TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING (PERMISSION IN PRINCIPLE) ORDER 2017 (AS AMENDED)

APPEAL STATEMENT OF CASE

APPEAL BY MRS B MORELLI AGAINST THE DECISION OF WILTSHIRE COUNCIL TO REFUSE PERMISSION IN PRINCIPLE FOR:

ERECTION OF NINE DWELLINGS

LAND OFF STANTON LANE, KINGTON ST MICHAEL, WILTSHIRE.

LPA REF: PL/2023/08833

Prepared by

Simon Chambers, BSc (Hons) MA MRTPI
Director
LPC (Trull) Ltd

Our Reference: SWLC.LPC.5374

November 2023

LPC (TRULL) LTD
TRULL, TETBURY
GLOS, GL8 8SQ
Tel: 01285 841433
www.lpctrull.com

DIRECTORS: SWL CHAMBERS BSc (HONS) MA MRTPI - CJ DANCE BA (HONS), MRTPI, Dip RSA - TH SADLER BA (HONS) MSc MRTPI
REGISTERED IN ENGLAND AND WALES No. 03259960, REGISTERED OFFICE: TRULL, TETBURY, GLOS, GL8 8SQ.

CONTENTS

ITEM	TITLE	PAGE
1.0	Introduction	3
2.0	The Site & Surrounding Area	4
3.0	The Proposal	5
4.0	Planning Legislation & Policy	7
5.0	Planning Considerations & Grounds of Appeal	9
6.0	Conclusions	20

APPENDICES

NO	DESCRIPTION
ONE	LPA Ref PL/2023/08833-Officer delegated report
TWO	Development Plan policies
THREE	Wiltshire Local Plan Rural Housing Requirements 2023 (published September 2023)-page 51
FOUR	Appeal decision reference: APP/Y3940/W/22/3309170
FIVE	Briefing Note: Housing Land Supply No.20-20 (June 2020); and Briefing Note: 5 Year Housing Land Supply and Housing Delivery Test No.22-09 (April 2022)

1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been instructed by Mrs B Morelli to present her planning case at appeal against the decision of Wiltshire Council (the Council) to refuse Permission in Principle (PiP) for the erection of nine dwellings on land off Stanton Lane, Kington St Michael, Wiltshire SN14 6JQ.

1.2 The reasons for refusal of application referenced PL/2023/09933, issued on the 13 November 2023, are as follows:

1. The application site is located in the countryside, where the development of new homes is strictly controlled. The development of nine market homes is not acceptable in principle, such that the proposal conflicts with Wiltshire Core Strategy Core Policies 1, 2 and 10, as well as saved Policy H4 of the North Wiltshire Local Plan. The harm arising from the proposal is not significantly and demonstrably outweighed by any benefits, including to housing land supply.

2. The site is in a sensitive, transitional position at the gateway to Kington St Michael. This eastern side of Stanton Lane provides a very strong rural character, owing to the mature hedge boundary that robustly defines the edge of the built area, against a very open backdrop of unenclosed countryside beyond. Nine new homes in this location would read as an overdevelopment of the site, out of kilter with the very low-density character of the locality. Development would therefore cause demonstrable harm to local character and the landscape setting of Kington St Michael, in conflict with Wiltshire Core Strategy Core Policies 51 (parts ii and iii) and 57 (general principles and parts i and vi); and paragraph 130c and 174b of the NPPF.

1.3 The key issue relevant to the consideration of this appeal is the principle of the proposed development in terms of the provision of new village housing within the appeal site, outside but adjacent to the defined limits of development of a settlement identified for growth by the local plan. The land use and amount are by association also opposed with regard to the change in character that could result.

1.4 This appeal statement will provide an overview of the site and its surroundings, describe the proposed development, identify the planning policy context and outline the grounds of appeal alongside an assessment of the merits of the proposal to demonstrate why it is considered that the appeal should be allowed.

2.0 THE SITE & SURROUNDING AREA

2.1 The application site comprises a ribbon of land extending around the curve of Stanton Lane to the north of No 1 Stanton Lane, and as far as the extent of housing present on the opposite side of the road. Stanton Lane branches off Honey Knob Hill to the west, where the more traditional terrace housing to either side of the road pinch the junction. The housing further north is a small cluster of open plan 1970's detached housing.



2.2 The site runs adjacent to the built up limits of the village extending the existing ribbon of housing along the southern side of the lane as it curves north. However, for the purposes of planning policy, the site lies adjacent to the Limits of Development (LoD) identified for the village, in the countryside. The map extract inserted on the next page identifies the defined LoD along Stanton Land opposite the appeal site with a bold black line.



2.3 The LoD for the settlement was last updated as part of the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2022). As can be seen from the plan extract above (taken from the Wiltshire Council interactive

policy plan) Kington St Michael is a largely linear village with housing along the various short roads branching off the main north-south road through the village. The main access to the village is from the south where there is direct access to the A350 linking the principal local settlement of Chippenham and the M4 motorway, just off the northern edge of the location plan extract below.



3.0 THE PROPOSAL

3.1 The proposal seeks 'permission in principle consent' to erect nine dwellings on the appeal site. The appeal application did not include any illustrative information to show how the site might be developed, however there is no apparent dispute that the site has the physical ability to accommodate the proposed dwellings with associated parking and suitable amenity areas. The site measures just less than 0.5ha in area and by comparison with the ribbon of housing it extends on the southern side of Stanton Lane, which accommodates 5 No houses, two of which are detached bungalows, (and consequently land hungry), it is approximately 20% longer (approximately 90m versus 112m). In round numbers therefore the appeal development represents a density of development of approximately 18 dwellings per hectare (dph), which is not high and not significantly greater than the pattern of housing being extended, mindful, as said, that that includes in part an extremely low density and non-traditional form of village housing. The view

from the junction with Honey Knob Hill below, looking north east along Stanton Lane shows the traditional, much higher density of village housing over half the ribbon of land along the lane being extended.



3.2 The appeal proposal has a narrow focus with only the principle of the proposed residential development being considered. The second stage which involves the 'technical details consent' will follow should the 'permission in principle consent' be granted.

3.3 The Planning Practice Guidance (PPG) confirms that the scope of permission in principle is limited to **location**, **land use** and **amount of development**. However, issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage (Paragraph: 012 Reference ID: 58-012-20180615). As said above, the reason for refusal focuses primarily on the location as a point of concern, although it is acknowledged that the scale of the development (amount) and change of character (land use) are captured in the Council's reasons for refusal.

3.4 The Case officer's delegated decision report describes the appeal proposal and explains the grounds for the refusal, providing the basis for the refusal, and which is the focus of this appeal. A copy of that report is enclosed at Appendix One.

4.0 PLANNING LEGISLATION AND POLICY

4.1 The National Planning Policy Framework (NPPF) highlights that planning law (section 70 [2] of the Town and Country Planning Act 1990 and section 38 [6] of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The associated PPG confirms that same applies to an application seeking permission in principle; "A decision on whether to grant permission in principle to a site following a valid application … must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise" (Paragraph: 011 Reference ID: 58-011-20180615).

4.3 The development plan relevant to the appeal include the Wiltshire Core Strategy (WCS) (adopted January 2015) and those 'saved' policies from the North Wiltshire Local Plan 2011. The key policies relevant to the 'in principle' matters of location, land use and amount of development, and identified with the Council's decision notice, are:-

Wiltshire Core Strategy

- WCS, Core Policy 1: Settlement Strategy
- WCS, Core Policy 2: Delivery Strategy
- WCS, Core Policy 10: Spatial Strategy for the Chippenham Community Area
- WCS, Core Policy 51: Landscape
- WCS, Core Policy 57: Ensuring High Quality Design and Place Shaping

North Wiltshire Local Plan 2011

'Saved' policy H4-Residential development in the Open Countryside

Copies of the above policies are enclosed at Appendix Two for ease of reference.

4.4 The decision report at Appendix One notes that The Wiltshire Local Plan review is at an early stage where the Regulation 19 pre-submission consultation stage runs to 22nd November 2023. It is common ground therefore that the review caries no weight in the appeal's assessment.

4.5 Similarly, the Kington St Michael Neighbourhood Plan also carries no weight in the decision making process. Confusingly though the Parish Council's response to the appeal application, summarised in the Officer's report, states that,' The village's outstanding housing requirement is to be met through a neighbourhood plan'. However, the failure of the Council to demonstrate a five year housing supply over an extended period, coupled with the statement of the Parish Council on their website as inserted below, has been the catalyst for the appeal application. The Parish Council's actions, having made a call for sites (of which the appeal site formed part) and then deciding simply as a matter of convenience not to explore such site allocations completely undermines the realistic potential to expeditiously deliver the much needed supply of housing to support the Villages' existing services and facilities.

> 'Last year the Group invited local landowners to put forward any of their land for consideration for development. After careful consideration the Steering Group has decided not to further explore site allocations for inclusion in the Plan. This is in order to progress to an adopted plan as soon as possible and to avoid any further delay. Consequently the Group has not undertaken any assessment of any of the submitted sites'.

4.6 The decision report at Appendix One acknowledges that the Wiltshire Local Plan Rural Housing Requirements 2023 (published September 2023) sets out the indicative requirement for housing at Kington St Michael and identifies 34 homes still being required. It is further noted that the WSC identified approximately 10 years ago that the requirement was 38 (such a target of course not being a ceiling). Enclosed at Appendix Three is the relevant and latest commentary for Kington St Michael (page 51) which confirms that the required growth could be accommodated on the 'less constrained areas within **and** (my emphasis) around the settlement'. It is said that planned

development may not be achievable until the latter end of the Local Plan period, but in light of the early stages of the Local Plan review and the Neighbourhood Plan referred to above, neither of which seek to promote the allocation of the necessary land to support the Village, it is not tenable to believe there is any local support for a single large scale allocation that could realistically be approved and built out within the relevant timeframe. It will be argued that the appeal development has been necessitated by the procrastination evident, and merely provides the first stage of the total housing requirement, allowing the required growth to be incrementally assimilated, albeit necessarily faster than the only 4 houses built at the Village during the current Local Plan period. The officer's report helpfully agrees that the application in any event is not premature on its own merits.

5.0 PLANNING CONSIDERATIONS & GROUNDS OF APPEAL

5.1 The planning considerations associated with this permission in principle appeal are limited to **location**, **land use** and **amount of development**. The Council's reasons for refusal, as outlined at paragraph 1.2 earlier and explained within the officer's decision report at Appendix One, relate primarily to the proposed use of the land due to the location of the site outside the defined LoD for the village and subsequent conflict with the plan led approach to delivering new housing at the local community level. Although the layout and design detailing of the housing is unknown at this stage the second reason for refusal also indicates that the change of use of the land will harm the character of the land, which is of course undeveloped. Furthermore, without clarifying which site specific development parameters will be exceeded the minor housing scheme is described as an 'overdevelopment'. Accordingly, all three considerations will be addressed in support of the appellant's appeal case.

5.2 The Planning Statement (dated 10th October 2023) prepared by LPC (Trull) Ltd and submitted in support of the original permission in principle application, is included with the initial appeal documentation, and provided a detailed justification for the proposed development. This appeal statement is not intended to repeat that assessment, however it will focus on the reasons for refusal, first by drawing attention to the sustainable location of the site, before

considering the wider planning balance and need to significantly boost the supply of housing, and place that in context with the inevitable need to build on undeveloped land around the Village as proposed, so that on balance the change is not significantly harmful and involves a modest density of housing as an acceptable change of use.

Site Sustainability

5.3 The WCS includes a Spatial Strategy which sets the foundations for how 'sustainable development' is defined and applied within Wiltshire. It has three key elements; a Settlement Strategy, Delivery Strategy and Infrastructure Requirements. The settlement and delivery strategies define where development will be the most sustainable across Wiltshire's settlements. The WCS states that "If a development proposal does not accord with the Core Strategy it is deemed unsustainable and will not be supported" (WCS, paragraph 47).

5.4 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the LoD other than in exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the 'exception policies' (which do not apply to the appeal proposal).

5.5 The appeal site lies at the village of Kington St Michael which is identified as a Large Village. The WCS specifies that "At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries". While it is recognised the appeal site falls outside the LoD drawn for Kington St Michael, the site itself is on the periphery of the Village and will form a rounding off related to the nearest built up areas, as shown above (see paragraph 2.2). The site is not remote or isolated, as detailed within the Planning Statement with reference to case law, and future occupiers of the site will benefit from the same services and facilities available to existing properties within the Village. Saved Policy H4 of the North Wiltshire Local

Plan only allows new residential development in the countryside (i.e. outside settlement boundaries) where it is essential for a rural worker or constitutes a replacement dwelling. However, as noted in the officer's decision report, the policy does not fully align with the provisions of the NPPF, nor Core Policies 1 and 2, and therefore doesn't attract the same weight as the WCS.

5.6 The proximity of the site to the LoD and existing residential properties is acknowledged within the case officer report as no highway objection is raised to the location of the development. It is noted that, 'the site lies opposite a pavement that could offer access to the village's facilities by foot'. It is strongly maintained that any potential residents of the site would not suffer from any less access to services or be any more likely to rely on access to a private car for transport and to access services, than the residents of nearby properties located within the settlement. The Council's first reason for refusal does not identify any harms that may arise as a result of the development, apart from the conflict with the plan-led approach due to the location of the site outside the LoD.

5.7 The NPPF seeks to ensure that "The planning system should be genuinely plan-led" (paragraph 15) and the desire of the Council not to deviate from its Settlement Strategy is recognised. However, due to the sustainable location of the site and lack of site specific harms, and within the context of the presumption in favour of sustainable development, it is considered that permission in principle should be granted when considering the overall planning balance. It is inevitable that as Kington St Michael accommodates the much needed homes identified it will have to grow outside the LoD. This is confirmed by the quote on the next page, from the Kington St Michael Parish Council meeting minutes, held on 21st September 2023, and recorded on the Parish website dated 19th October 2023, under the heading 'Discussion on local housing development & Local Plan matters'.

https://www.kingtonstmichaelparishcouncil.gov.uk/wp-content/uploads/2023/10/KSM-PC.-Draft-Minutes-Full-Meeting-21.09.23.pdf

Indeed, the most recent grant of permission for new housing in 2021 was outside the LoD and I'll refer to those facts in more detail later.

'The Parish Council acknowledged that there was an outstanding Wiltshire Local Plan requirement of 34 dwellings for the period until 2038. The Neighbourhood Plan Steering Group had identified that this figure could not be met within the existing framework boundary of the village and that there was likely to be a need to expand the boundaries to meet the requirement. Council Members wished to remain proactive rather than "burying heads in the sand" and had identified a number of options that could be an acceptable solution, particularly to ensure that local affordable housing needs were met. This might require an up-dated Housing Needs Survey to be carried out to identify up to date information. Council Members were mindful of various options to advance discussions including the possible formation of a Community Housing Land Trust, the involvement of a Housing Association or even a developer led option. The Council's priority was to ensure that the village remained as a "working village" meeting local needs and not become a dormitory for urban areas. It was evident that the Council required further advice, possibly from those who had faced similar circumstances, and these would be investigated further.'

Housing Need and Planning Balance

5.8 The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support the Government's objective of **significantly boosting the supply of homes**" (emphasis added) (paragraph 60). In this regard it must be stressed that the Neighbourhood Plan steering group's decision and actions fail to allocate land to help meet local housing need, even on a phased basis, as 4 homes in 10 years is not going to realistically achieve the levels of growth identified and maintain the services and facilities that make Kington St Michael a sustainable 'Large Village' and a recognised area for growth. It is not considered of course that the level of need identified within the development plan should be seen as an upper limit, and new development that is otherwise sustainable should automatically be refused as has happened, particularly in the context of the Council's five year housing land supply position.

5.9 The Council's most up to date Housing Land Supply Statement (Base date: April 2022 / Published May 2023) details that it has 4.60 years of deliverable housing land supply. This is as said of course not a ceiling to housing growth. A recent appeal (Ref: APP/Y3940/W/22/3309170) for up to 230 dwellings, regarding land off the B4069, Langley Burrell, near Chippenham, and being in the same Housing Market Area as the appeal site, was allowed on

05/05/2023. A copy of that decision is enclosed at Appendix Four and shows that the Council agreed it could not demonstrate a 5 Year housing supply. It considered it to be a 4.7 years, but the appellant considered it to be a 4.36 years. The Council and the appellant agreed that the figure was between this range. The Inspector did not conclude a figure but acknowledged the shortfall. That was said to be a shortfall of between 880 and 1,219 homes against the minimum housing requirement for the Housing Market Area over the plan period. As noted in the supporting statement submitted with the appeal application other Inspectors have described the Council's shortfall as 'significant' (Malmesbury- APP/Y3940/W/21/3286853 and 3289757).

5.10 Attention is drawn to paragraph 90 of the appeal decision at Appendix Four as the Inspector notes the persistent nature of the housing supply shortage, which is expected to continue for 'another 21 months at an absolute minimum'. The following quotation from the same paragraph is directly applicable to this appeal as the need for unallocated greenfield land to accommodate new housing should not just be acknowledged when the Council is taken to appeal, and is considered inevitable for growth at Kington St Miachel.

> 'Moreover, the Council agree that in order to restore a 5 year housing land supply and meet the minimum housing requirement over the plan period, it will be necessary to support the development of unallocated greenfield sites outside of settlement boundaries.'

5.11 In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the NPPF is engaged so permission should be granted unless 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.

5.12 The Case officer's report applies the 'tilted balance' and concludes that the proposal would lead to adverse impacts as it would be at the expense of, 'demonstrable and irreparable harm to local character', to which he applied greater weight against the benefits identified. Suffice it to say, in light of the

persistent and pressing need for housing in this sustainable location, and the very speculative suggestion in the officer's report that the long established housing target could in some way fall away as various plans progress, the planning balance made by the officer is not agreed. The unknown harm alluded to is exaggerated and fails to properly examine the need to build on greenfield land in this area. The provision of housing per se must be given substantial weight and which is particularly relevant when considering the Government's objective of boosting significantly the supply of homes and the location of the site being on the edge of the settlement. There would be economic benefits associated with the additional spending from the new housing, along with temporary construction spend and job creation. The additional housing will also have a social benefit as it helps support local services and facilities, introducing 'new blood' to the Village. The change to the undeveloped area of land is a given and as part of the balance is not so significant as to outweigh the benefits. Indeed, the officer appears to rely on the overgrown hedge as a defining feature but as a typical field boundary that growth is transitory and I am advised will be substantially cut back going forward in any event, as dictated by proper field margin management.

5.13 The appeal proposal would result in the provision of new dwellings that would contribute towards the deficit in the Council's 5 year housing land supply. The principal adverse impact identified by the Council is the conflict with the plan led approach because the site is not allocated within the local plan and is a green field site. The development however is within a sustainable location and although resulting in a change locally would not result in any significant site specific harms or to the wider environment. It is therefore considered that there would be no adverse impacts associated with granting permission in principle that would significantly and demonstrably outweigh the benefits. The titled balance (required by paragraph 11d of the NPPF) therefore weights substantially in favour of granting permission in principle.

5.14 As indicated at paragraph 5.10 the Council acknowledges that it needs to address its housing supply problems and has in fact issued delivery briefing notes setting out its approach to dealing with this, namely-

- Briefing Note: Housing Land Supply No.20-20 (June 2020); and

- Briefing Note: 5 Year Housing Land Supply and Housing Delivery Test No.22-09 (April 2022)

5.15 These documents (which are available to view at Appendix Five) advise that the Council should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus, a breach of the settlement boundary alone does not preclude development. While the proposed dwelling would conflict with the WCS settlement strategy due to the site's location outside the LoD, there are no other policy obstacles or any harm which is believed to weigh against the grant of permission as sought and encouraged as a means to address the Council's persistent housing supply shortage. It is therefore considered that permission in principle should have been granted in line with the Council's own strategy to address its five year housing land supply shortfall.

5.16 The WCS is currently being reviewed as part of the Wiltshire Local Plan Review. The purpose of the review of the adopted Local Plan will be to assess the future levels of need for new homes and employment land over the period 2020-2038. The baseline indicative housing requirement for the village of Kington St Michael is, as indicated, a matter of public record (34) after only 4 have been built in the initial plan period. However, one looks ahead therefore, it is difficult to imagine how sufficient land will be delivered to meet the strategic housing need identified for the Village in a timely manner. As such, it is clear that the provision of the new dwellings on the appeal site will not conflict, but contribute towards, the Council's longer term growth plan. With regard to the inevitable and fully acknowledged need to build beyond the LoD. therefore, the appeal has specifically focused on the less constrained areas.

Use of Land



5.17 The plan extract above shows again the Village's defined settlement limits but also (shaded brown) the extent of its Conservation Area, along with the darker brown buildings, which are Listed Buildings.

5.15 The heritage constraints, reflecting with the NPPF's identified need to protect their setting, largely constrains the development potential to allocate new homes around the southern half of the Village, in terms of satisfying the housing needs of the development plan, and as part of the five year housing supply catch-up required. Looking at the areas of growth around the north therefore it is necessary to consider the need for vehicular access and of course to be accessible to the 'heart' of the Village by other means than by car. As already noted in the officer's report there is a footpath from the appeal site. As shown by the enlarged plan extract on the next page the appeal site is the only area of land within the built up limits of the Village that shares a road frontage with housing evident along the road already. It should be stressed too that as the land falls away from the Village along Honey Knob Hill, by contrast, the appeal site is topographically contiguous with the neighbouring built up parts of the Village. It is comparatively unconstrained and a logical location to accommodate the Village's positive and essential growth.



5.16 The Council's second reason for refusal overstates the importance of the roadside hedge and appears to have prejudicially concluded that it will be removed as a consequence of the appeal development and cannot be largely managed in situ. The technical details are of course a matter for future assessment. It is acknowledged though that the character of the appeal site as part of the existing field will be changed by the appeal proposal, but without assessing the details of the development it is strongly maintained that the Council have exaggerated the 'harm' that will result from such change. The details of the subdivision from the rest of the field are unknown, although as the rest of the field is owned by the appellant there is no reason to imagine a substantial boundary planting scheme could not be accommodated, especially on 'blue land', if considered essential.

5.17 The newest three houses approved at Kington St Michael by application PL/2021/08203 (approved October 2022) were interestingly themselves built outside the LoD to the west of the appeal site. As shown by the approved layout plan extract inserted below, the development clearly helps to support the recognised principle of such edge of settlement development being necessary and supportable. That scheme was acceptably separated from the adjacent open land to the north and there are no reasons to believe the appeal development will not be acceptable similarly in principle either. The second reason for refusal regarding the new use of the land alleges conflict with aspects of the WCS and the NPPF. These matters are addressed below, and no material conflict is believed to have been demonstrated by the

Council, over and above the starting point that the technical details, and by association the related impacts, are unknown.



5.18 WCS Core Policy 51 at items ii and iii seeks to preserve the locally distinctive character of the settlement and its landscape setting, as well as the separate identity transitioning between man-made and natural landscapes at the 'urban fringe'. Core policy 57 echoes these considerations, requiring development to relate positively to its landscape setting and existing pattern of development (item i), and make 'efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area' (item iii).

5.19 The NPPF at paragraph 130 c) does not deviate from the need for development to be, 'sympathetic to local character and history, including the surrounding built environment and landscape setting', but notable makes it clear that such considerations should not prevent or discourage 'appropriate innovation or change (such as increased densities)'. It is the appellant's case of course that the change of use proposed is appropriate and will be sensitively treated to meet the significant need for housing and reflect the prevailing man-made boundaries around that Village, already transitioning to the open countryside beyond. The linear pattern of the Village means that

there are large areas of field boundaries that already bound residences and in fact actually reflect the locally distinctive character. The linear pattern of the Village sits tightly within an open fielded setting with planted and fenced boundaries being typical. A sensitively detailed and landscaped development at the appeal site will reflect the same character.

5.20 The need to develop beyond the LoD, and thus in the countryside, (as defined by the development plan), will change the appeal site's intrinsic character, as referenced at paragraph 174 b) to the NPPF, but there is no suggestion the land in question represents 'the best and most versatile agricultural land' (indeed it is used for keeping horses), and no trees or woodland will be lost as a result of the change of use proposed. There is no reason why the site's detailed development will not recognise the area's intrinsic qualities and seek to ensure a detailed development that takes account of the Village's established transition with the open countryside and the landscape planting and biodiversity enhancements possible.

Amount

5.21 The need to make efficient use of land has been noted above by reference to paragraph 130 of the NPPF. The appeal application is of course a minor application by definition, and will provide only 9 new homes, at a density of 18 dph. The officer's report acknowledges this is 'quite low by modern standards' but concludes that despite the lack of distinct or traditional qualities it would clash with the even great profligate open plan 1970's housing in the immediate area. This approach not only denies the need to consider the Village's more distinctive and quality elements to guide future housing, but is irresponsible in terms of the use of land, now recognised, in a different time, as a finite to be used as efficiently as possible, and in scale and harmony with its context.

5.22 The aim at paragraph 119 to the NPPF is to promote the effective use of land, whilst 'safeguarding and improving the environment'. Under the heading; 'Achieving appropriate densities', the efficient use of land is restressed and at paragraph 125 it states that, 'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially

important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'

5.23 The officer's decision report describes the overhead electricity line over part of the site as a constraint that he concludes means the nine houses proposed would be, in his words, an 'overdevelopment', despite agreeing it is a low density development. There is no suggestion that the cables can't be taken underground, or around the site. The description of a development as being an 'overdevelopment' is nugatory without demonstrating what specific and normal development parameter the development will exceed. No such excess has been shown.

5.24 Although the appeal site clearly is intended to extend the ribbon of housing to the south of Stanton Lane the existing five houses present to the road as two distinct character and density groups. Mindful of the need to ensure future development respect the area's distinctive character and appearance (particularly outlined in WCS Core Policy 57), and noting too that the houses closest to Honey Knob Hill are listed buildings, it is reasonable to assume that not only should the new development seek to reflect the Village's traditional housing form, evidenced in that area, but the ribbon pattern and grain will help ensure the appeal site accommodates the amount of development proposed successfully, creating a traditional village street scene, and accommodating parking for instance, in depth between and behind the houses. The details are of course not part of the appeal submission, but the Council is incorrect to consider the unremarkable and dated small group of 1970's houses as a quality or distinctive benchmark against which to assess the acceptability of the appeal site's density, particularly as that is not high, but still makes a sustainable and efficient use of the appeal site.

6.0 CONCLUSIONS

6.1 The appeal proposal seeks 'permission in principle consent' to erect nine dwellings on land off Stanton Lane, Kington St Michael, Wiltshire SN14 6JQ.

6.2 The main issue in the consideration of this appeal is the principle of the proposed development. The Council refused application PL/2023/09933 because it considered the proposal's location would conflict with the plan led approach to delivering new housing and the sustainable development principles set out within the NPPF. Additionally, the location and use is purported to be harmful to the landscape character of the area and involve too great an amount of housing.

6.3 This appeal statement has outlined why it is considered that the principle of development is considered acceptable. The appeal proposal would result in the provision of new dwellings on a site that forms part of the peripheral built up area of Kington St Michael. It is acknowledged that the site falls outside the defined LoD for the village and the subsequent conflict with the settlement strategy of the local plan, however, when considering everything in the round and the overall planning balance it is considered that permission in principle should be granted. The harm alleged by the Council is unfounded and is outweighed by the need and benefit of provide new village homes.

6.4 The proposal would contribute towards the Government's objective of significantly boosting the supply of homes and would align with the Council's long term growth strategy for the Village. The proposed development would deliver both social and economic benefits and there would be no harm, other than conflict with the settlement strategy of the local plan, and an inevitable, but contained change, that would result from the development. The adverse impacts of granting permission in principle would not significantly and demonstrably outweigh the benefits.

6.5 In the light of this statement, the Inspector is respectfully requested to allow the appeal.