The Planning Inspectorate

Room 3K
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5418
Customer Services:
0303 444 5000

Email: West3@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

Your Ref: PL/2023/00952
Our Ref: APP/Y3940/W/23/3323540

12 January 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Andrew Holzimmer
Site Address: 3 Bradley Road, Southwick, TROWBRIDGE, BA14 9RJ

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Mike Lloyd
Mike Lloyd

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/Y3940/W/23/3323540
3 Bradley Road, Southwick, Trowbridge, Wiltshire BA14 9RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Andrew Holczimmer against the decision of Wiltshire Council.
- The application Ref PL/2023/00952, dated 31 January 2023, was refused by notice dated 20 April 2023.
- The development proposed is outline approval applied for, for 1 No. single, detached dwelling, on land to the west of the existing house, No 3 Bradley Road, Southwick.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval being sought for those matters related to Appearance, Layout and Scale. Although matters related to Access are not being sought, the notice of decision includes a reason for refusal related to the proposal failing to provide visibility splays necessary to ensure the dwelling is capable of being served by safe access to the highway network. In light of paragraph 5 (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 stating that 'Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development will be situated', and given that these details are shown on the Block Plan as Proposed[1], I am satisfied that I can deal with this matter as part of the appeal.

3. The description of development in the heading above has been taken from the planning application form. Although Part E of the appeal form states that the description of development has not changed, a different description is given to that on the application form. In light of this, and as neither of the main parties has provided written confirmation that a revised description of development has been agreed, I have used the one given on the original application form.

4. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published. In light of this, both parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.

Main Issues

5. The main issues are:

[1] Drawing Number 123/E

- whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy,
- the effect of the proposal on the character and appearance of the area; and,
- the effect of the proposal on highway safety, with particular regard to visibility.

Reasons

6. The appeal site comprises part of the side and rear garden to Number 3 Bradley Road. Number 3 is an extended semi-detached two-storey dwelling located close to a bend on Bradley Road.

Whether appropriate location

7. The spatial strategy for the location of housing in the area is outlined in Core Policies 1 and 2 of the Wiltshire Core Strategy (January 2015) (WCS). Core Policy 1 identifies four tiers of settlements where sustainable development will take place (Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages). Southwick is defined as a Large Village, but the appeal site falls outside of the defined limits of Southwick. As a result, the site falls within the open countryside.

8. Core Policy 2 of the WCS states that outside the defined limits of development, other than the circumstances permitted by other policies in the plan, identified in paragraph 4.25, development will not be permitted. The proposal does not fall within any of the categories of development permitted under paragraph 4.25.

9. Policy 6 of The Southwick Neighbourhood Development Plan 2018-2036 (October 2021) (NP) supports windfall sites within the Village settlement boundary as defined by the WCS and states that 'Development should not be permitted in the open countryside unless it is permitted by the exceptions at paragraph 4.25 of the Core Strategy'. While the appeal site falls within the wider NP area, it does not fall within the defined limits for Southwick as defined by the WCS. As a result, the proposal does not gain support from the NP.

10. The site is located away from the main built form of Southwick off a busy road. While there is a continuous footpath between the site and the centre of Southwick, the route is unlit between the appeal site and the edge of the main built form. As a result, and given the distance to the main services and facilities within the village, the route would not be attractive for pedestrians, particularly late at night and in colder months. While there are bus stops near the site serving Southwick and further afield to places including Salisbury, Bath, Frome and Chippenham, the buses are not regular to an extent that could adequately serve everyday needs. As a result, the location of the site is not in an accessible location and would result in reliance upon the need to travel by car contrary to Core Policies 60 and 61 of the WCS.

11. In light of the above, it follows that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. As such, the proposal is contrary to Core Policies 1, 2, 60 and 61 of the WCS and the NP.

Character and appearance

12. The appeal site comprises an extended semi-detached dwelling at the end of a row of two-storey residential properties each with their own front garden/off-street parking area. While there are two larger detached dwellings in large grounds at the opposite end of the row of dwellings, the majority of properties are semi-detached and of a similar design and materials all benefitting from long rear gardens.

13. The proposal would be of a very similar width, height and materials to the semi-detached dwellings with the site large enough to accommodate the dwelling. However, by reason of a combination of its detached form, smaller rear garden, shared driveway and inclusion of an additional window at first floor compared to the majority of the other semi-detached dwellings, the proposal would be at odds with the prevailing character of the area and existing pattern of development.

14. As a result, the proposal would have a harmful effect on the character and appearance of the area. As such, it is contrary to Core Policy 57 of the WCS and the Framework. Amongst other things, these seek to ensure a high quality of design that respond positively to the existing townscape and achieve well-designed and beautiful places.

Highway safety

15. The appeal proposal includes the provision of car parking spaces and associated turning to the front of the dwelling that are adequate to meet the needs of the proposal. The spaces are proposed to be served off the existing vehicular access to Number 3 Bradley Road that is of a sufficient width to serve the dwellings.

16. The site is located very close to a corner to Bradley Road that is subject to a 40mph speed limit. I have been advised that the road is busy and used at all times by large lorries. This is supported by the volume and nature of traffic witnessed at the time of my site visit.

17. In light of the bend in the road, its busy nature, speed limit and use by large lorries, suitable visibility is required in the interests of highway safety. While a visibility splay is detailed on the Block Plan as Proposed, and I have had regard to the presence of a lay-by to the site frontage, a greater extent of visibility splay is required in accordance with Manual for Streets.

18. In the absence of a suitable visibility splay, and given the bend in the road, speed limit and its busy nature, the proposal would increase the risk of accidents through the introduction of an additional dwelling and associated additional vehicle movements.

19. I have had regard to reference to a previous childminding use being carried out from the premises but have little information in this regard and note that any use has ceased. As a result, this does not alter my findings above.

20. It follows that the proposal would have a harmful effect on highway safety, with particular regard to visibility. As such, it is contrary to Core Policies 60, 62 and 64 of the WCS and the Framework. Amongst other things, these seek to encourage the safe and efficient movement of people, that the proposal is capable of being served by safe access to the highway network, lower the risk

of accidents and ensure that safe and suitable access to the site can be achieved for all users.

Other Considerations

21. I have had regard to the other consents mentioned by the appellant and to the need for small starter homes. However, I have limited details in relation to these other consents, note that they are not directly comparable as they have not been granted under full planning applications, and note that the proposal is not seeking consent as a Starter Home as defined by the Framework. These matters are therefore neutral in my consideration. Support for the proposal from the Parish Council does not outweigh the concerns raised above.

22. The development would harm the character and appearance of the area, highway safety and be contrary to the local development strategy. The relevant policies are largely consistent with the Framework where it states that planning decisions should guide development towards sustainable solutions whilst reflecting the character of an area, providing safe and suitable access and safeguarding the environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.

23. The Council cannot demonstrate a five-year supply of deliverable housing sites. However, by virtue of paragraphs 77 and 226 of the Framework and the Council having an emerging local plan at Regulation 19 stage, the Council only need to demonstrate a four-year supply. I have no reason to disagree with the Council that they currently have 4.6-years supply.

24. In any case, while the appeal proposal would provide a number of benefits, including providing much needed housing which would contribute towards the supply and mix of housing and make a more efficient use of the land, given the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would result in significant harm to the character and appearance of the area, highway safety and be contrary to the local development strategy. As a result, and given paragraph 14 of the Framework that states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the neighbourhood plan became part of the development plan within 5 years of the date of this decision, even if the Council were required to demonstrate a five-year supply, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR