CASE OFFICER'S REPORT

Application Reference: 2023/066551

POLICIES

Wiltshire Core Strategy – CP1 (Settlement Strategy) , CP2 (Delivery Strategy), CP 24 (Salisbury Area Strategy),CP50 (Biodiversity and Geodiversity) CP 57 (Ensuring a High Quality Design and Place Shaping), CP60 (Sustainable Transport), CP61 (Transport and Development) and CP69 (Protection of the River Avon SAC)

NPPF

ISSUES

Principle of residential development;
Impact on highway safety;
Impact on River Avon SAC

REPRESENTATIONS

Britford PC: None received

ASSESSMENT:

This approx 0.19 ha application site lies on the east side of Odstock Road, Salisbury. The site is enclosed by a approx. 1.8m high close boarded fence along the road frontage, as can be seen on the photos below:-





The site contains a mobile home, a range of agricultural buildings, ground mounted solar arrays and greenhouses. Access is onto Odstock Road.

To the north and east and west sides of the site is open farmland. The site of the Little Woodbury Ancient Monument lies immediately to the north of the site. To the south is a long established Gypsy and Traveller residential site, and beyond that is Salisbury District Hospital.

Odstock Road is a lit highway giving access to the Hospital complex from the city of Salisbury to the north, and on to the village of Odstock to the south.

In policy terms the application site lies in open countryside (that is, it lies outside of the settlement boundary of Salisbury). The settlement boundary is approx. 350m to the north of the application site. The site also lies within a Special Landscape Area.

The planning history of the site is as follows:-

S/2011/1609 – Certificate of Lawful development for existing use for the siting of a static caravan – approved 30/01/2012

(This Lawful Development Certificate confirms that there is residential use for one caravan unit only, although there are two static units on the site)

The proposal seeks approval for the principle of demolishing the structures on the site and erect 2 houses. No details of the proposed dwellings have been provided, however none are required for this form of application.

The scope of permission in principle is limited to location, land-use and the amount of development. In the event of the principle being permitted, other matters such as the design, layout, access and landscaping would fall to be considered at the technical details consent (TDC) stage. Granting of permission in principle does not guarantee that acceptance of proposals for 'technical details'.

Planning conditions cannot be imposed on Permission in Principle, and any permission in

principle for residential development must be expressed indicating the minimum and maximum net number of dwellings which are, in principle, permitted.

No details of the housing are required for such applications and none have been provided. The only drawing submitted is thus the location plan.

The main issues:
a) whether the proposal would comply with development plan policy in respect of housing in the countryside;
b) whether occupants of the new dwellings would have adequate opportunity to access services and facilities using sustainable transport modes;
c) site access/ highway safety;
d) whether any policy conflict in relation to the above issues would be outweighed by other material considerations (particularly housing land supply) such as to justify a decision otherwise than in accordance with the development plan.

Housing in the countryside

The location is outside recognised Limits of Development as designated in the Wiltshire Core Strategy. The Spatial Vision of the Wiltshire Core Strategy (Core Policy 1 & 2) prohibits new residential development outside recognised Limits of Development unless it falls within one of the 'exception policies' outlined in para. 4.25 of the Strategy. None of these exceptions apply in this instance. The principle of the development in this location would thus be contrary to the development plan and would not be capable of support unless there are material circumstances that outweigh the clear conflict with the development plan.

The existing use of the site is residential, for a single mobile home.

The settlement boundary in this location has not been amended by the adoption of the Wiltshire Housing Site Allocation Plan adopted in February 2020, and therefore the site remains in open countryside.

Access to services and facilities

The application site lies outside of the settlement, but the adjacent road has a footway and street lighting. It is not close to amenities, most of which lie within the city of Salisbury some 2km to the north. There is a frequent bus service to the city centre, which also serves the nearby hospital and a bus stop is adjacent to the site, however the site is on the top of a steep hill which would discourage walking and cycling to services. It thus seems likely that trips needed to access day to day services, amenities and facilities could be by way of a bus, but are more likely to be by car due to the convenience of this means of transport, therefore contrary to Core Policy 60 and Core Policy 61.

<u>Material circumstances</u>

Housing land supply
The main consideration put forward in support of the proposal is a shortfall in housing land supply across the wider Wiltshire area (currently 4.6 years). Paragraph 11(d) of the National Planning Policy Framework advises that where a 5-year supply cannot be demonstrated, the development plan policies which are most important for determining an application should be considered as out of date, and that permission should be granted unless (so far as relevant here):

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 NPPF policies as a whole.

The Planning Statement submitted with the application argues that the site would benefit from Class Q of Part 3, schedule 2 of the GDPO in that the agricultural buildings on the site could be converted to a residential use, and that this should be treated as a fall back position for residential development. However the site does not appear to be used solely for an agricultural use as part of an established agricultural unit, which is the criteria for PD under Part 3 Q. No planning permission exists for any of the alleged agricultural buildings on the site, which would be required as the site is only 0.19ha, and would not therefore class as permitted development under Part 6 Class A. Class B of the same Part defines agricultural units exceeding 0.4ha in extent. This site is therefore too small to qualify as an agricultural unit where permitted development rights under Class Q would apply, and there is a question as to whether the buildings on site are lawful, as no planning permission exists for them. Prior Approval rights do not apply to buildings or uses which are not lawful, as set out in Article 3 of the GDPO.

This development falls within the catchment of the River Avon Special Area of Conservation (SAC) and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls outside of the scope of the mitigation strategy and generic appropriate assessment, I conclude it will lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. This is because this is not ‘planned development’ within the settlement boundary as set out in the Development Plan.

Planning balance and conclusion

It is recognised that the proposal would provide an additional dwelling, with associated socio-economic benefits during and after construction. Against this would be the permanent impact upon the rural character of the area, outside the settlement and the adverse impacts on the River Avon SAC. Footnote 7 of the NPPF means that as the development would have an adverse impact on a habitats site, then the presumption in favour of sustainable development does not apply and the lack of a five year housing land supply is therefore not relevant to the determination of this application.

Considering the circumstances above it is concluded that the benefit of housing in this location is

not sufficient to outweigh the conflicts with the development plan.

Conclusion and recommendation

Residential development outside recognised Limits of Development would be contrary to the Spatial Vision for sustainable development within Wiltshire and the spread of residential development outside the settlement would have a negative impact on the rural character of the area, with the occupants of the development likely to be reliant in the main on the use of private cars for the majority of day-to-day trips. The development would also have an adverse impact on the River Avon SAC, which cannot be mitigated. As such the development would be contrary to the development plan. The benefit of providing a single additional dwelling is not considered sufficient to overcome the conflicts with the development plan and with material circumstances thus being insufficient to warrant otherwise the application is recommended for refusal for the reasons set out below.

RECOMMENDATION:
Recommend refuse

1) The site is located outside recognised Limits of Development where the development of new housing would be contrary to the Spatial Vision for the sustainable development of Wiltshire as set out in Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy. Due to the distance to local services, facilities and amenities, occupants of an additional dwelling on the plot would likely be reliant on the use of private motor transport for the majority of day to day activities, contrary to the principles of sustainable development and the aims of reducing the need to travel, contrary to Wiltshire Core Strategy Core Policy 60 and Core Policy 61.

2) The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 180 and 182 of the National Planning Policy Framework.