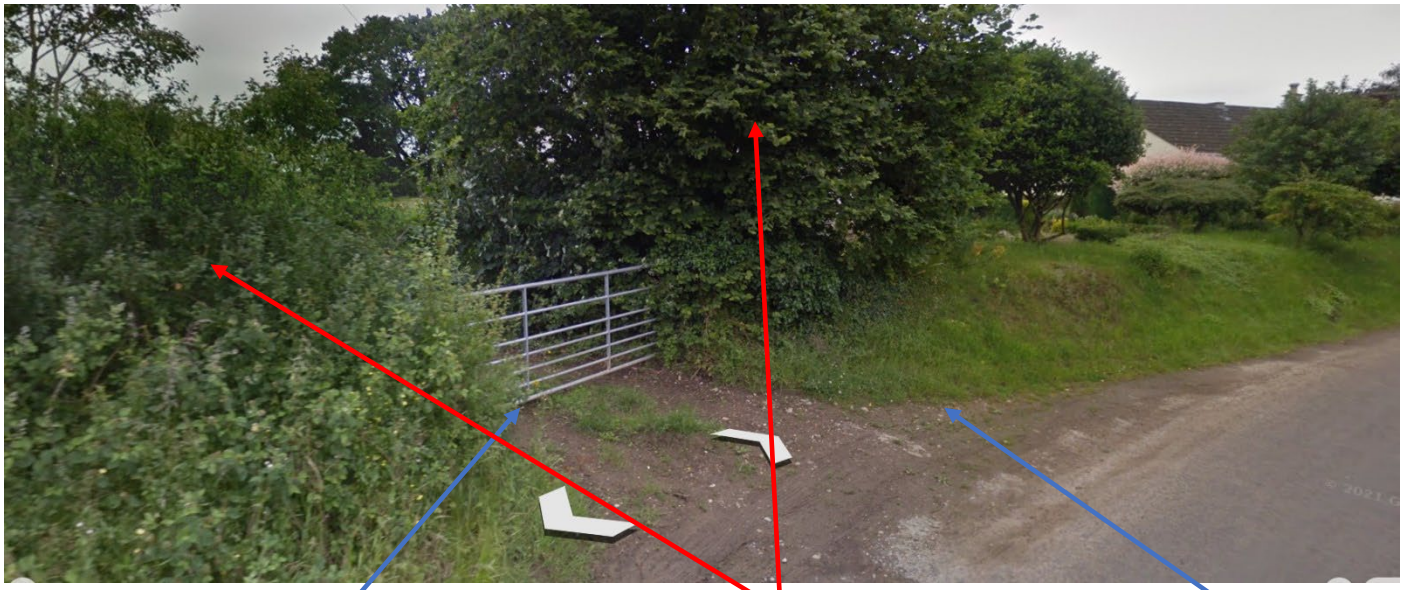
1 The proposed development, by reason of its location outside of any defined settlement boundary within the open countryside, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The proposed development is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development and is unacceptable in principle.

The presumption in favour of sustainable development has been applied to the assessment of the proposal; however, it is considered that the adverse impacts of granting outline planning permission would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework and policies in the local development plan as a whole. Therefore, the proposal would not constitute sustainable development and would conflict with the principle aim of the National Planning Policy Framework which is to be genuinely plan-led.

2 The proposed development, by reason of its location in the open countryside, will result in a permanent change in the character and use of the site and immediate area that fails to integrate effectively into its surroundings. The development would harm the visual appearance and prevailing rural character in this edge of settlement context. It is not considered that the massing of the proposal would integrate effectively into the immediate setting and would have a harmful impact upon local landscape character. The proposal fails to comply with Core Policies 51 (ii and iii) and 57 (i, ii, iii & vi) of the Wiltshire Core Strategy (Jan 2015) and paragraph 130 of the National Planning Policy Framework (Sept 2023).

Extracts from the planning application pl/2023/04815 at Kington Lane and the key rational for rejection relating to outside of the village settlement boundary and in open countryside bypassing the Wiltshire council core strategy relating to plan led development.

6. Site Access



Farm gate into open countryside, 2.4m wide.

Mature oak tree, elm and beech providing habitat for pipistrelle bats and birds.

No DMRB designed access with no public pavement. Slope from the lane into the field. Surface being agricultural soil.

- Planning application PL/2023/08833 which relates to the permission in principle to erect 9 houses in open countryside will look to gain access via a farm gate shown above. Furthermore, this access has been described as in fill development. The development can be clearly seen from the above picture as an incursion into open countryside utilising farm ingress, spurred off a soil track, off a small village lane that is an off shoot of the high street.
- It is completely disingenuous to describe this as in fill development.

- Stanton Lane has in recent years become a common thoroughfare for traffic entering from and into Stanton St Quintin. Since this provides quick access to the M4 and Cirencester via the A350. The lane adjacent to the proposed erection of 9 houses is severely narrow, consists of three blind bends with a portion of the lane that floods.

- The significant stream at the bottom of the lane regularly floods and creates further safety hazards for vehicles.







Condition of Stanton Lane



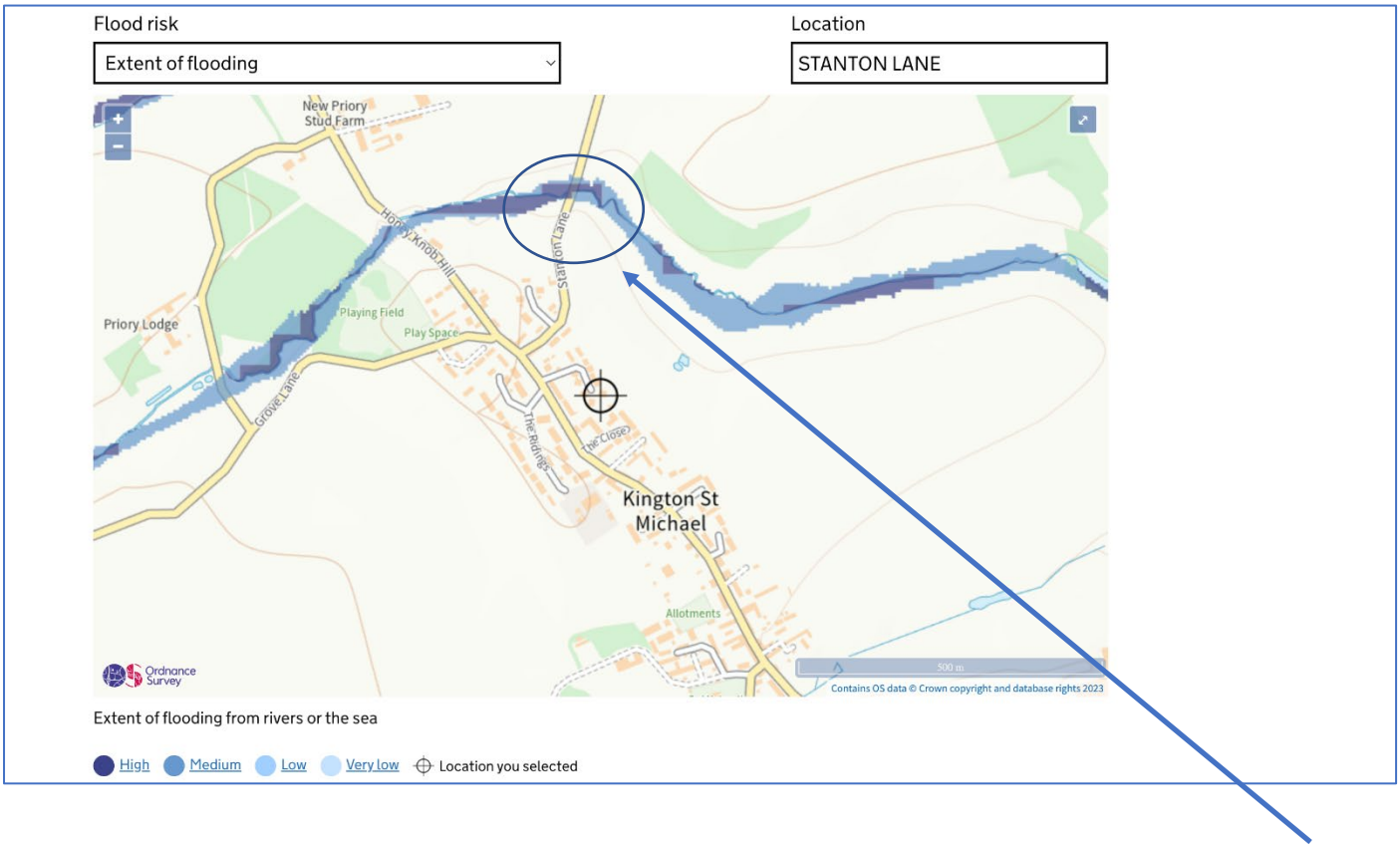
Access to the proposed 9 house development will be along Stanton Lane.
Stanton Lane is approx. 2.6m at its widest point and consists of three blind corners with substantive over hanging trees and foliage that inhibits visibility and is especially hazardous in the evening.
Since the lane is only wide enough for one vehicle significant erosion on the side of the lane is evident.
No footpath or public right of way is in place and all access must be through road transport.
The lane is used as a significant cut through for traffic accessing Stanton St Quinton and junction 17 on the M4.
Consequently, it is in poor repair.





There are only two rural passing points on this section of Stanton Lane. The passing point at the top of the lane is where the housing development is being proposed.
The picture on the left hand illustrates the condition of the passing point with exposed open drainage, erosion of the road and bank due to flood water flowing down the slope into the stream at the bottom of Stanton Lane.
This also illustrates the effect of 'run off' from the field being proposed for the 9 houses.
The slope of 1 in 3 is significant and during wet weather just as Stanton Lane floods and transfers rainwater to the stream, the field does the same hence the stream floods.
Stanton lane is totally unsuitable for any further vehicle traffic. It is used as a cut through to Stanton St Quintin and the M4 and will become more hazardous as more vehicles use the lane.

7. Flooding



- Planning application PL/2023/08833 which consists of 9 residential dwellings is within a field outside of the settlement boundary and in open countryside. The field has a slope of 1 in 3 that drains into a significant stream as shown above. The flooding is further exacerbated by the run off rainwater from the field.

- The stream which crosses Stanton Lane regularly floods and is classified as flood risk 2 using the UK Government flood classification website.

- No public footpaths are in the area and hence access back to the village must be back up Stanton Lane. During wet weather either side of the lane floods making access to the village by car only.

  The picture below was taken on 23rd October and illustrates the condition of the land that is being proposed for 9 houses.



View from the rear garden of No2



Commencement of Stanton Lane flooding. The road surface, being a country lane, has significant erosion. The rough passing point is being filled with flood water that cascades down the lane during wet weather.

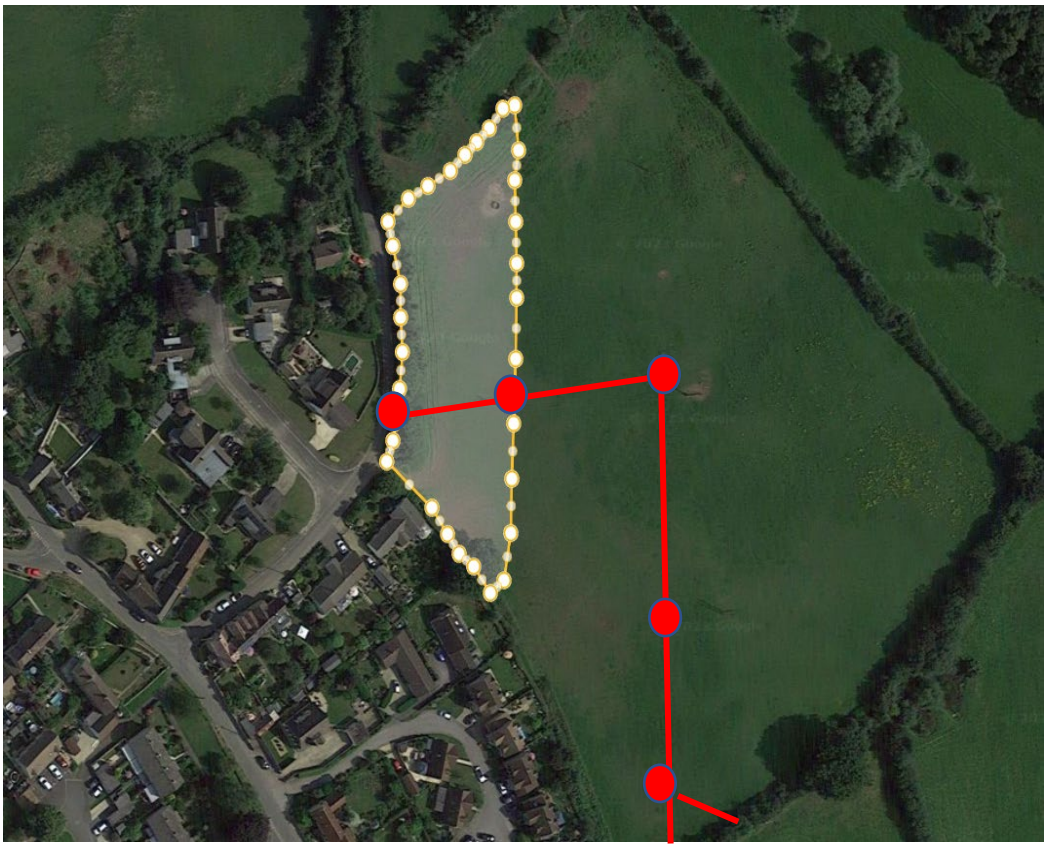


The exit from Stanton Lane has started to flooding from the significant stream at bottom of Stanton Lane.

8. Electrical Power Distribution



Electrical power distribution pylons and high voltage 440v 3 phase power cables intersect the proposed field where the 9 houses have been proposed. The picture above illustrates the height of the pylon and the 440v three phase high voltage power cables intersecting the field.



The adjacent diagram illustrates the path of the high voltage three phase 440-volt power distribution cables. The three cables commence at the southern portion of the field and then via five pylons exits the field at the point where the planning application is proposing entry into the housing development.

9. Human Rights Act

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

Within the Human Rights Act Protocol 1 Article 1 specifically looks to protect your right to enjoy your property peacefully.

The view below illustrates the area in white where the planning application PL2023/08833 will be situated in relation to the residents of The Orchard, Stanton Lane and Kyneton Way including Kington Cottage.
The poor design layout effectively dominates their family environment on two sides. Whilst trees are present in summer, during winter at a time of most isolation the housing development will dominate their property.

Key Facts that contravene Protocol 1 Article 1.

- No buffer zone has been proposed or will be adequate to shield the residents of Kington St Michael from both the construction and the installation of 9 houses and hence the application is poor in design.
- The residents of The Orchard, Stanton Lane, Kyneton Lane and The Close will be exposed to civil engineering and construction works.
- The residents of Stanton Lane and The Orchard will be exposed to more urban traffic, delivery vehicles and people using this lane as a cut through to the M4 or Cirencester via the A350.
- Relocation of high voltage 440v 3 phase power cables will be required.
- Lights from the 9 house dwellings can be seen by the residents of The Orchard, Stanton Lane, Kyneton Way including Kington Cottage.



Legal Precedents

Planning application PL22/03064/OUT 6TH October 2023
Outline planning application for two dwellings and associated dwellings
Land opposite Hanwell Green within open countryside
Rejected

Planning Application PL22/22/03064/OUT 28th September 2022
Outline planning permission for two dwellings in farmland from converted dwellings in open countryside
Rejected

Planning Application PL/2023/04815 21st September 2023
Construction of 12 dwellings in open countryside
Stanton St Quintin
Rejected

Planning Application 21/02132/61002 21st December 2021
Outline planning permission for 2 dwellings at the Old Coach House Tosside, in open countryside
Craven District Local Plan
Rejected

Planning Application 19/01378/OUT 4th September 2020
Outline planning permission for 19 dwellings in open countryside
Milton Keynes Council
Land east of Olney Road, Laverton
Rejected

Planning Application 21/00069/OUT 21st May 2021
Outline planning permission for the erection of new dwellings outside of the settlement boundary
Land at Eastham, South Worcestershire
Rejected

Planning Application 23/00321/OUT 23st March 2023
Outline planning permission for the erection of 45 new dwellings outside of the settlement boundary
Land West of Maypole Road, Heybridge, Essex
Rejected

Conclusions

- The Localism Act 2011 focusses on the principle that decision making be passed to a more local level, from national or local government to local communities. Parish councils are mandated to produce, through a plan led process neighbourhood plans and development plans for their communities. Wiltshire Core Strategy and the Wiltshire Council Local Plan pre-submission draft 202-2038 supports this plan led process and provides clear strategic guidelines reinforced through the National Policy Framework September 2023.
  The parish council have had in place the neighbourhood plan steering committee who have, through considerable consultation and communication with its community are approaching schedule 15 and onto 16.

- The planning application PL/2023/08833 by reason of its location outside of the defined settlement boundary and within open countryside would be contrary to the settlement, delivery and community area plans of the Wiltshire Core Strategy.

- The proposed application conflicts directly with the councils plan lead approach to sustainable development. When weighed against the National Policy Planning Framework the adverse impacts to the open countryside are permanent, character changing and non-compliant, and should be rejected.

- Speculative developers and land owners who have no interest in meeting the needs of the community with no social housing, no affordable housing, poor design location which is primarily based on profit only and not the housing needs of the local communities.

- The land in question is in open countryside and outside of the village defined settlement boundary and is on a slope of 1 in 3. Significant high voltage power distribution cables cross the area. Stanton Lane through the government flood risk assessment mechanism is classified as flood risk 2. Hence this proposal fails to meet National Planning Policy Framework 2023 section 2 Achieving sustainable development, section 9 Achieving sustainable transport, section 12 Achieving well designed places and section 15 Conserving and enhancing the natural environment.

- The developer has totally preempted the Wiltshire Core Strategy relating to Core Policies 1 ,2 and 10 relating to settlement strategy, delivery strategy and the spatial strategy for the Chippenham community area.

- The development contravenes the Human Rights Act Protocol 1 Article 1 – this article specifically looks to protect your right to enjoy your property peacefully. In the case of the residents of Stanton Lane, Kington Cottage, The Orchard and Kyneton Way whose family homes will be exposed to permanent negative landscape alterations and construction work. This clearly is an infringement of their human rights under protocol 1 article 1.

- Seven planning applications precedents have been highlighted clearly stating in all cases that outline planning applications for dwellings outside of the settlement boundary and open countryside have been rejected.

- Planning application PL/2023/08833 makes no reference to noise assessment, ecological mitigation, dwelling design, refuse collection, transport issues, flooding risk, community consultation, social housings needs analysis, SHELAA assessment, meeting the needs of the community and hence should be rejected according to National Planning Policy Framework section 12 paragraph 126, 132 and 129.

References

1. Health and Safety at Work Act 1974.
2. Wiltshire Council Plan Pre submission draft 2020-2038
3 Wiltshire Council Core Strategy adopted January 2015
4. Planning Application PL/2023/04815
5 Kington St Micahel Neighbourhood Plan Regulation 14 Consultation Draft October 2023
6. DMRB - Design and Management Roads and Bridges
7. National Planning Policy Framework revised Sept 2023

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