HOLME PLANNING
Partnership

Planning Application - Objection

Application Ref: PL/2023/09301

Objection submitted on behalf of numerous local residents

Land at Cliffe House,
Cliffe Drive,
Limpley Stoke,
Bath,
BA2 7FY

Erection of 2 detached dwellings on land at Cliffe House, and creation of a new vehicular access with associated works

December 2023

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1.0 Introduction

Background

1.1 Holme Planning Partnership Ltd have been instructed by a number of concerned local residents, as detailed at Appendix 1 of this report, to prepare and submit a detailed objection to application reference PL/2023/09301, setting out their concerns with the development.

1.2 The application is noted to relate to the erection of 2 detached dwellings with access on land at Cliffe House. Our clients have legitimate and specific concerns with the proposals. In their view this is a development which results in gross overdevelopment of the plot, to the detriment of the character and visual amenity of the streetscene. Furthermore, the scheme will result in detrimental harm to neighbour amenity, harm to highway safety, the quality of the local area, and significant harms to ecological networks, the openness of the Green Belt, and the character of the local landscape and AONB. Residents also consider that if approved, this scheme would set a dangerous precedent for the development of other non-infill plots throughout the Neighbourhood Plan area.

1.3 Residents therefore wish to take this opportunity to set out in detail their extensive and robust objections to this development.

2.0 Application Site Context

2.1 The application site is understood to be approximately 0.03 hectares in area and is located within the small village of Limpley Stoke, within the administrative area of Wiltshire Council. The settlement is located within the designated Green Belt, within an AONB, and on the southern fringes of the Cotswold's Special Landscape Area. The site is also understood to be listed on the Priority Habitat Inventory – Deciduous Woodland – England (updated November 2023), and a Habitat of Principal Importance listed in Natural England's Priority Habitats. The recognised habitat designations are shown on the plan extract included below taken from DEFRA's website:

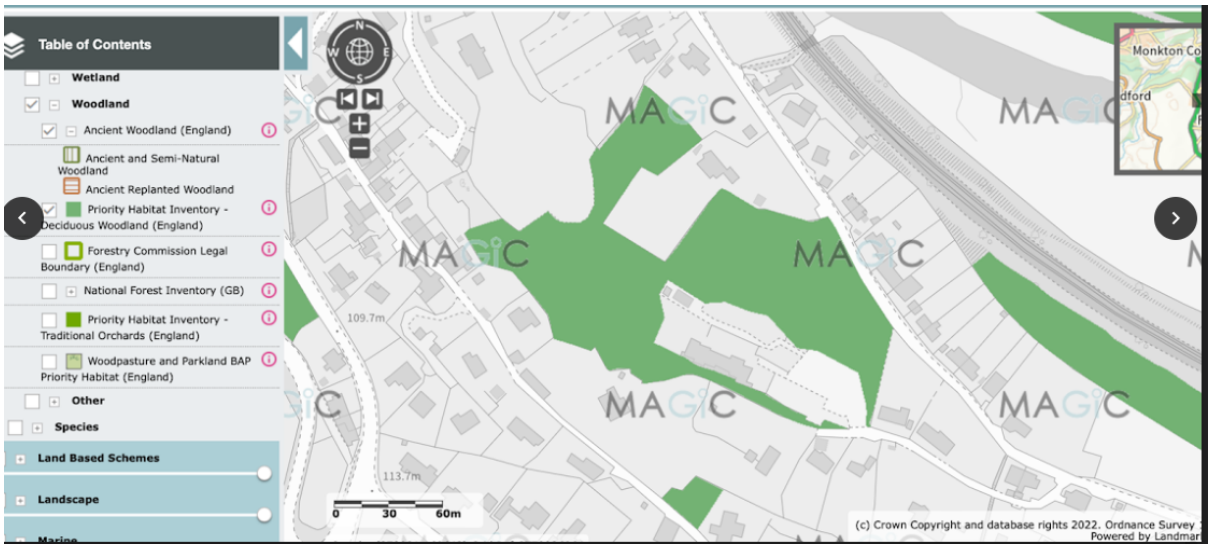

Figure 1: DEFRA Mao of Habitat Designations

2.2 The site is understood to comprise of a steep banked parcel of land, located between Crowe Hill and Cliffe Drive. The site comprises a greenfield woodland site, with a number of trees on site (and a significant number already felled) understood to be the subject of Preservation Orders. As set out above, the site is also understood to be a site of nature and conservation interest. The reality is that this is not residential curtilage for Cliffe House, especially given the nature of the site, and the fact some of the land is understood to have been included in the red line associated with the now as built 'Tetris'.

2.3 The site is bordered to the north by Crowe Hill with residential properties on the other side of the narrow highway. Whilst there are other residential properties located in proximity of the site, these are all of a consistent character, unlike the scheme subject of this application, which represents two detached dwellings on an unsuitable plot, and of a modern form and use of materials wholly out of character with the locale.

2.4 There are limited services or amenities located within the village, and whilst there are understood to be bus services to the village, the site is in reality in an unsustainable location.

2.5 From a review of the Historic England mapping service, we are not aware of any listed buildings either on site or on immediately adjacent land, although there are noted to be

number of other listed buildings within the wider local area, with the Council having previously indicated that the site falls within the setting of Stoke Lodge, a Grade II listed building. The site is also not understood to be located within a designated Conservation Area.

2.6 From a review of the Environment Agency Flood Map, it is noted that the application site is not located within an area at risk from flooding. However, it is understood that at times of heavy rain, there is some surface water flooding on Crowe Hill which will be exacerbated by this development, given the extensive areas of proposed hardstanding and run off straight onto the highway. Additional surface water flows onto the highway in cold weather and the potential for slippages and accidents in icy conditions is of particular concern to the local community.

Proposed Development

2.7 The development proposed is noted to result in the loss of an existing greenfield woodland land parcel, which is located within the Green Belt and an AONB, and is of significant amenity value to the local community. The scheme as submitted will result in overdevelopment of the plot, and is clearly not proposing infill development within an otherwise established and built up frontage. In addition, the loss of existing vegetation and woodland will be to the detriment of visual amenity, overlooking, and loss of privacy and amenity to neighbouring residents, harm on the wider environment, biodiversity, ecological networks and transitory connections, and the character and quality of the locality, all of which are clearly material to this application, and all point to a refusal.

2.8 The Applicant is proposing to service both new homes from a shared access point taken off Crowe Hill, with on going questions as to how this could be structurally achieved given the steep site topography, and without further harm to the visual amenity of the local area. However, in any event Crowe Hill is in reality a single lane highway with bends and steep changes in topography, and with the proposed location of the access, the scheme will not benefit for good access visibility, raising concerns in relation to highway safety, particularly given the realistic increase in traffic this development will create. It is noted that the Council Highways team agree with this position, and have advised that as proposed the scheme will be attracting an adverse highway recommendation. They are noted however to ask for a plan to illustrate the achievable visibility on site. Residents are of the view given the sites location and relationship with the local context and adjacent highway, that suitable visibility splays simply cannot be achieved on site, and there is therefore justification to refuse this application outright on highway grounds.

2.9 Given the scale, form, siting and design of development, local residents have significant concerns that the scheme will also result in detrimental harm to neighbour amenity including loss of privacy, overlooking, overbearing effects, a feeling of enclosure and impacts from day to day activities including noise and light pollution associated with vehicle movements. Residents simply feel that this is simply not the right site for this development, and consider that the application should be refused outright, as there are no considerations of sufficient

weight as to justify approval of an application which runs wholly contrary to the provisions of the adopted Development Plan.

Application Submission

2.10 Having reviewed the documentation submitted with the application there is on our view a number of plans and reports absent, and which should be provided in advance of determination of this application, or the application should simply be refused on the grounds of insufficient information, including;

- **Tree Survey** – There has already been extensive tree loss prior to submission of this further application, and over a protracted period of time. The extent of tree coverage as at 2013 was shown on the as existing site plan submitted in support of application reference 13/0225/FUL, as well as within images included within the associated Design and Access Statement, which are included below for ease of reference:

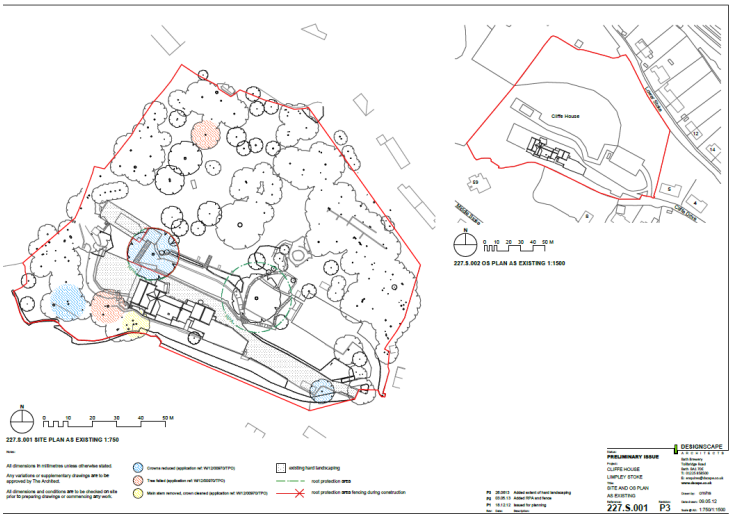

Figure 2: As Existing Site Plan from 2013 application



Figure 3: Image from associated Design and Access Statement

Given that there are a number of additional trees on site a tree survey should be provided to demonstrate how no further trees will be lost to facilitate the development, and how root protection areas will also be secured. Confirmation that the trees to be retained will not be at risk from future requests for removal due to light loss issues within the proposed dwellings should also be carefully considered;

- **Landscaping** – This site has historically been a dense woodland. That woodland has over recent years been slowly eroded to facilitate new development on this site, resulting in detrimental harm to visual amenity, local landscape character and ecological networks. Given the site's location in an AONB and landscape character area this is of significant concern to local residents. A substantial landscape plan should therefore be provided to show the planting proposed on site, and to secure the delivery of mature mitigating planting. Failure to deliver such specimens, as appears to have been the case at 'Tetris', simply has to be avoided, as the harm from this proposal is sufficient to justify refusal of this application;
- **Landscape Visual Impact Assessment**: Given the scale of development, and its location within an AONB and the Green Belt, one would have anticipated the submission of a detailed Landscape Visual Impact assessment. This should included visual assessment of the impact of the development from a number of vantage points, and the local public footpath network. The reality is given the steepness of the slope and proposed siting of development, the dwellings will be visually prominent in the landscape, and will cause harm to visual amenity, local character and neighbour amenity. Such an assessment needs to consider the visual impact both during the summer and winter months once the leaves have fallen from the trees;
- **Ecological Surveys**: Whilst the Applicant is noted to have submitted an ecological survey advising that the scheme will not result in harm to protected or priority species, local residents conclude otherwise, particularly given the lack of recognition within the report to the extensive tree loss on site since 2013 and the sites statutory designations. The site is known to be used by bats, including Horsehoe bats, (particularly as this site currently forms part of a wider dark corridor to the Avon or to Freshford Mill or Ilford Manor), a number of birds (including nesting birds), owls, deer and others. The fact that it is a recognised Priority Habitat and site of Habitat of Principal Importance only further supports this position.

  The loss of what is left of the original woodland will destroy not only their habitat, but their wider ecological connections and overall biodiversity on site, and will inevitably lead to the loss of these species within the Valley. This loss does not appear to have been appropriately assessed by the Applicant, and is of significant concern to our clients. The harm resultant from these proposals on ecology, protected species and biodiversity needs to be given greater consideration, particularly given the slow and continual erosion of this parcel of land in recent

years. Once lost it simply cannot be replaced, regardless of any mitigation proposed. This fact alone weighs heavily against approval of this application.

- **Heritage Impact Assessment**: Whilst there are no designated and non-designated heritage assets on site, Cliffe House is deemed to be within the setting of a Grade II listed building and a more detail assessment of the harm resultant from this scheme on the historic environment needs to be undertaken;
- **Boundary Plans**: Given that part of the site currently proposed to be included within the application red line, was also noted to have been included in the red line associated with the as built ' Tetris', a clear plan showing the demarcation of the four (existing and proposed) residential units is therefore required, in circumstances where the need to ensure sufficient spacing and privacy between units, and sufficient outdoor amenity space can be secured;
- **Access Plan** – The application has not been supported with sufficient documentary evidence in relation to the site access arrangements including gateway location, whether there is a risk of vehicles parking on the highway whilst waiting to turn into site, and a drawing clearly showing that the site can deliver the safe visibility splays needed. It is also important that visibility splays be secured without significant additional incursion in the bank itself, which would result in further vegetation and habitat loss. Given that access and highways again fall to the principle of development the need for this additional information is essential;
- **Structural Report** – As per the previous application residents have concerns on the structural integrity of this bank to accommodate additional development, especially following the on going loss of mature trees and vegetation in recent years. A suitable report to demonstrate that the site in its current form, and without extensive additional built structures can safely accommodate more development is therefore required. Any proposals which result in fencing or extensive physical structures to retain the bank side are to be avoided given the significant visual harm such additional built elements have on the street scene, neighbour amenity and wider landscape (as can be seen from the existing arrangements associated with 'Tetris');



Figure 4: Photographs of structural supports and planting at Tetris

- **Lighting Assessment**: Given the extent of glazing proposed, and the fact that bats and other species are known to be in the local area, as well as the fact that the

site is located within an AONB, we would have expected to see the submission of a lighting assessment with this application. This needs to address illuminance levels, lighting spill, and ensure that lighting does not result in harm on the landscape, neighbour amenity and ecological routes;

- **Street Scene Elevations** – The applicant does not appear to have provided any street scene elevations showing the proposed development in context. Such a plan would be essential in allowing the Council and third parties to fully undertaken the contextual and visual impacts of the scheme on the visual amenities and neighbouring amenity;
- **Energy Statement** – Wiltshire Council acknowledged the climate emergency in February 2019, and we would therefore expect assessments of suitable applications to include an energy assessment to demonstrate the use of renewables within the scheme and general energy efficiencies. This detail appears to be lacking within the application, as whilst reference is made to the use of air source heat pumps and roof mounted PV, there is no detail on whether the site is suitable for such technologies, nor sufficient details on their scale and appearance such that any potential visual harm on the AONB, local landscape character and neighbour amenity can be undertaken;
- **Materials Palette**: The Applicant has provided some detail in relation to the proposed use of materials on site. However, given the concerns on the visual harm resultant from the as built 'Tetris', including the lack of delivery of a green roof, residents would like the opportunity view samples of proposed materials and to be given further opportunity to comment in advance of determination. Given the sites prominent position and siting within the AONB this matter simply cannot be pushed back to a condition;
- **Surface Water Drainage**: Given the extensive removal of existing vegetation from the site, alongside the site geology, topography, the proposed installation of extensive areas of hardstanding within the development site, residents have particular concerns regarding the risk of surface water flooding on Crowe Hill. The justification for this level of concern is further supported by the DEFRA plan included below, detailing groundwater vulnerability, with the site being categorised as 'High risk'. Once again, no details on site drainage, including the potential impact on groundwater sources, increased risk of surface water flooding in the local area, and flow rates out to the valley bottom, appear to have been included within this application to overcome these legitimate concerns. Clarification on the foul sewerage disposal should also be provided as the form simply indicates 'to connect to existing if available'; and

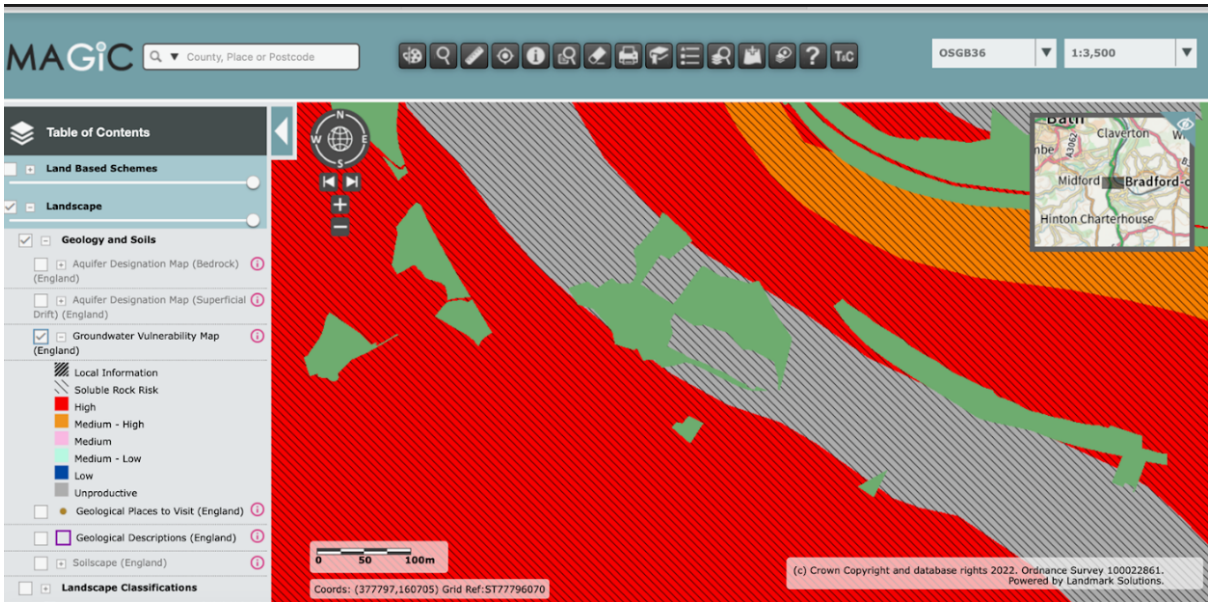

Figure 5 : DEFRA Ground Water Vulnerability Map

- **Infill Plan** – The Applicants have provided a plan showing the indicative build line presumably to make the case of the scheme representing infill development. The Plan does however appear to include buildings off Cliffe Drive and Crowe Hill, and does not therefore clearly show a clear gap along an existing built up frontage along Crowe Hill to justify the case on infill. A revised plan showing the building line along Crowe Hill in isolation should therefore be provided. The plan also fails to provide details of the size of the gap the Applicant is seeking to justify as infill, and an annotation to that effect would be helpful; albeit in our view this scheme clearly cannot be seen to represent the infilling of an existing gap. The scheme will also result in harm to the openness of the Green Belt.

Statutory Development Plan

2.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, local planning authorities must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. The development has been shown throughout this Statement, to fail to meet the tests of the Development Plan when read as a whole. Further, there are no material considerations which outweigh the provisions of the Development Plan, and we therefore kindly urge the Council to seek to refuse this application.

3.0 Planning History

3.1 Given the application sites deemed location within the grounds of Cliffe House, it is noted to have been the subject of a number of previous planning applications. Given the scope and nature of this particular application, specific attention is therefore drawn to the provisions of the following applications:

> **Application Ref:** 20/06692/FUL
> **Description of Development:** New dwelling within the curtilage of Cliffe House, with associated works
> **Decision:** Approved
> **Date of Decision:** 13th October 2020

3.2 It is understood that this application sought to separate an existing annexe on site to create a single dwelling. That application was approved, but given it related to the change of use of an existing building, with no additional built development, the principle was clearly acceptable. This application is not therefore deemed to be determinative to this application.

> **Application Ref:** PL/2022/03625
> **Description of Development:** New dwelling within the curtilage of Cliffe House and single storey detached garage, with associated works
> **Decision:** Approved
> **Date of Decision:** 8th December 2022

3.3 This application was noted to have been a follow up application to the 2020 approval for the annexe conversion. This further application sought to replicate the annexe to dwelling conversion, but on a different parcel of land and with the erection of a detached garage.

3.4 In assessing this further proposal the case officer quite rightly draws attention to the extant annexe approval, and its use as a fallback position being material to the determination of the application. The Case Officer also confirms that the proposed dwelling was in effect only moving 2.5 metres from its approved position, and therefore the scheme remained acceptable as a matter of principle.

3.5 In relation to the landscape impact of the previously approved scheme the case officer is noted to have stated:

> "The garage will be located within 10m of the approved dwelling and set into the slope of the existing topography. It will be clad in timber and would be read within the existing context of the approved form on site. There is anecdotal evidence of trees and vegetation being removed. The revised NPPF places greater weight on retaining trees and planting replacements than it did under the previously assessed application, especially in sensitive landscape areas. As such a tree replacement plan has been requested from the applicants. This has been provided and indicates that 3 replacement trees will be provided. A detailed landscape plan (including a requirement that the proposed replacement trees are mature on planting) has been

submitted and a condition requiring its implementation prior to the occupation of the development is recommended to ensure that appropriate and sufficient landscaping is achieved.

Subject to this condition the proposed development is considered to be acceptable in terms of policies CP51 and CP57 of the WCS and Saved policy C3 of the WWLP, as well as the relevant parts of the NPPF."

3.6 As Officers will note when undertaking their site visit on this live application, the mitigating planting, particularly at the lower end of the banking has simply delivered sapling trees, which offers no screening benefits or visual amenity compensation to address the historic loss of significant tree specimens. In addition, the board fencing to secure the banking structure is also unsightly and wholly out of the character with the local area. Residents therefore have significant concerns regarding the delivery of further mitigation if additional tree loss is justified, and the visual harms to the local area from additional poor quality delivery.

3.7 In relation to the impact of additional development, namely the then approved garage, the case officer previously noted:

> "Notwithstanding this, it is considered that this really is the most development that could be considered appropriate to this site given the context of the Green Belt and any further development comprising domestic paraphernalia and associated works should be discouraged so as to avoid the diminution of openness of the Green Belt in this location. Accordingly, it is considered that the removal of all permitted development rights for the erection of extensions, additions, outbuildings, enclosures, fences, gates and walls is justified and necessary to preserve the openness of the Green Belt and such a condition is considered to meet the 6 tests required by the NPPF."

3.8 Officers clearly felt that the delivery of the approved garage in this part of the Green Belt was in reality the maximum that could be deemed suitable for this site, and that further works would be discouraged. They felt so strongly about the potential harm additional development could cause to the openness of the Green Belt that they determined to remove permitted development rights, and also noted within reason for inclusion of condition 3 that ***'Only one dwelling and the associated garage has been assessed as part of this application and no more than one dwelling is acceptable in this location'***. Given that the site on which the previous approval was secured remains within the blue edge associated with this application, it is our view that the principles in relation to the harm on the openness of the Green Belt from the scheme now being proposed, remains relevant and justifies refusal of this application, which cannot be seen to reflect infill development.

3.9 It is noted that the case officer correctly undertook an assessment of the harm from the previously approved application on the setting of the neighbouring Grade II Listed building, and determined that:

> "By reason of the proposed dwelling being located on much lower ground than Stoke Lodge (and it not being visible from the listed building) and the existing dwelling of Cliffe House being located in between it is considered that no harm would be raised to the setting of the Grade II Listed Building from the proposed changes to the annexe. The introduction of the garage is located in such a way and of such minor scale that it too would not have a detrimental impact on the setting of the listed building. The proposal is therefore considered to comply with CP58 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Section 16 of the NPPF."

3.10 There are outstanding concerns that the sheer quantum of development now being proposed, along with the scale and siting, that there is danger of more substantive harm to the setting and character of a designated heritage asset. The application does not appear to have been supported with a Heritage Impact Assessment, and we therefore ask that the Council Conservation Officer be consulted to comment on the proposals.

3.11 It is noted that the Case Officer considered the use of timber cladding will over time fit into the wider landscape, and as such raised no objections to the proposals on design grounds. With respect to the officer, we must disagree with this conclusion. With the benefit of the dwelling having now been erected, it is clear that the scale, siting and use of materials has resulted in a dwelling out of character with the local area, and with the significant loss of trees on site, has created an isolated and visually dominant development in the landscape. These issues would be exacerbated should the decision be taken to approve this further application.

3.12 In relation to neighbour impact, the case officer stated:

> "Notwithstanding this however, there is evidence that some trees and vegetation have been removed which may have provided some screening to the properties on Crowe Hill and as such the applicants have been requested to provide a robust landscaping scheme showing mature replacement trees and vegetation being reinstated on the north/northeastern boundary to ensure some screening is retained between the site and Crowe Hill properties for amenity reasons as well as benefitting the landscape setting and biodiversity on site."

3.13 As set out above 3.6 above the planting installed clearly does not reflect mature replacement trees, and in fact offers no screening to the properties on Crowe Hill. Residents amenity is therefore harmed by the as built development, and will be further harmed by the scheme subject of this further application. Alongside the on going harm on the landscape character of the local area and biodiversity, whose habitats and transitory routes are being eroded by the continuing loss of trees and woodland on this site. This environmental harm must carry significant weight in the determination of this further application, and in our view justifies a reason for refusal.

3.14 In relation to site access, it is noted that the previous approval secured a shared access off the existing, there was therefore no significant concerns on highway safety. This further application is however proposing the creation of a new access to serve the proposed two dwellings off Crowe Hill, on a highway which is in effect single lane carriageway, and with poor visibility given the local topography and bends in the road.

3.15 In relation to the structural integrity of the banking to accommodate new development, the case officer on application PL/2022/03625 advised:

> "Concern has been raised by the Parsh Council and the local residents that the relocation of the property and removal of trees and vegetation from the site could increase the risk of landslides and/or landslips resulting in a danger to the surrounding properties and environment. This was not previously assessed as being a critical aspect of the previous approvals of the building and the introduction of a small garage is unlikely to have any significant destabilising impact of itself. Furthermore, as the NPPF states, land stability issues are the responsibility for the landowner and developer and statutory Building Regulations will also be reviewing the proposal in terms of its foundations and stability both at the start, during and post-construction. Notwithstanding this, given the concerns, raised information regarding the structural stability of the proposal and piling details has been requested. This has been submitted and the evidence submitted shows the proposed piling layout as recommended by professional structural engineers and confirmation that this is deemed to be sufficient to avoid land instability arising from the proposal has been received."

3.16 We can confirm that the concerns on the structural integrity of the banking to accommodate this further development remains relevant to the determination of this further application. In our view, insufficient detail has been provided to address this issue, and once again given that it falls to the principle of the development, would ask that this be addressed in detail in advance of determination. Should the proposals result in board fencing as per that associated with the now as built home, we will be left with no other choice than to set out our robust objections to the same, given the associated visual harm.

3.17 For the avoidance of doubt the previously approved dwelling on site, does not set a precedent for this further application for two dwellings. The context and background of that application were wholly different to that now being proposed. In our view, the site planning history simply highlights a number of resident's concerns with this further application, and supports the case that this site is not suitable for any additional development, and the application should therefore be refused outright, as per the Councils indicated advice when issuing the most recent approval.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

4.1 In the assessment of this planning application due regard needs to be paid to the provisions of the Development Plan, which comprises the Revised National Planning Policy Framework and the Wiltshire Development Plan. This section of the report will focus on the national planning policy position, with adopted local policies addressed at Section 5.

Revised National Planning Policy (NPPF) September 2023

4.2 The Revised National Planning Policy Framework was last updated in September 2023, and sets out the Government's planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the determination of this application include as follows (please not this is not an exhaustive reference to the relevant provisions of the NPF, but does cover the key pertinent issues):

Section 2 - Achieving Sustainable Development

*"**Paragraph 8:** Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective–to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

*"**Paragraph 10:** So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."*

*"**Paragraph 11:** Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; "

*"**Paragraph 12**: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

4.3 **Comment:** The application site is clearly in an isolated and unsustainable location. The proposals as submitted, represent overdevelopment of a Green Belt site without a case made on very special circumstances, poor quality amenity for the proposed occupiers and neighbours, significant harm on visual amenity and local landscape character, loss of trees and ecological networks and highway safety concerns. Given that there are no material considerations of sufficient weight to overcome those concerns, the scheme is not therefore deemed to represent a suitable or sustainable development.

Section 4 - Decision Making

*"**Paragraph 38:** Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

*"**Paragraph 47**: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

*"**Paragraph 49:** However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

4.4 **Comment:** The adopted Development Plan seeks to protect the character of the local area from inappropriate development. The scheme as submitted will result in harm to the character of the area and visual amenity given the scale, form, siting and design of development. The loss of existing vegetation and further mature trees will also be environmentally and ecologically damaging. The scheme is therefore deemed to be inconsistent and contrary to the provisions of the Development Plan, with no other material considerations outweighing the principle objection to the development.

4.5 Whilst reference is made on the application form to some initial discussion with the case officer having taken place in March 2023 in advance of submission, no detail has been provided as to the feedback officers provided on the principle of the development, just simply that they were advised that an application was being prepared and submitted. In the interests of transparency, we would ask for clarification on the outcome of those discussions and whether officer's sets out a principle objection to the application. The fact that the applicant is an employee or member at the local authority (as confirmed on the application form) only heightens the need for transparency on the determination of this application, and we therefore trust that the scheme will be appropriately referred to Committee for a decision in due course.

Section 5 – Delivering a Sufficient Supply of Homes

"Paragraph 60: *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*

"Paragraph 68: *Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

a) specific, deliverable sites for years one to five of the plan period; and
b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."

*"**Paragraph 78:** In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this."*

*"**Paragraph 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."

4.6 **Comment:** Whilst Wiltshire Council are not understood to be able to demonstrate a five year supply of housing land, we understand that on the basis of previous build out rates in recent years, that there is not a pressing need to support applications for new residential development on unallocated or unconsented sites. Furthermore, there is no pressure to seek to support applications which represent gross overdevelopment of a plot, and which would detrimentally harm the character and quality of the local area, Green Belt, an AONB and neighbour amenity, as would be the case in this proposal. The unsustainable nature of the application site is also deemed to be material.

Section 9 - Promoting Sustainable Transport

"Paragraph 110: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

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

"Paragraph 112: *Within this context, applications for development should:*

a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

4.7 **Comment:** The proposed site access is to be located off an in effect single lane carriageway. The proposed access is located over the road from other access points and benefits from poor visibility in both directions given the topography of the local area, and the bends in the highway. There are concerns that vehicles queuing on the highway to access the new development could cause congestion and create an accident hot spot as vehicles and cyclists travel past the site, and particularly from the east as they may not see stopped vehicles until late. Accessing the site for deliveries and emergency vehicles is a further consideration, particularly if vehicles are parked on the other side of the road.

4.8 The level of increased traffic resultant from these proposals, and the unsustainable nature of the application site are further considerations.

4.9 The development will result in an unacceptable impact on the highway network, and there is therefore a justifiable case to refuse this proposal on highway grounds.

Section 11 – Making Effective Use of Land

*"**Paragraph 119:** Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*

*"**Paragraph 120:** Planning policies and decisions should:*

a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."

*"**Paragraph 124:** Planning policies and decisions should support development that makes efficient use of land, taking into account:*

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

*d) **the desirability of maintaining an area's prevailing character and setting (including residential gardens),** or of promoting regeneration and change; and*

e) the importance of securing well-designed, attractive and healthy places."

4.10 **Comment:** Whilst it is accepted that the Framework does seek to support higher development densities for efficient uses of land, as set out above, paragraph 124 also requires development to pay due regard to the desirability of maintaining an area's prevailing character and setting. This scheme by virtue of its location within the Green Belt and an AONB, the proposed density and scale of development runs completely contrary to the prevailing character of the local area, and in our view, represents inappropriate development. For the reasons laid out within this report, the development subject of this application simply fails to meet this test.

Section 12- Achieving Well-Designed Places

"***Paragraph 126:** The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement*

between applicants, communities, local planning authorities and other interests throughout the process."

*"**Paragraph 130:** Planning policies and decisions should ensure that developments:*

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

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

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

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

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

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

4.11 **Comment:** The application drawings clearly show a scale, form and design of development out of character with the local area. The proposed dwellings and associated development is deemed to be gross in scale and mass, and does not propose a form of development suitable for this location. In our view, the scheme does not represent good and high quality design, and in reality is out of keeping with the appearance and the predominant character of the local area. There is therefore justification in refusing this application on the grounds of poor design.

Section 13 – Protecting Green Belt Land

*"**Paragraph 137:** The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

*"**Paragraph 147:** Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

*"**Paragraph 148:** When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

*"**Paragraph 149:** A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

4.12 **Comment:** The scheme as submitted represents inappropriate development within the Green Belt, with no very special circumstances to justify approval of the application. This proposal does not constitute infill development, as it does not relate to the filling of a gap in an otherwise built up frontage, particularly given the distance between properties on Crowe Hill. The proposal does not therefore constitute one of the exceptions to development in the Green Belt.

4.13 The erection of two new dwellings on site will result in detrimental harm to the openness of the Green Belt, and should therefore be refused on the grounds of its inappropriateness.

Section 15 – Conserving and Enhancing the Natural Environment

*"**Paragraph 174:** Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland;
c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

*"**Paragraph 176:** Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Park sand the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*

4.14 **Comment:** Given the loss of existing vegetation and mature trees to facilitate this development, there is significant concern in relation to the potential impact on the wider natural environment, surface water run off rates from the sit and the structural integrity of the banking to accommodate this development. Confirmation is therefore sought that the Council's Ecologist, Tree Officer, Natural England, Local Lead Flood Authority and Building Control are content with the proposals in the round. Residents advise that the site has been seen to provide habitat or transitory routes for a number of protected and priority species (addressed in more detail in later sections of this submission), and any potential detrimental impact on protected or priority species, or wider ecological networks should be avoided.

4.15 The scheme given the scale, siting, form, design and use of materials is also deemed to result in detrimental harm to the local landscape and the wider AONB. NPPF confirms that development in these areas should be limited and sensitively located, which is clearly not the case within this proposal.

Summary

4.16 The development subject of this application has been shown above to fall foul of the tests laid out within the National Planning Policy Framework. The scheme proposes the loss of existing vegetation, and the erection of development of a gross scale, form, height, mass and design which causes detriment to the character, quality and visual amenity of the local area. The

proposals will harm residential amenity through increased noise, disturbance and activity on site, as well as a loss of privacy and amenity, and there are legitimate concerns in relation to off street car parking and highway safety.

4.17 In our view, this scheme is contrary to the provisions of the National Planning Policy Framework.

5.0 Relevant Planning Policy – Wiltshire Development Plan

5.1 The application site is located within the authority of Wiltshire Council, and the provisions of the adopted Core Strategy (2015) are therefore determinative. In addition, due regard should also be paid to the provisions of the saved policies of the West Wiltshire District Plan (2004), and the Freshford and Limpsey Stoke Neighbourhood Plan (2014-2039).

5.2 The application site is understood from the Proposals Map associated with the adopted plan (extract included below) to be within the Green Belt, with an AONB and within the Cotswolds special landscape area. Retention and protection of this site from development encroachment is therefore the starting point.

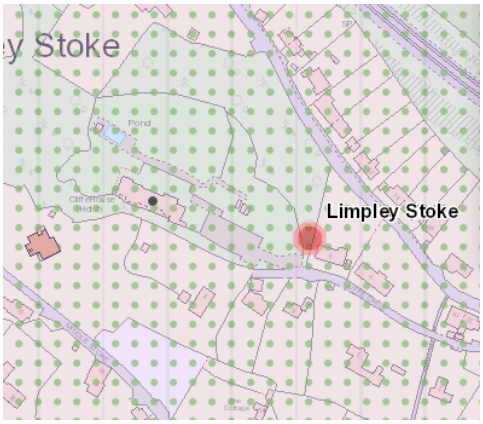

Figure 6: Proposals Map extract

5.3 Given the allocations associated with the application site, and given the form and scale of development currently proposed, attention is drawn to the list below of relevant development plan policies to be considered in advance of determination of this application:

Wiltshire Core Strategy (adopted 2015)

- Policy CP1 – Settlement Strategy;
- Policy CP2 – Delivery Strategy;
- Policy CP7 – Spatial Strategy Bradford on Avon Community Area;
- Policy CP41 – Sustainable Construction and Low Carbon Energy;
- Policy CP44 – Rural Exception Sites;
- Policy CP45- Meeting Wiltshire's Housing Needs;
- Policy CP50 – Biodiversity and Geodiversity;
- Policy CP51 – Landscape;
- Policy CP52 – Green Infrastructure;
- Policy CP57 – Ensuring High Quality Design and Place Shaping;
- Policy CP58 – Ensuring the Conservation of the Historic Environment
- Policy CP60 – Sustainable Transport;
- Policy CP61 – Transport and New Development;
- Policy CP62 – Development Impacts on the Transport Network; and

- Policy CP64 – Demand Management

5.4 Of the policies listed above specific attention is to the provisions of the following, which are deemed most determinative to this application:

> "**Policy CP1:**
>
> …Small villages have a low level of services and facilities, and few employment opportunities.
>
> Development at Large and Small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities."
>
> "**Policy CP2:**
>
> At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:
>
> i) Respects the existing character and form of the settlement
> ii) Does not elongate the village or impose development in sensitive landscape areas
> iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement."

5.5 **Comment:** The settlement of Limpley Stoke is noted to be classified as a small village, and the application needs to be able to demonstrate that its helping to meet the housing needs of the settlement, The application appears to be silent on this point. Furthermore, for the reasons laid out throughout this submission, we simply do not consider the proposals to constitute infill development.

5.6 It is noted that in relation to development within the Green Belt, such proposals need to be compliant with national guidance. Given that this has been addressed above at section 4, we do not propose to replicate the issues here, other than to confirm that the scheme does not comply with the provisions on exceptions and should therefore be refused as being inappropriate.

5.7 The scheme is therefore clearly inconsistent with the provisions of the Wiltshire Core Strategy as a matter of principle.

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

5.8 It is understood that a number of policies contained within the West Wiltshire Local Plan have been replaced upon adoption of the Core Strategy. There are however a few policies which have been 'saved'. Of the saved policies, due regard is paid to the following policies deemed to be determinative to this application:

- Policy C3 - Special Landscape Area;
- Policy C39 – Environmental Enhancement; and

- Policy C40 -Tree Planting

5.9 Of those policies detailed above, specific attention is drawn to the provisions of Policy C3, which is noted to read as follows:

> "Special Landscape Areas, as defined on the Proposals Maps, are identified as follows:-
> A Salisbury Plain
> B The Corsley Heath to Chapmanslade Greensand Ridge
> C The higher land of the Spye and Bowood Parklands
> D The River Frome Valley at Vaggs Hill
> E The southern fringes of the Cotswolds not covered by Area Of Outstanding Natural Beauty designation
>
> The landscape character of Special Landscape Areas will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes.
>
> Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations."

5.10 **Comment:** Given the clear harm the proposals subject of this application will have on landscape character, visual amenity, neighbour amenity, the environment and ecological networks and highways, the scheme is deemed to fall foul of the tests laid out within the saved policies and there is therefore a legitimate expectation that the application will be refused.

5.11 It is noted that the Applicant appears to have failed to have had regard to Policy C3 in their supporting statement so we cannot assess their justification for the scheme in relation to impact on the special landscape area.

Freshford and Limpley Stoke Neigbourhood Plan

5.12 The as Made Freshford and Limpley Stoke Neighbourhood Plan confirms that the document was produced in order to give the local population a greater influence on land use planning. The document rightly confirms that the Localism Act 2011 would allow local residents, through the Neighbourhood Plan, to determine the scale, pace and location of new developments. The Plan is noted to seek to ensure that the villages remain vibrant communities, whilst protecting the unique rural environment which defines the character of the area, with specific reference to protecting greenfields, woodlands, and sites of steep topography.

5.13 In relation to the village of Limpley Stoke itself the Plan states:

"3.0.05 Limpley Stoke is defined as a "small village" in the adopted Wiltshire Core Strategy and is within the Green Belt. As a "small village", Limpley Stoke does not have a Housing Development Boundary and the whole area is covered by the Green Belt. Development is governed by Wiltshire Core Policy 51 with a particular objective to: "maintain the open character of undeveloped land adjacent to Bath, Trowbridge and Bradford on Avon and prevent the coalescence of Bradford on Avon with Trowbridge or the villages to the east of Bath". The adopted Wiltshire Core Strategy plans approximately 185 dwellings in the Bradford on Avon Community Area outside of Bradford on Avon town over the period 2006-2026. The Bradford on Avon Community Area includes three "large villages" and four "small villages" (including Limpley Stoke)."

5.14 The Plan goes on to confirm that the Neighbourhood Plan's definition of an infill site is as follows:

"Infill is the filling of a gap normally capable of taking no more than two houses. Infill development must be consistent with the policies set out in the Plan and preserve the openness of the Green Belt."

5.15 It is noted from the plan extract included below, that the application site is located within the 'northern settlement' part of the Plan area. The Plan confirms that within the northern settlement, that a limited amount of infill development could be acceptable. However, the Plan goes on to confirm that this does not mean the guarantee of planning permission. Any proposed development would also need to comply with planning law, Green Belt, AONB, and where appropriate, Conservation Area restrictions, the tight definition of 'infill'.

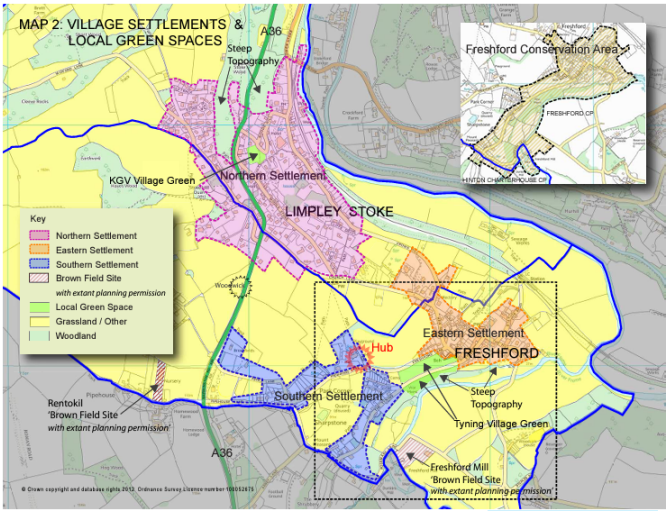

Figure 7: Neighbourhood Plan extract

5.16 The Neighbourhood Plan is noted to contain a number of policies including the following:

"Planning and Development Policy
(a) Any development requiring planning permission within the Neighbourhood Plan area should reflect the Guidance contained in the Villages Design Statement.

(b) Applicants must demonstrate to the relevant Local Planning Authority how any planning application conforms to that Statement.
(c) Villages Design Statement New developments:
New developments must be mindful of and sensitive to the physical and environmental context of the site and its location. This includes the need for any development to be proportionate both to its site and in relation to its immediate neighbours.
Design: The design, contemporary or traditional, must be a positive addition to the rural environment reflecting the character of its setting and acknowledging the local built heritage. It must sit well in the landscape and not dominate it.
Detailing: The detailing of new development and changes to existing buildings must reflect the quality of craftsmanship and materials both of the area and of the specific location. Where possible, local and durable materials should be used which improve appearance with age. Any exterior lighting must minimise light pollution.
Car Parking: any development, whether for extensions or new housing, must provide for sufficient off-road car parking to avoid worsening on-road parking and congestion.
Heritage: The historic fabric of buildings should be preserved and repaired wherever possible (where buildings are 'listed' specialist advice should be sought)."

5.17 The Plan includes a Map detailing the landscapes and habitats within the Neighbourhood Plan area and provides a detailed list of rare species in the locality that depend upon local habitats. That list is noted to include bats, bees, butterflies, dormouse, great crested newts, reptiles, skylarks, water vole and white crayfish. On the Plan, the site subject of this application is understood to have been identified as broadleaf woodland.

5.18 **Comment:** The Neighbourhood Plan is accepted to make limited provisions for small infill schemes. However, the Plan is quite clear that there are a number of additional policy tests to be addressed in order for such developments to be found acceptable. The Plan does not give carte blanche for new homes within the Plan Area, but sets out clear guidelines including stating that such developments are not be located within existing woodlands, nor on sites of steep topography. Such development also cannot result in harm on the openness of the Green Belt, the AONB etc.

5.19 It is clear that the application site does not comply with the above provisions. This is a large former wooded area, with an extensive distance between properties on Crowe Hill. The scheme whilst proposing just two dwellings, pays no regard to the fact that a dwelling has already been sited in the grounds of Cliffe House, which would in reality result in a total addition of 3 residential units within the local area. That of itself confirms that the scheme cannot be seen to meet the tests on infill as laid out above. Furthermore, given the scale, siting, height and form of development proposed, alongside the access road, car parking, garden spaces and paraphernalia, will result in detrimental harm to the openness of the Green Belt and the visual amenity, character and quality of the AONB.

5.20 The Neighbourhood Plan is clear in its focus to allow the village residents of Freshford and Limpley Stoke to determine the scale and forms of development suitable within their

settlements. The Plan is also clear in its objective to protect the unique rural environment and character of the area, which is clearly of a tranquil wooded valley. It is clear that the development as proposed runs wholly contrary to this position and will destroy the character and quality of this part of the valley, with resultant detrimental harm on landscape character, visual amenity, and residents' quality of life.

5.21 We therefore ask that the Officers and Members of Wiltshire Council seek to uphold the principles and objectives of the Freshford and Limpley Stoke Neighbourhood Plan, and ensure that these communities can take control over what is an acceptable form and location for new development within their villages. Residents consider, and also importantly those that drafted the Neighbourhood Plan consider, that this proposal does not meet the definition of infill as laid out within their adopted Plan. Residents therefore ask that this application be refused for the reasons laid out throughout this submission.

Supplementary Planning Documents

5.22 In addition to the provisions of the adopted Local Plan, due regard should also be paid to the provisions of the Council's Parking Strategy.

5.23 Given the site's location and the lack of safe on street car parking opportunities, and the associated impact on congestion and highway safety and visibility from the same, it is imperative that the scheme delivers sufficient off street car parking to service to the needs of the development.

5.24 Section 70(2) of the Town and Country Planning Act 1990 requires the decision maker 'to have regard to the provisions of the Development Plan, in so far as material to the application, and to any other material considerations'

Emerging Wiltshire Local Plan Review

5.25 Wiltshire Council are noted to be in the process of undertaking a Local Plan Review with consultation on the Regulation 19 draft of the emerging Plan closing on the 22nd November 2023. From a review of the draft Policies Map, it is understood that the site subject of this application is to remain subject of the same allocations and designations as the current Development Plan. The scheme does therefore in our view, also fall foul of the policies and tests laid out within the emerging Local Plan Review, although it is accepted that the weight to be attached to the emerging Plan is limited given its current unexamined status.

Summary

5.26 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to determinations to be made under the Planning Acts as follows:

> "If regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise."

5.27 It is noted within the supporting Design and Access Statement submitted with this application, that the Applicants consider that the approval of application 19/10471 for two dwellings at

Church Lane, Limpley Stoke sets a clear precedent for the development as submitted. Whilst that proposal related to the erection of the same number of units, and within an area subject of the same allocations, it is clear that the two sites are incompatible. The site at Church Lane was a corner location, and in many ways can be seen to be 'rounding off' the settlement, and infilling a clear gap within the village. The site at Cliffe House is simply not an infill plot. It is a large open former woodland with sporadic development on this side of Crowe Hill, it cannot be seen to be infilling an established building line, with a significant distance and clear visual and physical separation to the nearest dwellings to the east. The fact this scheme is within a woodland and on a site of steep topography only further makes the case as to how the scheme fails to meet the requirements of the Neighbourhood Plan.

5.28 As clearly shown within this statement, the scheme subject of this application falls foul of the provisions of the Development Plan, and there are no material considerations which would outweigh the policy presumption against the scheme. In fact, when one weighs the material considerations including the harm on the character of the local area, impact on neighbour amenity, issues on highway safety, overdevelopment of the plot, the NPPF and the resultant harm on social, ecological and environmental considerations, as well as the harm on the openness of the Green Belt and the character of the AONB, the material considerations further weigh heavily in favour of refusal.

6.0 Conclusions

6.1 It has been soundly demonstrated throughout this statement that the development subject of this application, fails to accord with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is unacceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Wiltshire Development Plan. Given the harm resultant from the proposals, there are no material considerations or benefits from the development which outweigh the objection to this proposal.

6.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. However, in this case, based on the above principles, we would therefore kindly request that the Council seeks to refuse this application for the various reasons laid out above.

Appendix 1 – List of Concerned Local Residents

1. Jason Borrow ingspan, 2 Cliffe Drive, Limpley Stoke BA2 7FY
2. Melanie Peterkin Wingspan, 2 Cliffe Drive, Limpley Stoke BA2 7FY
3. Chimene Roberts 27 Lower Stoke Limpley Stoke BA2 7FR
4. Jonathan Milton 27 Lower Stoke Limpley Stoke BA2 7FR
5. Adam Lloyd-Smith Sylvan Lodge 1 Cliffe Drive Limpley Stoke BA2 7FY
6. Jessica Lloyd-Smith Sylvan Lodge 1 Cliffe Drive Limpley Stoke BA2 7FY
7. Katie Le Ruez 7 Cliffe drive, Limpley Stoke, BA2 7FY
8. Philip Deacon 7 Cliffe drive, Limpley Stoke, BA2 7FY
9. Duncan Finlayson 31 Lower Stoke BA2 7FR
10. Caroline Kington Lower Hayes, 40 Lower Stoke, Limpley Stoke, BA2 7FR
11. Jane Kitney 11 Crowe Hill Limpley Stoke BA2 7FX
12. Simon Hillier 11 Crowe Hill Limpley Stoke BA2 7FX
13. Stephen Dawson Hillside Farm Church Lane Freshford BA2 7WD
14. Gitte Dawson Hillside Farm Church Lane Freshford BA2 7WD
15. Julia Daniel 110 Winsley Hill Limpley Stoke BA2 7JJ
16. Mike Daniel 110 Winsley Hill Limpley Stoke BA2 7JJ
17. Orla Morrish 1 Crowe Hill Limpley Stoke BA2 7FX
18. Mick Morrish 1 Crowe Hill Limpley Stoke BA2 7FX
19. Jacqueline Bateman 4 Crowe Hill, Limpley Stoke, BA27FX
20. Andrew Bateman 4 Crowe Hill, Limpley Stoke, BA27FX
21. James Bateman 4 Crowe Hill, Limpley Stoke, BA27FX
22. Victoria Todres 12, Crowe Hill, Limpley Stoke, Bath, BA2 7FX
23. Damian Todres 12, Crowe Hill, Limpley Stoke, Bath, BA2 7FX
24. Ruth Grant Station House, 19 Lower Stoke, Limpley Stoke, Bath, BA2 7JG
25. Rod Reid Station House, 19 Lower Stoke, Limpley Stoke, Bath BA2 7JG

26. Denise Barnes 16 Crowe Hill, Limpley Stoke BA2 7FX
27. Lesley Mackenzie 3 Woods Hill Limpley Stoke, Bath BA2 7FS
28. Kenneth Mackenzie 3 Woods Hill Limpley Stoke, Bath BA2 7FS
29. Sara Jane Socha 27 Midford Lane Limpley Stoke BA2 7GR
30. Gary Sheridan 9 Crowe Hill Limpley Stoke BA2 7FX
31. Sue Judge 9 Crowe Hill Limpley Stoke BA2 7FX
32. Sally Humpston 37 Lower Stoke Limpley Stoke BA2 7FR
33. Oliver Potts 8 Cliffe Drive, Limpley Stoke BA2 7FY
34. Etta Potts 8 Cliffe Drive Limpley Stoke BA2 7FY
35. Anthea Norman-Taylor Riverbank House Winsley Hill BA2 7JJ
36. Elizabeth Booty 25 Lower Stoke, Limpley Stoke, BA2 7FR
37. John Fletcher 18 Crowe Hill, Limpley Stoke BA2 7FX
38. Wendy Fletcher 18 Crowe Hill, Limpley Stoke BA2 7FX
39. Steve Best 21 Middle Stoke, Limpley Stoke BA2 7GF
40. Mandy Majendie 21 Middle Stoke, Limpley Stoke BA2 7GF