**TOWN & COUNTRY PLANNING ACT 1990**

# PLANNING STATEMENT

## PROPOSED ERECTION OF TWO DETACHED DWELLINGS

## LAND EAST OF NO.279 QUEMERFORD, CALNE, WILTSHIRE, SN11 8LA

**Prepared by**

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**Our Reference: LPC.5719**

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## 1.0 INTRODUCTION

1.1 This Planning Statement has been prepared to support the submission of a planning application seeking full planning permission for the erection of two detached dwellings on land adjacent to 279 Quemerford, Calne, Wiltshire, SN11 8LA.

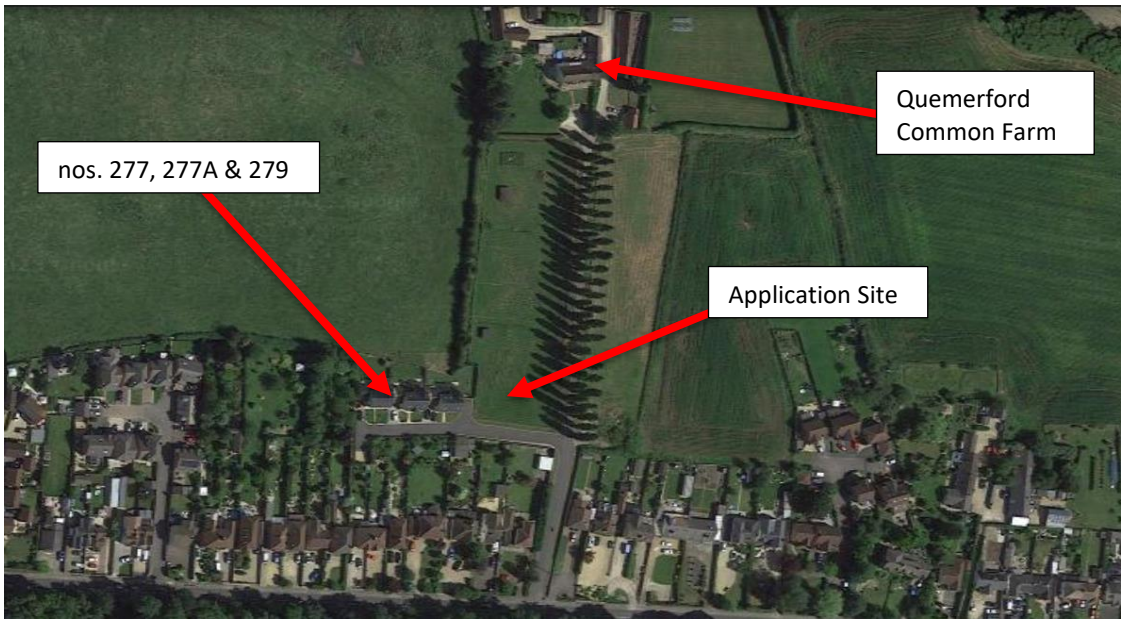
1.2 This statement will describe the location of the site and will set out what is proposed by the planning application. The statement will then provide an overview of the planning policy context and an assessment of the key material planning considerations, demonstrating the proposal's acceptability.

1.3 The planning application is supported by the following documents and existing and proposed plans:-

- Document. Planning Application Form
- Document. Landscape and Visual Appraisal (December 2023) by WHLandscape.
- Document. Ecological Appraisal (December 2023) by Malford Environmental Consulting
- Document. Biodiversity Metric (December 2023) by Malford Environmental Consulting)
- Document. Technical Note – 8434/01 Highways Statement (July 2022) by Cole Easdon
- Drawing. Location Plan (with red line boundary - submitted via Planning Portal)
- Drawing no.2338.03.01 Rev.C. Title. Location and Site Plan (development area)
- Drawing no.2338.03.02 Rev.B. Title. Site Layout
- Drawing no.2338.03.03 Rev.B. Title. Proposed Plot 1 Ground Floor Plan
- Drawing no.2338.03.04 Rev.B. Title. Proposed Plot 1 First Floor Plan
- Drawing no.2338.03.06 Rev.C. Title. Proposed Plot 1 Elevations
- Drawing no.2338.03.07 Rev.C. Title. Proposed Plot 1 Elevations
- Drawing no.2338.03.08 Rev.B. Title. Proposed Plot 2 Ground Floor Plan
- Drawing no.2338.03.09 Rev.B. Title. Proposed Plot 2 First Floor Plan
- Drawing no.2338.03.11 Rev.C. Title. Proposed Plot 2 Elevations
- Drawing no.2338.03.12 Rev.C. Title. Proposed Plot 2 Elevations
- Drawing no.2338.03.13 Rev.C. Title. Proposed 3d Images

## 2.0 SITE DESCRIPTION & PLANNING HISTORY

2.1 The application comprises an area of land to the east of no.279 and to the north of nos.273 and 275 Quemerford, Calne, Wiltshire, SN11 8LA. The site is accessed via an existing hard surfaced road which leads from the A4 Quemerford Road, which serves nos. 277, 277A and 279 adjacent to the site and Quemerford Common Farm further north.



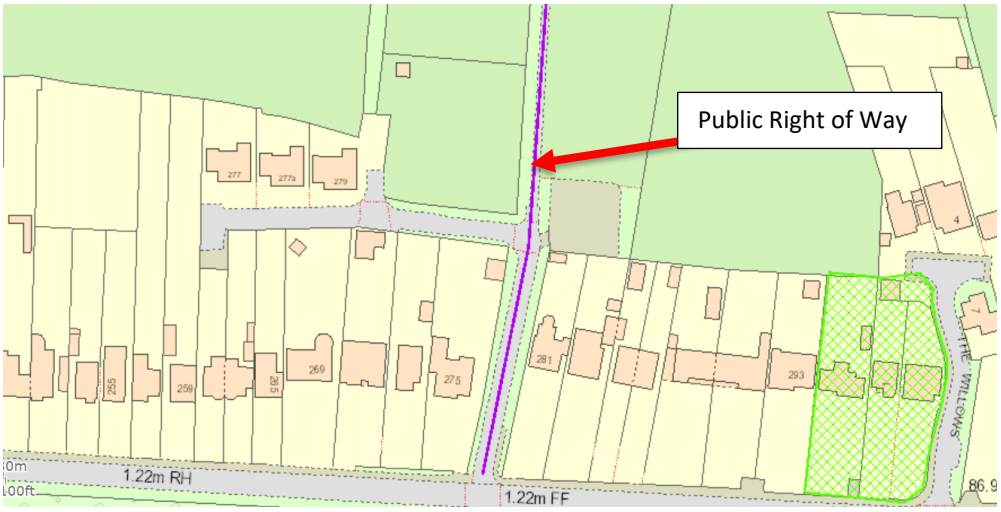

Aerial Photograph (Source: Google Earth 2023)

2.2 The site covers an area of circa. 0.1ha of land which is proposed to be developed, along with a further 0.07ha of land to be designated for ecological enhancements.



Location Plan

2.3 The application site does not lie within any designated areas and falls within flood zone 1. The existing access route from the A4 is lined with mature trees which are adjacent to the east boundary of the site. Public Rights of Way ref CLAN21 follows the line of the access lane as shown on the map below.




Public Right of Way – Footpath ref CLAN21

2.4 In terms of the planning history of the site, the access road was installed as part of the residential development to the west of the site (nos. 277 – 279) which was permitted under the following applications:-

- **Planning Application 13/04855/OUT**: Outline Application for Residential Development - Land to the rear of 249-269 Quemerford, Calne, Wiltshire, SN11 8LA – Approved with Conditions 02 March 2015

- **Planning Application 15/09469/REM**: Reserved Matters Approval for (a) The Scale of the Development; (b) The Layout of the Development; (c) The External Appearance of the Development; (d) The Landscaping of the Site; (e) The Means of Access to the Site - Approved with Conditions 16 November 2015

- **Planning Application 17/03589/FUL**: Amendment to reserved matters application 15/09469/REM to allow addition of garage to plot 1, insertion of side window and relocation of turning head – Approved with Conditions 15 June 2017

2.5 The main body of the current site formed part of a larger area of land which was recently proposed for development under the following application:

- **Planning Application PL/2022/05274**: Outline application with some matters reserved for the erection of 4 dwellings and associated works (access only) – Land to the east of 279 Quemerford, Calne, Wiltshire, SN11 8LA – Refused 01 December 2022



Proposed Site Plan – Planning Application PL/2022/05274

2.6 The Local Planning Authority (LPA) refused outline planning permission due to 1. the conflict with the sustainable development strategy of the Local Plan, 2. impact on landscape and townscape character, and 3. impact on neighbour amenity.

2.7 The Planning Inspectorate (PINS) dismissed an appeal (ref APP/Y3940/W/23/3315399) against the decision of the LPA to refuse outline planning permission for application PL/2022/05274 on the 02 August 2023. The appeal decision narrows the focus of the key material planning considerations because the Inspector found no potential for unacceptable harm to the living conditions of both existing and future occupants. The Inspector identified harm to the character and appearance of the area based on the information available as part of the outline planning application and conflict with settlement strategy of the Local Plan.

2.8 This current application presents a revised residential development proposal which seeks full planning permission for only two dwellings on a reduced site area in order to address the aforementioned concerns of the LPA and PINS.

## 3.0 PROPOSED DEVELOPMENT

3.1 The application seeks full planning permission for the erection of two detached dwellings and associated works. The dwellings would be sited to respect the scale, appearance and the established building line set by nos.277 – 279 Quemerford and would be served by private parking spaces to the front of the dwelling and private amenity space to the rear, as shown on the proposed site plan below.




Proposed Site Plan

3.2 The properties would be access via the existing private, unnamed access road that runs from the A4 road along a north to south alignment, which serves Common Farm, but bends to the west to serve nos.277 – 279 Quemerford. No works are proposed to the existing access.

3.3 The proposal involves a detailed landscape design scheme and an ecology enhancement scheme as outlined in further detail below.

## 4.0 PLANNING POLICY CONTEXT

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

4.2 The development plan relevant to the application include the Wiltshire Core Strategy (WCS) (adopted January 2015) (which includes saved North Wiltshire Local Plan policies) and The Calne Community Neighbourhood Plan (CCNP) 2016 – 2026 (made February 2018). The key policies relevant to the assessment of the proposed development are considered to be:-

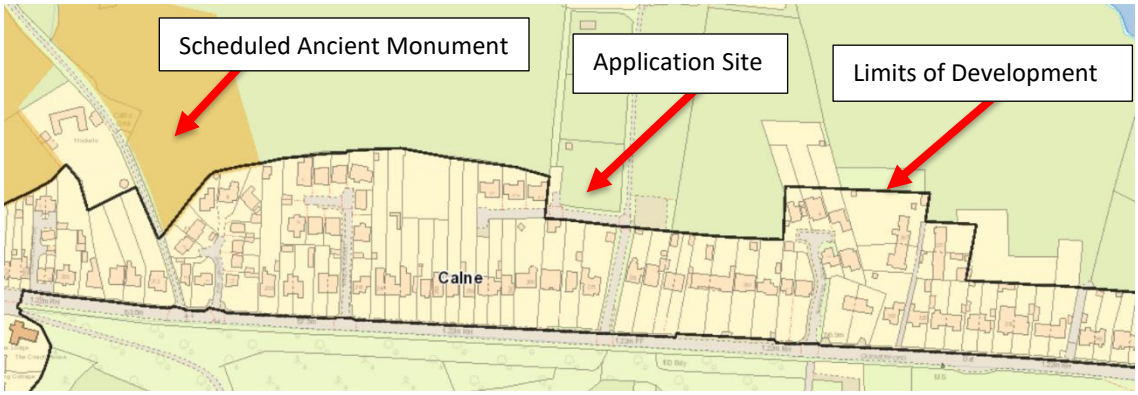
- WCS Core Policy 1: Settlement Strategy
- WCS Core Policy 2: Delivery Strategy
- WCS Core Policy 8: Spatial Strategy for the Calne Community Area
- WCS Core Policy 44: Meeting Wiltshire's Housing Needs
- WCS Core Policy 50: Biodiversity and geodiversity
- WCS Core Policy 51: Landscape
- WCS Core Policy 57: Ensuring High Quality Design and Place Shaping
- WCS Core Policy 60: Sustainable Transport
- WCS Core Policy 61: Transport and Development

- Policy NE14: Trees, Site Features and The Control Of New Development (saved NWLP policy)
- Policy NE18: Noise and Pollution (saved NWLP policy)
- Policy H4: Residential Development in the Open Countryside (saved NWLP policy)

- CCNP Policy H3: Housing Mix
- CCNP Policy H4: Settlement Boundaries and Housing Sites

- CCNP Policy GA1: Sustainable Transport
- CCNP Policy GA2: Highway Impact
- CCNP Policy BE1: Integration and Landscaping
- CCNP Policy BE2: Design Principles for Local Distinctiveness
- CCNP Policy BE3: Parking Provision
- CCNP Policy NE2: Setting of Calne and Calne Without
- CCNP Policy NE3: Biodiversity

4.3 The adopted Local Plan is accompanied by the Policies Maps, which provides a spatial representation of the Local Plan policies. The site is not subject to any national or local landscape designations. The Scheduled Ancient Monument (SAM) of the 'Medieval rural settlement at Quemerford' lies to the west of the site. The site is not subject to any constraints and adjoins the defined Limits of Development for Calne as shown on the map below.




Local Plan Policies Map

4.4 The WCS was adopted in 2015 and is therefore being reviewed. The review is termed the 'Local Plan Review'. The Local Development Scheme anticipates that the new Wiltshire Local Plan will be submitted to the Secretary of State for examination in quarter 2 of 2024.

4.5 The NPPF, and associated Planning Practice Guidance, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions. The policies within the following chapters of the

NPPF are relevant to the to the assessment of the proposed development:-

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

4.6 The following Supplementary Planning Documents and Briefing Notes are also relevant in the determination of this application:

- Wiltshire Local Transport Plan 2011 – 2026: Car Park Strategy
- Wiltshire Council Briefing Note: Housing Land Supply No.20-20 (June 2020); and
- Wiltshire Council Briefing Note: 5 Year Housing Land Supply and Housing Delivery Test No.22-09 (April 2022)

## 5.0 KEY ISSUES AND PLANNING ASSESSMENT

5.1 In light of the context of the site and relevant national and local planning policies the key material planning considerations are considered to be:-

i) Principle of Development

ii) Impact on Local Landscape Character

iii) Impact and Residential Amenity

iv) Impact on Highway & Pedestrian Safety

v) Impact on Ecology

**Principle of Development**

Site Sustainability

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

5.3 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the Limits of Development other than in exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the 'exception policies'. Policy H4 'Settlement Boundaries and Housing Sites' of the CCNP provides support for small windfall housing proposals provided they accord Core Policy 2 of the WCS.

5.4 The application site lies within the suburb of the town on Calne known as Quemerford. The town is classified as a 'Market Town' by the WCS which specifies that Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

5.5 The site falls outside the Limits of Development for Calne, as shown on the map above, however it adjoins the built up area and the Limits of Development. The site is not remote or isolated and is already served by a safe and suitable access road that serves the existing properties to the west of the site. The site is also accessible on foot and via public transport. The map below identifies the position of the bus stops immediately next to the side entrance onto the A4 road. Furthermore, future occupiers of the site will benefit from the same services and facilities available to existing properties within the settlement.




Aerial Photograph (Source: Google Earth 2023)

5.6 The appeal decision associated with the former application on the site acknowledged the sustainable credentials of the site. The Inspector stated the following –

*"I note the services that are available in Quemerford, including a primary school of Holy Trinity, a public house, local shop and post office, play area, church and a number of local businesses and employment opportunities. I also acknowledge the proximity of Calne, and the bus stops situated nearby, which offers services to the surrounding towns. However, despite the sustainability credentials of the site, it remains classed as open countryside and in conflict with the adopted development strategy" (par 8).*

5.7 The site is considered to be a sustainable location for future growth due to its location and the services available to future occupiers of the site. Its position outside the defined Limits of Development is acknowledge, however it is considered that there is no other harm associated with the revised proposal, as outlined within the following sections, apart from the conflict with the Spatial Strategy of the Local Plan.

5.8 The NPPF seeks to ensure that "The planning system should be genuinely plan-led" (paragraph 15) and the desire of the Council not to deviate from its Settlement Strategy is recognised. However, due to the sustainable location of the site and lack of site specific harms, and within the context of the presumption in favour of sustainable development, it is considered that planning permission should be granted when considering the overall planning balance, as assessed below following an assessment of the key material planning considerations.

Impact on Local Landscape Character

5.9 The NPPF states that good design is a key aspect of sustainable development and policies and decisions should contribute to and enhance the natural and local environment. These objectives are reflected within Core Polices 51 and 57 of the WCS which seek to secure high quality design in all development and ensure there is no harm to landscape character. They are also reflected within policies BE2 and NE2 of the CCNP which require new development to reinforce local distinctiveness and respect the pastoral setting of the settlement.

5.10 The previous application sought outline planning permission with both the Council and PINS commenting that further details of siting, design

and appearance would enable a full assessment to be made and the perceived harmful impacts to neighbour amenity or the local environment to be alleviated. The Council did however acknowledge within its Delegated Report that "there is no suggestion that a suitable external appearance, landscaping, layout and scale of the dwellings could not be arrived at within a future reserved matters application".

5.11 The proposed development has been designed to ensure the dwellings respect the established built environment, and in particular draw on the layout, plot ratio, scale, design and appearance of the dwellings at nos.277 – 279. The site is located to the rear of the properties that front onto the A4 Quemerford Road, however the development would respect the established pattern of development and would appear as a natural extension to the existing row of detached properties without encroaching further north into the countryside.

5.12 The Council determined that the previous application for four dwellings on a larger site area would not represent a high quality of design because the scheme would not respect the established pattern of development, and would have a harmful impact on landscape character. The reasons for refusal was as follows:-

"*Having regard to the character of the locality within which the application site contextualised, the proposal represents the construction of new residential development projecting out into the open countryside and with no reference to the prevailing pattern and character of existing development which fronts the A4 road. It cannot be regarded as being high quality development as is required by section 12 to the NPPF and the proposal would not respond positively to the existing townscape and landscape in terms of building line and streetscape and it would fail to effectively integrate into its setting, as is required by policy CP57 to the Wiltshire Core Strategy. Similarly, neither does the proposal reinforce local distinctiveness or respond positively to the existing townscape and its relationship with its countryside hinterland or respect the pastoral setting of Calne or address the sensitive rural edge of the town, its tranquillity and the need to protect against intrusion from light pollution, noise, and motion, as is required policies BE2 and NE2 to the Calne Community Neighbourhood Plan."*

5.13 The Inspector found that the appeal site is a sensitive edge of settlement parcel of land which positively influences the pastoral setting of Calne.

The proposal would cause harm to the character and appearance of the area, permanently eroding the positive contribution the appeal site makes to the pastoral setting. The Inspector noted that the current parcel of land is more hidden from views from the A4, as opposed to the views of the parcel of land to the east of the access lane to Quemerford Common Farm, however the lack of visibility from a particular public view was not considered to outweigh the harm identified. It was concluded that the development would appear incongruous within its rural landscape and would contrast with the more established grain and character of the local area.

5.14 The current application presents a revised scheme which takes on board the comments of the Inspector and provides full details of the proposed development to demonstrate the limited impact it would have on established townscape and landscape character. The aerial photograph included below shows the established pattern of development. While it is recognised that Qumereford is of a linear built form along the A4 road, there is significant backland developments and cul-de-sacs behind the linear ribbon development along the northern side of the A4. The provision of two dwellings respect this established character and will not encroach further north into the open countryside. The aerial photograph below identifies the position of the site and it can be seen that backland development is a key characteristic of the local built environment within the immediate context of the site. This is highlighted on the map below which was submitted in support of the previous appeal proposal.



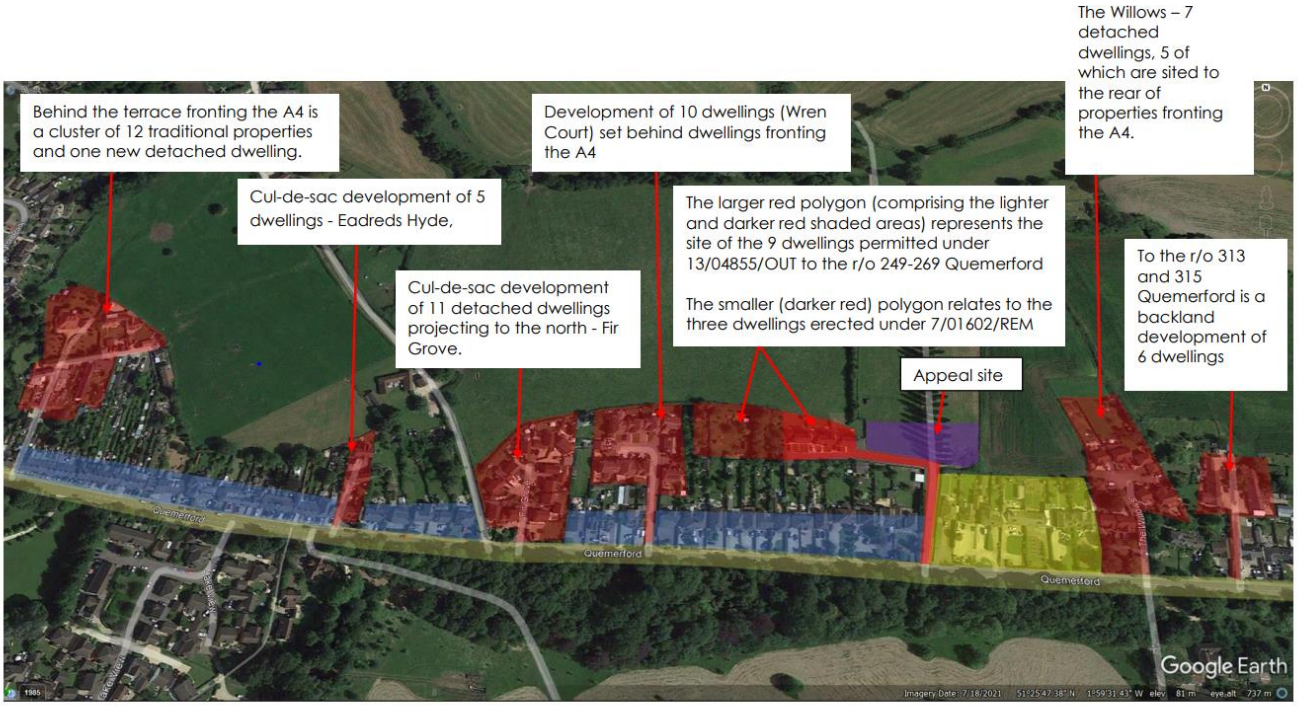



Figure 8: Aerial photograph showing position of appeal site in relation to surrounding development types

Map: Identifying Layout and Character of the Built Environment

(source: Appeal Statement for appeal ref 3315399)

5.15 The proposed development would permanently change the character and appearance of the site from its current undeveloped condition to that of residential development, however the site is a small part of the larger field which will not be developed. The proposal represented a small and well contained development that will not encroach further north into the countryside than existing development. The development includes a detailed planting scheme that will clearly defined the northern boundary of the site and tie in with natural landscape boundary of other existing properties. It will also include an ecology buffer zone that will improve the transition between the built environment and open countryside.

5.16 The impact on landscape character and visual amenity is explored in detail within the supporting Landscape and Visual Appraisal (December 2023) by WHLandscape.

5.17 In terms of the impact on landscape character, the report specifies “The development will see the loss of a small area of grazing pasture, however this loss can be overcome by the planting of native hedging on the northern and eastern site boundaries and with the addition of native tree planting, particularly along the northern boundary and into the adjacent field. This will mitigate any adverse effects of the development proposals but will help to soften the wider impact of the existing urban form along a section of the A4, ultimately creating an enhancement to the transitional landscape” (par 5.1.5)

5.18 In terms of the impact on visual amenity, the report specifies that “Overall, while the proposed development will see a visible change within the local landscape, the effect on the visual amenity and visual character of the study area will be limited, with the receiving landscape being one where backland residential built form is already a visual component of the edge of Quemerford. Furthermore, where visible, the development can be appropriately mitigated without using visually uncharacteristic planting” (par 5.2.7).

5.19 The full detailed mitigation strategy, which will be implemented in full, is shown on drawing ref.WHL-1747-05 / Landscape Mitigation Strategy. An extract from the drawing is shown below:-




Drawing: Proposed Landscape Mitigation Strategy

5.20 The Landscape and Visual Appraisal comes to the following conclusion which demonstrates the acceptability of the proposal from a landscape and visual perspective:-

"As a result of the appraisal of landscape and visual effects, it has been determined that proposed development would not have a significant adverse effect on the landscape resource or on views and visual amenity. Taking account of the proposed landscape mitigation and enhancement recommendations, the development can be undertaken so that the proposed residential development will integrate into the receiving landscape, maintaining the established character of Quemerford urban/rural interface without being visually intrusive, or having detrimental impact on the appearance or the landscape character of the area within which it is located" (6.5.1).

Impact and Residential Amenity

5.21 A key aspect of good sustainable design is to ensure that new developments result in 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 (NPPF, par 135). This objective is reflected within Core Policy 57 of the WCS which seeks to ensure that new developments have regard to the compatibility of adjoining buildings and uses, and consider the impact on the amenities of existing occupants, and ensure 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.

5.22 The proposed dwellings would be site close to the east side of no.279 and to the rear of nos.273 & 275, however due to siting, design and orientation of the proposed dwellings there will be no unacceptable impacts on the amenities of the residents of existing properties as a result of overlooking or overshadowing etc. There will be over 40m between the proposed dwellings and the existing dwellings at nos. 273 & 275 which a sufficient distance (much greater than the minimum industry standard) to ensure that both the privacy and outlook of the

existing occupants would be preserved and the future occupants of the proposal would also have an acceptable level of privacy and outlook.

5.23 It is also considered that the use of the existing access track would not lead to an unacceptable level of noise or disturbance to the occupiers of existing dwellings. The Inspector considering the previous appeal concluded that "it is not considered that the increased number of movements along the access would be materially harmful to the existing living conditions of Nos 275 and 281".

5.24 The Inspector reached this overall conclusions – "This leads me to conclude that the proposed development would not harm the living conditions of either the future occupants of the proposal or the living conditions of the existing occupants at Nos 273-285".

Impact on Highway & Pedestrian Safety

5.25 Core Policy 60 'Sustainable Transport and Core Policy 61 'Transport and New Development' seek to ensure that new development is as sustainable as possible in terms of its location and design and is capable of being served by safe access to the highway network. The proposed development would utilise the existing access route which serves the site which provide safe access to the A4 road. There would be no requirement to provide new or improved highway infrastructure and sufficient parking spaces, to comply with the Council's Parking Standards, would be provided within the site to serve each property.

5.26 The previous application, which was for four dwellings, was supported by a Highway Statement Technical Note by Cole Easdon which concluded that "there will be no severe residual cumulative impacts resulting from the proposed development nor an unacceptable impact on highway safety and that, accordingly, this application should not be prevented or refused on highways grounds. The Technical Note has been resubmitted as a background document in support of this current application.

5.27 The observations of the Highways Authority to the previous application is also material to the assessment of this current application. The following formal consultation response was provided:-

*'The proposals seek to utilise the existing private access for the erection of 4 dwellings on land to the east of 279 Quemerford. The site is located to the rear of a number of properties and accessed via a private driveway to Common Farm and three previously permitted dwellings. The access links to the A4 a main distributor and classified section of public highway, subject to a speed limit of 40mph.*

*The location of the site is such that there is already an approved shared access, as mentioned previously, which is accepted as a shared private access to the existing three dwellings. The initial 20m of the access road is maintained at a width of 5m to allow vehicles to pass or wait clear of the public highway with a footway provision leading to a shared surface. This access would be deemed acceptable for use for a further 4 dwellings. The proposal for a further 4 dwellings in this location would be acceptable in terms of traffic generation, there would be a requirement to provide vehicle parking in accordance with the Minimum Residential Vehicle Parking Standards which it would appear is possible within the site curtilage. The proposed garages are acceptable dimensions to include storage. Swept Path analysis has been demonstrated and indicates that larger vehicles would be able to access and egress in a forward gear at the point of access with the public highway. With regard to PROW, Footpath CLAN21 runs north-south along the proposed access track and through the middle of this site. The Countryside Access Team have commented that the footpath must be catered for within the design otherwise we would have to object to the planning application. I would advise the applicant to contact the PROW team in order to discuss further.*

*I would therefore not wish to raise an objection to the use of the access for the proposal with regard to highways, subject to the acceptable treatment of the PROW and would offer the following informatives:'*

5.28 In light of the above, the proposed development is considered to fully comply with Core Policies 60 and 61 of the WCS.

Impact on Ecology

5.29 The NPPF advises that new developments should protect and enhance biodiversity and geodiversity (paragraph 185) and Core 50 'Biodiversity and Geodiversity of the Local Plan outlines that development proposals must demonstrate how they protect features of nature conservation and

geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource.

5.30 The application site consists of a small area of agricultural land which is not covered by any local, national or European nature conservation designation. The site has limited ecological value, however the application is supported by an Ecological Appraisal (December 2023) by Malford Environmental Consulting. The report confirms that the site encompasses grazed improved grassland, which supports a very restricted range of common plants. This habitat is not scarce or sensitive. All existing boundary vegetation will be retained and protected. The proposed development will not have an adverse impact on protected species albeit ecological enhancement measures are recommended within the report which can be secured via a condition of any planning permission that may be granted.

5.31 In terms of the requirement to secure Biodiversity Net Gain (BNG), it will become mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) from January 2024 for 'major schemes' and April 2024 for small sites. The requirement will be to deliver 10% BNG. Core Policy 50 'Biodiversity' of the WCS outlines that new development should seek opportunities to enhance biodiversity.

5.32 While the requirement to secure 10% is not yet mandatory, the Ecological Appraisal includes a BNG analysis via the Defra Small Sites Metric. The report confirms that the proposed development provides a significant biodiversity gain in terms of creation of semi-natural habitats (greater than 10%). The development will include 42m of new mixed

native hedge with trees along the northern garden boundary, and 30.6m of mixed native hedge along the eastern boundary. The new development will also include 4 native trees within the front gardens. An area, 18m deep by40m wide (720m2), located to the immediate north of the dwellings will be enhanced botanically to achieve a grassland sward with increased wildflower diversity. This area will also be further enhanced by planting tress as shown in the Landscape Mitigation Strategy.

5.33 The Ecological Assessment concludes by stating that "Given the absence of a significant residual impact associated with the proposed scheme combined with appropriate habitat creation/enhancement that enhances the study area for a range of wildlife, the residual ecological effect of the proposed development is considered to be positive in a Local (Site) context". The development will therefore fully comply with Core Policy 50 of the WCS.

Housing Need and Planning Balance

5.34 The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support the Government's objective of **significantly boosting the supply of homes**" (emphasis added) (paragraph 60). While it is recognised that the CCNP allocates land to help meet local housing need and address local pressure for further housing, it is not considered that the level of need identified within the development plan should be seen an upper limit, and new development that is otherwise sustainable should not automatically be refused, in particular in the context of the Council's five year housing land supply position.

5.35 The Council's most up to date Housing Land Supply Statement (Base date: April 2022 / Published May 2023) details that it has 4.60 years of deliverable housing land supply (a shortfall of 866 dwellings). This is of course not a ceiling to housing growth either.

5.36 In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, unless exempt due to the provisions outlined within paragraphs 76 and 226 of the NPPF (as confirmed by footnote 8), so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.37 Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided a set criteria is met, which includes the date the plan was made. The CCNP was made over 5 years ago and is therefore not engaged for this current application.

5.38 The Council is unable to demonstrate a five year housing land supply and it is recognised that the tilted balance was applied to the assessment of the previous planning application where PINS found that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The conclusion was heavily influenced by the landscape impact of the proposal. The Inspector noted that the proposal would be "contrary to the aims of the Framework in regard to achieving sustainable development, most notably to protect and enhance our natural environment, and ensuring development would be sympathetic to local character, including the surrounding built environment and landscape setting" (par 28).

5.39 This application has sought to address the areas of concern through the submission of a revised application on a smaller site with full design and landscape details. The application demonstrates through a detailed Landscape and Visual Appraisal that "the development can be undertaken so that the proposed residential development will integrate

into the receiving landscape, maintaining the established character of Quemerford urban/rural interface without being visually intrusive, or having detrimental impact on the appearance or the landscape character of the area within which it is located". This conclusion is critical when considering the overall planning balance.

5.40 The application proposal would result in the provision of two new dwellings that would contribute towards the deficit in the Council's 5 year housing land supply. It would be a social benefit "which would be a significant benefit and would go towards helping address the Council's housing shortfall" as previously confirmed by PINS in the previous appeal decision (par 29).

5.41 The NPPF recognises that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly" (paragraph 69). The proposal is deliverable within a short timeframe which will ensure it contributes to the shortfall in the Council's housing land supply.

5.42 The development would also produce short term benefits to the construction industry and the development would also generate ongoing revenue for the Council from Council Tax etc.. There was also be further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development. The development would also deliver ecological benefits associated with the proposed wildflower meadow and planting along the site boundaries.

5.43 In terms of the harms, the conflict with the plan led approach because the site is not allocated within the Local Plan and outside the Limits of Development is recognised. The development however is within a sustainable location and would not result in any site specific harms or to the wider environment that cannot be adequately mitigated. The sustainable location of the site was recognised by PINS in the previous appeal decision, the Inspector noted "There would be some sustainability credentials associated with the proposal regarding its location, and the

proximity to the PROW would offer some accessibility to leisure opportunities for future occupants" (par 29).

5.44 The Council acknowledges that it needs to address housing supply and has issued delivery briefing notes setting out its approach to dealing with this, namely-

- Briefing Note: Housing Land Supply No.20-20 (June 2020); and
- Briefing Note: 5 Year Housing Land Supply and Housing Delivery Test No.22-09 (April 2022)

5.45 These documents advise that the Council should positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. Thus, a breach of the settlement boundary alone does not preclude development. While the proposed dwellings would conflict with the WCS settlement strategy due to the location of the site outside the Limits of Development, there are no other policy obstacles or any unacceptable harm identified. It is therefore considered the Council's own strategy to address its five year housing land supply shortfall provides support for the proposed development.

5.46 The WCS is currently being reviewed as part of the Wiltshire Local Plan Review. The purpose of the review of the adopted Local Plan will be to assess the future levels of need for new homes and employment land over the period 2020-2038. The baseline indicative housing requirement for the Calne from 2016 – 2036 identified within draft Policy 9 Calne Market Town of the Pre-Submission Draft 2020 – 2038 (Regulation 19 (September 2023) Wiltshire Local Plan is 1230 including strategic site allocations. The neighbourhood area designation requirement is 130 dwellings. It is therefore clear that the provision of two dwellings on the application site will not conflict, but contribute towards, the Council's longer term growth plan for the settlement.

5.47 It is recognised that the most recent NPPF advises that the presumption if favor of sustainable development should not apply within certain

circumstance and the Wiltshire Local Plan Review has reached the Regulation 19 stage. However, the baseline requirement of national policy is to demonstrate five 5 year housing land supply which is a material planning consideration. Furthermore, the transitional arrangements outlined within the most recent NPPF should also be a material consideration due to the date of this application and time and resources involve in the production of the evidence base that supports the application.

5.48 It is considered that when considering the overall planning balance, the development would contribute towards the Government's aim of significantly boosting the supply of homes in a sustainable location and there are no harmful impacts which indicate that planning permission should otherwise be refused.

Wiltshire Council Examples

5.49 The Council has recently granted permission for a number of dwellings outside but adjoining the Limits of Development of settlements identified for growth when considering the overall tilted balance. One example is an application for permission in principle, reference PL/2022/02032, on the 19th May 2022 for the erection of one dwelling on land at Greenacres, Blounts Court, Potterne, Devizes, SN10 5QF. The site is outside but adjacent to the Limits of Development drawn for the Large Village of Potterne. The Council identified conflict with the development plan due to the position of the site outside the Limits of Development, however when applying the tilted balance, it was concluded that there would be no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits.

5.50 This case is considered to be material to the assessment of the current application because the harm identified was the change to landscape character and the conflict with the Spatial Strategy of the Local Plan although these harms did not significantly and demonstrably outweigh the benefits. The Case Officer provided the following appraisal:-

*Adverse impacts*
*10.4. Development Limits are established in order to prevent uncontrolled and unplanned expansion of settlements into the open countryside. There would be an adverse impact arising from then incremental growth of the village into the countryside. The site is not within a protected landscape and would not be prominent in long views. As noted above the development would relate relatively well to the existing built form of the village and nearby dwellings, and the adverse impact in this respect would be very limited. Considering the matters of location, land use and the amount of development, there are no other inevitable significant adverse impacts identified that would arise at technical details stage.*

*Benefits*
*10.5. The provision of an additional dwelling would be of limited, but nonetheless significant benefit in the light of the government's objective of significantly boosting the supply of homes.*
*10.6. There would also be a small economic benefit arising from construction of a dwelling and its ongoing occupation and maintenance.*
*10.7. Weighing the above, it is concluded that there are no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits.*

*11. Conclusion and recommendation*
*11.1. The development would be contrary to the development plan. Material circumstances as set out above are sufficient to warrant approval of the application.*

5.51 An appeal against the decision of the Council to refuse permission in principle (application reference 20/04651/PIP) for the erection of one dwelling on previously developed land at Foxhill House, Clench Common, Marlborough, Wiltshire, SN8 4DR was allowed on the 21st May 2021. The site is described as being part of a small cluster of properties with development beyond being more sporadic and loose knit. The site does however fall within the countryside and within the North Wessex Downs Area of Outstanding Natural Beauty.

5.52 The Inspector concluded that the proposed development would result in residential development outside of any settlement defined and "would not be in a suitable location for housing with regard to local housing strategy and accessibility to services and facilities" (paragraph 16). However, only moderate weight was given to the conflict and it was recognised that "The proposal would align with the Framework where it seeks to significantly

boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly" (paragraph 32).

5.53 The Inspector went on to consider the tilted balance and concluded that the adverse impacts of granting permission in principle would not significantly and demonstrably outweigh the benefits:-

*32. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The Framework also seeks to make use of previously developed land. Even with the shortfall identified, given the scale of the proposal this attracts limited weight.*

*33. The economic and social benefits from the build and occupation of the dwelling as well as support for local services, facilities and the community, including those in other villages would be minimal given the size of the development, and their weight in favour of the scheme is small.*

*34. The proposal would conflict with the Framework where it seeks to promote sustainable transport, actively managed patterns of growth and that appropriate opportunities to promote sustainable transport modes can be taken up. Given the scale of the scheme and associated movements, I give this moderate weight.*

*35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.*

*36. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d)ii of the Framework. In this instance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

*37. On the basis of the individual merits of the scheme, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.*

## 6.0 CONCLUSION

6.1 The application seeks full planning permission for the construction of two detached dwellings and associated works on land adjacent to 279 Quemerford, Calne, Wiltshire, SN11 8LA.

6.2 The application follows a previous application on the site which was part of a larger scheme which also included other land to the east of this current site. This revised application presents a scheme that has been designed to address the previous concerns of the LPA and PINS.

6.3 The proposal would result in the provision of two new dwellings on a site that is well related to the built-up area of Quemerford. It is acknowledged that the site falls outside the defined Limits of Development for the settlement and the subsequent conflict with the Spatial Strategy of the Local Plan, however when considering everything in the round and the overall planning balance it is considered that planning permission should be granted.

6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development would deliver both social and economic benefits and there would be no unacceptable harms following mitigation, other than conflict with the Spatial Strategy of the Local Plan, that would result from the development. However, the proposal would contribute towards the Government's objective of significantly boosting the supply of homes and would contribute towards the Council's own strategy to address its five year housing land supply shortfall. These are considered to be key material planning considerations which strongly weigh in favour of the proposed development and indicate that planning permission should be granted.

6.5 In light of the above, having considered the individual planning merits of the proposal, it is considered that the material considerations indicate that

planning permission should be granted. It is therefore respectfully requested that full planning permission be granted.