DELEGATED REPORT

Application Reference:	PL/2023/08973
Application Type:	Planning Permission

Site Address:	Land East of Becketts, Ashley, Box, Corsham, SN13 8AQ
Proposal:	Development of an under used piece of land to provide 1no. private dwelling and 3no. affordable dwellings.
Recommendation:	Planning Permission be REFUSED

PROPOSAL

This application seeks planning permission for the erection of 4no. dwellings, 3no. of which are shown to be 'affordable dwellings' (1no. 2-bed dwelling and the other 2no. 3-bed) and 1no. of which is an open market dwelling (4-bed). The 3no. affordable dwellings are shown to be arranged as a terrace facing east and, being located towards the western end of the site, would back on to the existing residential property of Becketts. The open market dwelling would occupy the eastern part of the site as that narrows towards the highway junction.

Two access points are proposed: one to serve the proposed 3no. affordable units and a second separate access to serve the open market dwelling; both of these accesses are taken from the rural road (variously referred to as 'Ashley Road') which forms the southern boundary of the site and which runs off south-west into the village of Ashley. 6no. parking spaces are proposed for the affordable dwellings and 3no. parking spaces are proposed for the open market dwelling.

The affordable dwellings are shown to be constructed of red brick under zinc standing seam roofs; the detached open market dwelling is of dressed stone and timber clad, with similar zinc standing seam roof. The terraced dwellings are of two-storey form and the detached dwelling a three-storey property with the lower level partially submerged due to the rising levels across the site.

SITE DESCRIPTION

The site is located at the northern edge of the settlement of Ashley, which is not identified within the settlement hierarchy set out in the Wiltshire Core Strategy (Adopted January 2015), but is some 800m west of Box, which is designated as a 'Large Village', although the settlement boundary for Box does not extend as far west as to include Ashley and the site is therefore outside of any settlement boundary.

The site is a roughly triangular shaped parcel of land lying immediately east of the property known as 'Becketts', a mid-C20th detached bungalow situated between the main A4 Bath Road and Ashley Road leading uphill southwest there from, into Ashley. Those roads thus form the northern and southern boundaries of the site respectively and the site slopes relatively steeply between these

levels of the two roads, with the adjoining narrow strip of highway verge to the east levelling off toward the junction.

It is understood that historically the site was densely populated with trees and bushes, these having been cleared in early 2014. The planning history provides an indication as to former activities and appearance of the site; however, the site now appears as one of low level scrub land interspersed with several mature and semi-mature trees, with views north across the site and the A4 to connect with the wider landscape beyond.

The site is located outside of any settlement boundary and is located within the designated Green Belt and within the Cotswold National Landscape (formerly 'Area of Outstanding Natural Beauty', AONB). The centre of Ashley is designated as a Conservation Area, this extending as far north as the property of Leigh Cottage which is some 60m south-west of the site; there are no listed buildings within close proximity of the site – the nearest being 'Ailsa Craig', located some 100m from the site and within the Conservation Area.

POLICIES

Wiltshire Core Strategy (WCS, 2015)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 11: Spatial Strategy for the Corsham Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 43: Providing Affordable Homes
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management

North Wiltshire Local Plan 2011 – Saved Policies (June 2006)
Policy H4: Residential Development in the Open Countryside
Policy NE14: Trees, Site Features and the Control of New Development

The site falls within the parish of Box, which has been designated a neighbourhood plan area, although the draft Neighbourhood Plan is at an early stage with consultation having taken place in March 2023 and as such carries no weight.

National Planning Policy Framework (NPPF, Dec.2023)
Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

Relevant Supplementary Planning Guidance
Cotswolds National Landscape Management Plan 2023 – 2025

ISSUES

The issues arising for consideration from this application proposal are as follows:

- the principle of the development
- form, layout, scale and design
- landscape impact and site landscaping
- highways impacts
- residential amenity
- heritage and archaeological impacts
- ecological impact
- sustainability and energy efficiency

PLANNING HISTORY

The site has been subject to the following planning applications previously:

- 16/06317/FUL: Erection of 2 Dwellings – Refused 06/09/2016
- 14/10068/CLE: Certificate of Lawfulness For Use of Land for Storage of Plant, Machinery & Tools – Refused 26/11/14
- 14/05559/FUL: New Access, Dropped Kerb & Permeable Hardstanding – Refused 29/07/14
- N/87/02498/OUT: One Bungalow – Refused 21/12/87

Applications 14/05559/FUL and N/87/02498/OUT were refused for reasons of inappropriate development in the green belt, and negative impact on the character, openness and landscape quality of the area.

CONSULTATIONS

Box Parish Council – Object, stating:

"The Box Parish Council objects to this application. It does not feel that circumstances have changed from the reasons given for refusal on previous applications.

The building of four properties on this site is over development and the materials and design are not in keeping with the surrounding properties."

Highways Officer – Objection, stating:

"I refer to the above planning application dated 27/10/2023 seeking permission for the construction of 4 dwellings.

As this would lead to separate dwellings outside of identified development boundaries, the proposal would usually attract an adverse highway recommendation on sustainability grounds as follows:

The site is located outside of any settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2021, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, I shall be guided by you on this sustainability issue and wish to advise with regard to highways in the instance that you would be minded to permit dwellings in this location.

The site is located on the southern side of the A4 Bath Road, the existing dwelling to the west of the site has an access from the C Classified Road which connects to the A4 to the east of the site.

New access is proposed from the C Classified Road (Ashley Road), this is subject to a speed limit of 30mph. There are a number of single property accesses on the southern side of the road opposite the site and a narrow section of footway is available on the northern side of the road which bounds the site.

It is proposed to erect 3 affordable units, comprising two 3-bed and one 2-bed unit, and a single detached 4-bed unit.

There are proposed to be two separate points of access to the site, facilitating a shared access for the three affordable units to a parking area which affords the correct quantum of vehicle parking and would allow for turning enabling access/egress in a forward gear. The second access would be to the single 4-bed unit for vehicle parking in accordance with minimum standards and space to enable access/egress in a forward gear.

The application documents mention a wide visibility splay being available to the entrances for both parking areas, this has not been demonstrated and would be required to be indicated on plans and in accordance with Manual for Streets requirements an achievable splay of 2.4m x 43m is required for the western access and the eastern access, given that it is a single point of access, is required to demonstrate 2m x 43m.

It has been stated that there will also be provision for cycle storage at each dwelling, this is not indicated on any plans, but can be conditioned should you be minded to permit the application. Where no garages are proposed an element of cycle storage is expected for each dwelling in accordance with Wiltshire Council's LTP3 Cycling Strategy, Appendix 4 of this document contains Cycle Parking Standards for which I attach an extract below for information:

Land Use	***Area***	***Minimum Cycle Parking Standards***
C3 Dwelling	*All areas*	*1 covered space per bedroom for up to 3-bedroom dwellings* *3 covered spaces per unit for 4-bedroom dwellings* *4 covered spaces per unit for 5-bedroom dwellings(etc)* *+ 1 visitor space per 20 bedrooms*

All new residential development with allocated parking should also be provided with at least one EV charging bay in line with Building Regulations Document S.

It would be preferred if the access points with the public highway were simple vehicle crossovers with dropped kerb facilities in order to maintain the continuity of the existing pedestrian facilities. The plans show detail that paviours would be used to surface up to the edge of the running carriageway, this should be tarmac to avoid any confusion over priority over the footway for pedestrians.

Looking at the site sections it would appear that the existing bank adjacent to the A4 would remain unaltered, however it would appear there is not enough detail to support the application with regard to the bank, the highway structures team have been consulted with the following response:

> *I suspect the applicant could get away without a retaining wall adjacent to the A4, however they need to demonstrate this [slope angle greater than 1:1] and what the final enclosure/boundary details look like.*
>
> *In addition, I noticed the following:*
> *The applicant needs to provide:*
> - *Details demonstrating the embankment supporting the footway [Ashley Road] to south of the site remains stable during the temporary and completed permanent works. It appears the applicant want to build quite close to the rear of the footway and include access.' This will compromise any future maintenance completed by the Highway Authority.*
> - *The applicants red line plan differs to the highway record, below. The highway footprint is well beyond the back of the footway.*

The highway boundary includes part of the site beyond the existing footway, the site boundary does not include the entirety of the footway on Ashley Road, the red line should include the connection with the public highway at the point of access in order to indicate that works would be required within the public highway.

I feel that further information would be required in order to assess the application and any highway implications and that the plans should be amended to reflect the advice given above with regard to surfacing and visibility, if cycle storage could be indicated at the appropriate level, then that would reduce the conditions imposed as part of any permission.

In light of the missing detail with regard to retention of the bank and the further point with regard to supporting the footway on Ashley Road, I would not be in a position to support the application, and unless the additional information is forthcoming I would be required to refuse the application in relation to highway safety and insufficient information."

Ecology Officer – No response at time of determination

Arboricultural Officer – Response awaited at time of determination

"There are three Ash trees, two Willow trees and one Pine tree which are prominent on site. One Ash is multi-stemmed which appears to be decline, possibly from Ash Dieback. The other two Ash are not good specimens but are prominent due to them being located on the boundary with the busy A4. The two Willows are unmanaged pollards which some branches have lapsed due to no management. I would not consider these trees a constraint on site.

However, the Pine tree has good vitality and longevity so I would expect this to be incorporated into any future design. Removing all trees on site would change the appearance of the site especially as it is located in a rural setting."

REPRESENTATIONS

13no. representations have been received, all in objection raising the following points:

- Highway safety, accessibility and parking impacts
- Inappropriate scale and layout
- Design and appearance inappropriate and out of character
- Amenity impacts
- Impact on root protection areas of existing trees
- Ecological impact
- Landscape impact in AONB

ASSESSMENT

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the Framework (para. 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application consists of the Wiltshire Core Strategy ('WCS', adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan 2011 ('NWLP', adopted June 2006).

Principle of development

The site lies within the settlement of Ashley, which is not included within the settlement hierarchy set out in the Core Strategy and as such does not have a defined settlement boundary.

Core Policy 1: Settlement Strategy and Core Policy 2: Delivery Strategy (WCS) together set out the circumstances under which development could be considered acceptable and the latter of these is clear that for site outside the defined limits of development:

> *"Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map."*

None of the circumstances identified at paragraph 4.25 of the Core Strategy apply to this application. In particular, the application is not considered to be a rural exception site given the mix of open market and affordable dwellings being proposed. As such, the adopted Core Policies 1 and 2 do not support or justify the 4no. dwellings proposed within the open countryside at this location.

Green Belt designation

In addition to this, the site is located within both the designated Green Belt and a National Landscape (formerly 'Area of Outstanding Natural Beauty'). Within such designated areas, policies generally indicate that applications for new dwellings should be strictly controlled.

With regard to Green Belts, the NPPF (Section 13) explains that: *"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 142). It goes on to set out the five purposes of including land within the Green Belt (para.143), these being:

a) *To check the unrestricted sprawl of large built-up areas;*
b) *To prevent neighbouring towns merging into one another;*
c) *To assist in safeguarding the countryside from encroachment;*
d) *To preserve the setting and special character of historic towns; and*
e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

As the proposed development does not meet any of the exceptions set out at paragraph 154 of the NPPF, it is considered to be 'inappropriate development.' In particular, it does not constitute infilling within a village (e), it is not being brought forward as a rural exception scheme (f), and it does not constitute 'previously developed land' (g) under the definition with the NPPF glossary. Green Belt policy within the NPPF states that inappropriate development is, by definition, harmful and should not be approved except in 'very special circumstances' (paragraph 153). Demonstration of 'very special circumstances' is a notably high bar and no such 'very special circumstances' have been set out or demonstrated with regard to this application proposal. As such, 'substantial weight' needs to be given to any harm arising to the Green Belt, in accordance with paragraph 153.

Separately, consideration of the site in terms of its location within the designated Cotswold National Landscape (formerly AONB), is set out below.

Location and accessibility

The nearest defined settlement to the site is Box ('Large Village'), located some 800m to the east of the site. On the A4 between the site and the village Box is a petrol filling station which contains a retail top-up Budgens store. Ashley itself lacks basic facilities and services for day to day living, such as local shops and schools. The nearest primary school in Box is a significant (1km) walk away – although it is acknowledged that there is a connecting pavement; there is no post office, village hall, pub or any other facilities of any kind that would be within a reasonable walking distance to the site. Whilst not 'isolated' in the technical sense, a real-world assessment of the situation would lead to the conclusion that the occupiers of the new dwellings would be reliant on the private car to undertake the majority of their regular activities.

This is confirmed in the Highways Officer response, which states (in part) that:

> *The site is located outside of any settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2021, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives."*

Core Policies 60 and 61 of the WCS set outs that the Council will help to reduce the need to travel by private car by planning developments in accessible locations. New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable travel alternatives. The location of this proposal is not considered to accord with the objective of these policies, as confirmed by the response from the Highways Officer, and would also conflict with the broad aims of the NPPF which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. This conflict is afforded weight against the application proposal.

Affordable housing

Rural exception sites are considered under Core Policy 44, which states that:

> *At settlements defined as Local Service Centres, Large and Small Villages (Core Policy 1), and those not identified within the settlement strategy, a proactive approach to the provision of affordable housing will be sought in conjunction with parish councils and working with local communities and other parties. This exception to policy allows housing for local need to be permitted, solely for affordable housing, provided that: …"*

The Policy then goes on to set out a number of criteria against which proposals would be considered. However, given that this application proposal is not 'solely for affordable housing' (and no information has been given to suggest a cross-subsidy, which in any case 'will not normally be

supported', is necessary) such assessment is not necessary. To confirm however, the application proposal would be in clear conflict with several of these criteria [(i), (ii), (vi), (vii) and (viii)].

The NPPF and housing land supply

The recently updated NPPF (December 2023) requires that LPAs demonstrate a minimum of 4 years housing supply in instances where a local plan has either been submitted for examination or has reached Regulation 18 or Regulation 19 stages including both a policies map and proposed allocations towards meeting housing need. With the publication of the draft Local Plan [Reg19] in September, and the established position that the Council can currently demonstrate 4.6years housing land supply, this updated guidance is applicable. Consequently, it is maintained that paragraph 11(d), which refers to the tilted balance triggered by a lack of sufficient housing land supply, is not engaged and the acceptability of the application thus rests on a balance of benefits against harm arising.

Conclusions

On the basis of all of the above, the application proposal is considered to be contrary to Core Policies 1, 2 and 11 due to its location outside of any settlement boundary. By virtue of being inappropriate development within the designated Green Belt, for which no very special circumstances have been demonstrated, contravenes Section 13 of the NPPF, specifically paragraphs 142, 143, 154 and 182. None of the other relevant considerations – housing land supply, the provision of 3no. affordable dwellings or the location and accessibility of the site are considered to over-ride these in principle objections and accordingly, the principle of the development is considered unacceptable.

<u>Form, layout, scale and design</u>

The recently updated NPPF places increased emphasis on the importance of good design in the planning process, with Section 12 (paragraph 131) stating:

> *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.*

Core Policy 57 reflects the objective of ensuring development is both of an appropriately high standard, and respectful of its local context, stating:

> *"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality."*

And criterion (vi.) requiring that proposals:

"vi. making 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."

In terms of form and layout, the local context is important in terms of the intensity of use of the site. In particular, whilst there is one, isolated, example of semi-detached properties at 2 and 3 Ashley Villas, the immediate character is very much one of detached properties set within their own curtilage area, albeit that these detached properties display a range of style, form and mass. The introduction of a terrace of 3no. properties would be in stark contrast to this prevailing context and moreover, with that terrace facing east rather than north to front the A4 or south to front the unnamed road, this would exacerbate the incongruous nature of the layout.

Whilst there is no consistent scale of dwelling in the locality, the immediate setting is one of low-set dwellings – often bungalows – which allow for an appreciation of the wider landscaped setting. Introducing a terrace of two-storey dwellings, and a separate detached two-storey dwelling, in this location would appear overly dominant, cramped and inappropriate.

In terms of design and appearance, the prevailing character of the area is one in which the colour of brick and render elevations is respectful of the wider setting within the Cotswold National Landscape (and the Ashley Conservation Area a short distance to the north). The majority of dwellings have clay roofs to similarly respect this character. In proposing red brick elevations set under zinc roofs, the proposed terrace of dwellings runs completely counter to this prevailing character and this design approach in no way: "*relates effectively to the immediate setting and to the wider character of the area,"* as required by Core Policy 57.

For the above reasons, the proposal is considered to conflict with Core Policy 57 (WCS) and Section 12 of the NPPF.

Landscape impact and landscaping

As referenced previously under the principle of development, the site is set within the Cotswold National Landscape (formerly AONB) and as such Chapter 15 of the NPPF is relevant, as is Core Policy 51 (WCS). Statutory guidance requires that decision makers must have regard to: *"…the purpose of conserving and enhancing the natural beauty of any AONB within its area when carrying out their functions in relation to that area."* Similarly, the NPPF advises (paragraph 182) that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

This is reflected in Core Policy 51 (WCS), which requires that proposals affecting the AONB shall demonstrate they have taken account of the objectives, policies and actions set out in the Management Plans for these areas, stating that:

"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals

should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures: [including, inter alia] …

ix) Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty."

There is no information provided as to how the application proposal has mitigated any negative landscape impacts 'as far as possible' and also no reference to the distinctive character areas and relevant guidance. Landscape impact is considered more specifically further below.

The Cotswolds National Landscape has recently updated and published their 'Management Plan 2023-2025', which includes policies relating to (inter alia) landscape, local distinctiveness and biodiversity and nature recovery.

The AONB Landscape Character Assessment and Management Plan shows the site as being within the Enclosed Limestone Valley character type, specifically the Lower By Brook character area 4D). Key characteristics of the area include enclosed river valleys; rural character; significant areas of woodland; fields of varying sizes; and areas of both arable and pastoral use, together with areas of rough pasture and scrub. In terms of 'Landscape Sensitivity' the relevant section of the 'Cotswolds AONB Landscape Strategy and Guidelines' states:

"Sections of the enclosed limestone valleys are quiet and rural and retain a distinct secluded character with strong associations of peace, tranquillity and a sense of remoteness. Landscape character here is strong, and these sections of the valleys are highly sensitive to developments that may compromise these characteristics.

Of similar sensitivity are the highly visible landscapes on the upper slopes of the valleys. The heavily settled areas of some valley floors close to major communication routes are generally less sensitive but should be contained within the existing settlement boundaries.

New development should be avoided on visible valley sides. The industrial architecture of many valley settlements is an important characteristic feature and therefore the landscape is sensitive to their loss or degradation."

Some of the listed 'Potential Landscape Implications' arising from new housing development include (inter alia):

- *"Encroachment of built development into the valleys intruding into the landscape.*
- *Erosion of distinctive form, scale and character of smaller settlements along the valleys including their relationship to the landscape and springline.*
- *Loss of characteristic small scale valley settlements and hamlets and their distinctive identities due to settlement growth and coalescence.*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.*

- *Spread of lit elements up the valley slopes*
- *Potential for glint from buildings, particularly on hillsides.*
- *Urbanisation of the valley floor*
- *Increase in noise pollution and loss of tranquility*
- *Upgrading of rural lanes and tracks in areas of new development and the introduction of suburbanising features such as mini roundabouts, street lighting, highway fencing and kerbs, traffic calming at village entrances.*
- *Degradation of the view from the valley sides and rim and from neighbouring areas of dip-slope and plateaux."*

Whilst the application submission makes passing reference to the relevant landscape character area, no detailed consideration is given to the aims of objectives of policy within such areas.

The submitted Planning Statement references these landscape character considerations at paragraphs 6.9 and 6.10, concluding that: *"[6.9]… Development of the application site will not conflict or compromise the key characteristics of the AONB in this location. [6.10] While there is a conflict with the spatial strategy of the WCS, the impact of development of the site would be extremely limited in terms of its effect on the character and appearance of the area or the wider landscape."*

Given the high quality and value of the landscape, the prominent and open nature of the site, and the concerns regarding the bulk, mass, form, layout and appearance of the proposal (as above), the conclusion regarding 'extremely limited impact' appears ill-founded. Conversely, it is considered that in fact the proposal would impede views and visual amenity within the locality and it would have a harmful impact upon landscape character. The proposal does not conserve nor enhance landscape character. As such the development fails to comply with Section 15 of the NPPF and Core Policy 51 of the Wiltshire Core Strategy.

In terms of site landscaping, the application proposal includes the removal of a number of trees from the application site and it is unfortunate that the application is not supported by any Arboricultural Impact Assessment. The Tree Officer has noted that whilst the ash trees are not particularly good specimens they are however: "… *prominent due to them being located on the boundary with the busy A4." Moreover, they conclude that: "… the Pine tree has good vitality and longevity so I would expect this to be incorporated into any future design. Removing all trees on site would change the appearance of the site especially as it is located in a rural setting."*

Paragraph 136 of the NPPF stresses the importance of trees, stating:

> *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible..."*

Core Policy 51 refers specifically to the importance of trees in terms of the landscaped setting of settlements at criteria (i), (ii), (iii), (vi), as follows:

> *In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:*
> *i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, fi eld boundaries, watercourses and waterbodies.*
> *ii. The locally distinctive character of settlements and their landscape settings.*
> *iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe…*
> *vi. Important views and visual amenity."*

Saved Policy NE14 (NWLP) states that:

> *"Permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development."*

The existing trees on the site clearly form part of its character. Their removal as proposed, compounded by a lack of detail regarding any proposed compensatory and mitigating site landscaping, has not been appropriately justified or demonstrated and as such leads to conflict with the NPPF (paragraph 136) and Core Policy 51.

Highways impacts

Core Policy 61 (WCS) requires that applications demonstrate:

> *"…ii. That the proposal is capable of being served by safe access to the highway network.*
> *iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.*

Core Policy 62 (WCS) requires that:

> *"Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages."*

Both the Highway Officer's (HO) consultation response and a number of local representations have raised cause for concern regarding highway safety and impact, with the HO requesting further information in terms of visibility splays and the relationship with the northern (A4) boundary – in particular that no retaining wall is required, as well as a lack of demonstrated cycle parking facilities (this latter one could be dealt with by way of Condition if the application was otherwise acceptable); bin store location has also not been included within the submitted details.

In addition, the HO has raised a query regarding the red-line boundary of the application site, stating:

"The highway boundary includes part of the site beyond the existing footway, the site boundary does not include the entirety of the footway on Ashley Road, the red line should include the connection with the public highway at the point of access in order to indicate that works would be required within the public highway."

Whilst somewhat unclear, it appears from a search of Highways Records and inspection of the Site Location Plan, that part of the application site (at the southern boundary with Ashley Road) includes land which may not be within the ownership of the Applicant, as shown on the below extract of the submitted Site Location Plan:



Site Location Plan (extract)

As such, it may in fact be the case that this application is not valid, with no Notice having been served on a landowner of land included with the red-line boundary of the application site.

Section 65 of the Town & Country Planning Act 1990 and the Planning Practice Guidance [ref. ID 14-025-20140306] both confirm that unless the correct certificate has been completed, an application is not valid. On the one hand, it could be considered that an appropriate course of action would be to invalidate the application on that basis (indeed, should the Council's ultimate decision be taken to appeal, the Planning Inspectorate may conclude that an appeal would be invalid). Equally, however, neither is there any prohibition on the Council from determining an application based on the red line submitted, with any development outside that red line being liable to enforcement action.

Furthermore, given the public interest in the development, invalidating the application would likely merely prolong the application process and such an outcome is not considered to be in the public interest. On that basis, the application has not been made invalid and it is appropriate for the Council to proceed towards determination on the basis of what has been submitted.

To conclude, at the point of determination, insufficient information has been provided to demonstrate that the highway impacts in terms of access, visibility and site safety can be satisfactorily addressed, and as such warrant a reason for refusal under Core Policies 61 and 62.

Residential amenity

Paragraph 130 of the NPPF requires that decisions should ensure that developments:

"…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."

Criterion (vii.) of Core Policy 57 states that proposals should:

"vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)."

Representations made with respect to the application have expressed concerns regarding impact on residential amenity, particularly for the occupants of neighbouring property of Becketts. Concerns regarding the scale and height of the proposed terrace of dwellings is set out above. Whilst a north-south Site Section drawing has been submitted in support of the application, the precise levels of the proposed dwellings is unclear. Furthermore, no east-west Section drawing has provided and thus it is not possible to accurately assess the extent of impact and potential dominance of those properties.

Indicative analysis suggests that the eaves and ridge lines of the proposed terrace of dwellings sit at comparable levels to those of Becketts. Given that the site slopes from west to east this comparative equivalence of eaves and ridge height has the potential to appear intrusive. Possibly of more concern however, is the treatment of this site boundary, with all trees proposed to be removed and no real clarity provided regarding proposed boundary treatment and landscaping.

Overall, the impression is one of which dwellings have been shoe-horned into the plot with potential for amenity impacts to arise for the occupants of the neighbouring property, as such conflicting with Core Policy 57 (WCS) and Section 12 of the NPPF.

<u>Heritage and archaeological impacts</u>

The site is not within any conservation area or with the immediate setting of any listed buildings. One representation has made mention of the public telephone box being a non-designated heritage asset although given that is 'movable' that is not considered to necessarily hold any weight.

The centre of Ashley is designated as a Conservation Area and the extent of this designation extends as far north as the property of Leigh Cottage which is some 60m south-west of the site; there are no listed buildings within close proximity of the site – the nearest being 'Ailsa Craig', located some 100m from the site and within the Conservation Area. The site falls within several buffer areas of the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC).

Given the relative distances from the application site to these designated assets, there is not considered to be any material impact or harm caused to those assets and any reason for refusal based on these reasons would not likely be robust or defensible.

Ecological impact

Paragraph 180 of the NPPF requires that:

> *"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.*

Core Policy 50 refers to 'Biodiversity and Geodiversity' and requires that:

> *"Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale …* [and that] *… All development should seek opportunities to enhance biodiversity."*

It is noted that the application is supported by a Preliminary Ecological Appraisal and the Council's Ecology Officer has been duly consulted on this application. Whilst at the point of determination their response has not been received, it is noted that that document does not include any details regarding Biodiversity Net Gain (BNG) and as such it is likely any forthcoming response from the Ecology Officer will require these details should the application proposal be otherwise acceptable.

It is also noted that the site falls within several buffer areas of the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC) and it is likely that any forthcoming response from the Ecology Officer will similarly reference this constraint and the need for any necessary and appropriate mitigation.

Thus, whilst at this stage the ecological impacts have not been fully considered, this is not to conclude that the application is otherwise acceptable in terms of impacts and any necessary and appropriate mitigation.

Sustainability and energy efficiency

Core Policy 41, which in referencing the need for climate change adaption in the context of the climate emergency, requires that:

> *"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

Core Policy 57 reinforces this objective, criterion (v.) stating:

> *"v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)."*

The references in the planning submission to the sustainability credentials of the proposed dwellings are noted, but these do not appear to demonstrate anything innovative or outstanding which would over-ride the planning impacts identified. Indeed, Section 14 of the NPPF refers to the need to meet the challenges of climate change as relatively standard, with paragraph 162 stating that:

> *"In determining planning applications, local planning authorities should expect new development to:*
> *a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
> *b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

As such, and in the context of the general requirements of Core Policy 41, these benefits do not weigh particularly heavily in the planning balance.

CONCLUSION AND PLANNING BALANCE

The location of this proposal does not accord with the development plan's settlement and delivery strategy policies as the location is outside of a defined settlement boundary. From a planning policy perspective, the proposal would not constitute sustainable development and thereby also conflicts with the aims and objectives of the NPPF.

In terms of considering how much weight to apply to the housing policies of the WCS, the extent of the lack of five-year housing supply has been considered. The recently updated NPPF (December 2023) requires that LPAs demonstrate a minimum of 4 years housing supply in instances where a local plan has either been submitted for examination or has reached Regulation 18 or Regulation 19 stages including both a policies map and proposed allocations towards meeting housing need. With the publication of the draft Local Plan [Reg19] in September, and the established position that the Council can currently demonstrate 4.6years housing land supply, this updated guidance is applicable.

Consequently, it is maintained that paragraph 11(d), which refers to the tilted balance triggered by a lack of sufficient housing land supply, is not engaged and the acceptability of the application thus rests on a balance of benefits against harm arising. These considerations are set out below:

Benefits

The proposal would provide a relatively modest contribution of housing towards addressing the modest county-wide shortfall. There would be some employment and economic benefits associated with the construction phase although given it is for only 4no. dwellings, the weight to be attached to this benefit would be limited and temporary.

The provision of 3no. affordable dwellings represents a direct benefit. However, the site is not being brought forward as a rural exception site given the mix of affordable and open market dwellings, and no specific details regarding the provision of these affordable dwellings on the site have been provided; accordingly only limited weight has been given to this benefit.

There would also be some benefits for the local area regarding increased economic expenditure from new residents; however, given the relatively isolated nature of the site outside of any settlement boundary and with no facilities available within Ashley itself, this expenditure would be outside of the settlement and thus of no real benefit to the immediate local community. The delivery of 4no. dwellings in this location is therefore considered to give rise to limited social and economic benefit.

It is acknowledged that the NPPF makes note of the contribution that can be made by small and medium sized sites and windfall developments. However, these are clearly directed towards previously developed land and infill at existing settlements as opposed to being at the expense of ensuring that development is in an accessible location or that the proposal integrates appropriately with its surroundings.

Adverse Effects

The site is located outside of any defined settlement boundary and with generally poor access to local services and facilities. The proposed housing would be in a location contrary to the development plan's housing delivery policies. In a plan-led system there is significant harm in granting consent for new housing in a location contrary to the development plan's housing delivery policies, which directs housing to suitable and sustainable locations. As such the proposal does not represent sustainable development in the context of the WCS and would be contrary to Core Policies 1, 2, 11, 60 and 61, as well as Saved Policy H4. Substantial weight is attached to these conflicts.

The application proposal would constitute 'inappropriate development' in the Green Belt, which is, by definition, harmful and should not be approved except in 'very special circumstances' (NPPF paragraph 153). Demonstration of 'very special circumstances' is a notably high bar and no such 'very special circumstances' have been set out or demonstrated with regard to this application proposal. As such, 'substantial weight' needs to be given to any harm arising to the Green Belt, in accordance with paragraph 153.

Coupled with this, the application proposal would give rise to significant adverse impacts in terms of landscape character. The proposal would alter the visual appearance and prevailing semi-rural character of the site and area and would result in significant harm to the landscape and edge of settlement character, thus causing demonstrable harm to the Cotswold National Landscape.

The density, layout and form of the proposed development presents a cramped and over-developed appearance which adversely contrasts with the immediate setting and wider character of the area. Coupled with this, the design, appearance and materials of the proposed dwellings is considered to be inappropriate and not reflective of this prominent and sensitive site in a rural area set within the Cotswold National Landscape. Accordingly, the application is contrary to Core Policy 57 (WCS), Section 12 of the NPPF, as well as guidance set out in the Cotswolds National Landscape Management Plan 2023 – 2025.

These very serious adverse impacts are considered to significantly and demonstrably outweigh the benefits and as such the proposal would not amount to sustainable development.

Planning Balance

The recently updated NPPF (December 2023) requires that LPAs demonstrate a minimum of 4 years housing supply in instances where a local plan has either been submitted for examination or has reached Regulation 18 or Regulation 19 stages, as is the case for this LPA. As such, the tilted balance set out at paragraph 11(d) of the NPPF which is triggered by a lack of sufficient housing land supply, is not engaged and the acceptability of the application thus rests on a balance of benefits against harm arising.

Overall, the provision of 4no. dwellings would make a limited contribution towards the supply of housing in an area with an under supply and there would also be a limited amount of social and economic benefits arising from the construction phase and future spending of occupants. The provision of 3no. affordable dwellings also represents a benefit to be weighed in the planning balance.

However, this application proposal gives rise to a number of adverse impacts, as set out and considered above. These relate to, in summary:

- inappropriate development in the designated Green Belt for which no ‘very special circumstances’ are applicable
- significant landscape harm given the prominent location of the site in a sensitive area falling within the designated Cotswold National Landscape
- highway safety and demonstrable acceptability of access and visibility
- inappropriate density, layout, scale, design and appearance of the proposed dwellings
- localised harm in terms of the loss of trees and impact on the character of the site
- lack of clarity regarding the appropriate delivery of a net gain in biodiversity

The Council’s settlement strategy set out in the Core Strategy clearly directs applicants to the locations that it has assessed as being sustainable and suitable for new development in order to conserve countryside, protect undeveloped green spaces and reduce reliance on the private car for

the majority of journeys. Overall, these adverse impacts are considered to substantively outweigh the relatively modest benefits arising from the net additional dwellings and this planning application is thus recommended for refusal.

RECOMMENDATION: That Planning Permission be REFUSED for the following reasons:

1. The site is located in open countryside outside the limits of development defined in the Wiltshire Core Strategy. As such the application would conflict with Core Policies 1, 2 and 11 of the Wiltshire Core Strategy which seek to properly plan for sustainable development of housing in Wiltshire, as well as Sections 13 and 15 of the NPPF.

2. Given the location of the site outside of any settlement boundary and not within any designated settlement, the proposed dwellings are inappropriate development within the Green Belt and which consequently impact the 'openness' of the Green Belt, this being a fundamental character of the Green Belt which should be permanently safeguarded. The application fails to demonstrate that there are any 'very special circumstances' that exist to outweigh the harm to the Green Belt and as such the application is contrary to Section 13 of the NPPF and Core Policy 51 of the Wiltshire Core Strategy.

3. The site is at a prominent and sensitive location within the designated Cotswold National Landscape (formerly ‘Area of Outstanding Natural Beauty’). The application would fail to conserve or enhance the landscape quality of the area and neither conserves nor enhances the National Landscape, a landscape which is valued for its scenic beauty and distinct landscape character and is highly protected. The benefits arising from the application proposal do not outweigh this demonstrable harm and the application conflicts with Section 15 of the NPPF and Core Policy 51 of the Wiltshire Core Strategy.

4. The density, layout and form of the proposed development presents a cramped and over-developed appearance which adversely contrasts with the immediate setting and wider character of the area. The design, appearance and materials of the proposed dwellings is considered to be inappropriate and not reflective of this prominent and sensitive site in a rural area set within the Cotswold National Landscape. Accordingly, the application is contrary to Core Policy 57 (WCS), Section 12 of the NPPF, as well as guidance set out in the Cotswolds National Landscape Management Plan 2023 – 2025.

5. Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, appropriate access and visibility, site safety, appropriate cycle parking and bin store provision, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).

6. The removal of the existing trees on the site which form part of its character, compounded by

a lack of detail regarding any proposed compensatory and mitigating site landscaping, is considered unacceptable in terms of landscape impact and leads to conflict with the NPPF (paragraph 136) and Core Policy 51. Insufficient information has been provided to demonstrate that these localised landscape boundary impacts, as well as the siting, floor levels and heights of the proposed dwellings, will not give rise to impact on residential amenity, giving rise to conflict with Core Policy 57.

7. Insufficient information has been submitted with the application to demonstrate the delivery of appropriate and necessary biodiversity net gain, thus giving rise to conflict with Core Policy 50 and Section 15 of the NPPF.