The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5368
Customer Services:
0303 444 5000

Email: East1@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref: PL/2023/04942
Our Ref: APP/Y3940/W/23/3326636

08 March 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr J Smith
Site Address: Land off Thompsons Hill, Thompsons Hill, Sherston, Malmesbury, Wiltshire, SN16 0PZ

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,

Benjamin Honeychurch
Benjamin Honeychurch

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 22 January 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/Y3940/W/23/3326636
Land off Thompsons Hill, Thompsons Hill, Sherston, Malmesbury, Wiltshire SN16 0PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Smith against the decision of Wiltshire Council.
- The application Ref is PL/2023/04942.
- The development proposed is Stage 1 Permission in Principle Application for development of 1 self-built dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.

4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling. I have determined the appeal on that basis.

5. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

6. Areas of Outstanding Natural Beauty (AONB) have been renamed as National Landscapes. The site is within the Cotswold National Landscape (formerly Cotswold AONB). Planning policy, and the Framework still refer to AONBs. Whilst I have applied the policies for AONBs to my decision making, I have used the new term throughout this decision.

Main Issues

7. The main issues are whether the location, proposed land use and the amount of development is suitable with particular regard to:

   - the Council's spatial strategy and access to services and facilities; and

   -the effect of the proposal on the character and appearance of the area, including whether it would conserve and enhance the landscape and scenic beauty within the Cotswold National Landscape (NL).

Reasons

Location and accessibility

9. The appeal site is located on Thompsons Hill and comprises an open field. The settlement boundary for the 'larger village' of Sherston runs along the site's northern boundary, the defined limits of which are set by the Wiltshire Core Strategy (2015) (CS). Thus, the site lies in the open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, whilst the site physically and spatially adjoins Sherston, and the proposal would form a limited extension to the village, nonetheless it would be contrary to the development strategy for the area.

10. Sherston has some day-to-day facilities including a doctor's surgery, public house, supermarket and a primary school. Thompsons Hill connects the appeal site with the village core and is the subject of a 30mph speed limit. During my early-afternoon site visit there was a light flow of traffic on Thompsons Hill. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate those observations are atypical of the area.

13. There is no footpath along much of the length of Thompsons Hill, and there is no street lighting. Nonetheless, traffic levels along this route would appear to be low and I have no evidence before me that these conditions would preclude some journeys into Sherston being undertaken on foot or by bicycle, in particular given the distances involved. The difference in accessibility with other parts of the village would, in my view, be negligible and the site cannot be considered isolated. Consequently, future occupants of the proposed dwelling would not necessarily be reliant on private motor vehicles which are the least sustainable form of transport.

11. There are limited opportunities to use public transport from this location and, given its size, Sherston offers limited employment opportunities. However, the addition of a small single dwelling with limited occupation would not significantly add to the journeys that already occur from other nearby dwellings.

12. In light of the above, the site would be accessible to services and facilities. However, having regard to the development strategy, it would not provide a suitable location for housing. Therefore, whilst I find no conflict with CS Core Policies 60 and 61, which, amongst other matters, seek to reduce the need to travel particularly by private car, nonetheless it would conflict with CS Core Policies 1, 2 and 13 and Policy H14 of the North Wiltshire Local Plan 2011 (2006) (LP) which, amongst other matters, resist new homes in the countryside except in certain circumstances.

13. My attention has been drawn to a site at Sopworth Lane, which, it is stated, has similar characteristics to the appeal site. However, as that site was allocated in the Sherston Neighbourhood Plan (2019) (NP) following the neighbourhood plan process it does not appear to be comparable to the appeal site which is an unallocated site in the open countryside.

Character and Appearance

14. The appeal site forms part of a large field, which is bordered by further fields. The site is rural in character and is located in the Cotswold NL. A Public Right of Way (PROW) passes to the west of the site and the site is visible from the highway, the PROW and in distant views from the west. The site is bordered by residential development to the north. The appeal site, as part of a large field, contributes to an open and verdant character, which, in combination with the hedgerow and wide grass verge to the site frontage, gives the entrance to the village a verdant character that is reflective of its rural setting.

15. The open, undeveloped and verdant nature of the site makes a positive contribution to the rural setting of the village. The site successfully connects with the surrounding fields, countryside and wider NL. As such, its value is in its positive contribution to the overall landscape and the scenic beauty of the area. Given the site's location within the NL, I have had regard to Section 85 of the Countryside and Rights of Way Act 2000 which requires relevant authorities to have regard to the purposes of conserving and enhancing the natural beauty of the NL when performing their functions.

16. Whilst the size and scale of the proposal are not yet known, the proposed development would introduce a residential dwelling on to the appeal site to the south of Marsden House. The proposed siting of the dwelling, immediately adjoining the built confines of the village, would be viewed in the context of existing nearby built form and the settlement beyond. The rear site boundary of the dwelling would align with the general limit of the neighbouring rear garden and other dwellings on this side of Thompsons Hill.

17. Nonetheless, the proposal would result in a noticeable reduction in the size of a field which, by virtue of its open nature, makes an important contribution to the verdant, open, rural character of the area. Although its scale is limited, the development of this site would extend development further into the NL where it would feature prominently in views from the surrounding area including from the highway, the PROW and in distant views from the west. The introduction of a dwelling here, along with associated hardstanding and formalising of garden areas, would represent an urban incursion which would erode the scenic beauty of the local landscape, the special qualities of the NL and the open views of the surrounding countryside.

18. There are no details provided of the exact layout or scale of the proposed dwelling in accordance with the limited requirements of the first stage of an application for PiP. It is stated that the proposed dwelling would be of a sympathetic design and scale using appropriate materials with a landscaping scheme which would offer the opportunity to screen the proposed dwelling and Marden House, all of which would be considered as part of the TDC application. Nevertheless, given the contribution of the field to the scenic qualities of the NL and the verdant character of the surrounding area, it is evident that any new residential development here would unacceptably encroach upon this area. This would represent an unacceptable incursion which would be harmful to the

verdant character of the area and would cause harm to the scenic landscape qualities of the NL.

19. For these reasons, I conclude that the proposal would harm the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the Cotswold NL. Therefore, the proposal would conflict with those aims of CS Core Policy 51 which states that development must not have a harmful impact upon landscape character. There would also be conflict with the NP, which has similar aims. Conflict also arises with Paragraph 182 of the Framework which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in areas which have the highest status of protection, including NLs.

Other Matters

20. The proposal for one self-build dwelling would make a small, but nevertheless important contribution to local housing supply, and would advance the Government's objective outlined within the Framework to boost significantly the supply of homes, including the delivery of self-build dwellings. The proposal would also provide accommodation for the appellant's elderly parents, allowing them to live closer to the village and their family. Additionally, there would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services, and expenditure contributing to the local economy. These matters weigh in favour of the proposal. However, the benefits associated with one dwelling would be small, and I give them limited weight.

21. It is suggested that the proposal would offer the opportunity for environmental improvements. However, these details are not before me. Additionally, it is stated that the proposal would safeguard the amenities of the residents of neighbouring houses and would have amenity space commensurate with its size. These details are not before me and compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters do not weigh in favour of the proposal.

22. I have no reason to find that the Council's claim that they have a 4.6-year Housing Land Supply might be wrong. Given the status of the Wiltshire Local Plan Review (the LPR), Paragraph 226 of the Framework sets out that in these circumstances the relevant policies are not to be regarded as being out-of-date as a consequence of the housing land supply position.

23. However, concerns are expressed regarding whether the LPR will be able to meet the required housing land supply, in particular given the length of the plan period and the difficulties posed by nutrient neutrality in the district. Nonetheless, the LPR has reached Regulation 19 stage and includes a policies map and proposed allocations towards meeting housing need. There is no particular evidence before me that there is any intention to withdraw this plan or to not progress it in its current form. Thus, the provisions of Paragraph 226 apply.

24. Additionally, it is suggested that the development plan is out of date due to ongoing and historic problems with housing delivery and a failure to meet the annualised housing requirement in each of the Housing Market Areas (HMAs).

25. Paragraph 225 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. Whether a policy becomes out-of-date and, if so with what consequences, are matters of planning judgment. The aims of the most relevant policies appear to be consistent with the aims of the Framework and so are not out of date on this basis.

26. On the basis of the evidence before me, it appears that recent housing delivery has not met the annualised housing requirement in each of the HMAs. However, the Council can be seen to be delivering sufficient supply of housing in accordance with the requirements of the latest iteration of the Framework. Therefore, there is nothing to suggest that these matters render the housing requirements out of date in a situation where the Council is meeting its 4-year housing land supply. Consequently, I cannot conclude that there is any harm arising from the current housing land supply situation. Thus, the settlement strategy policies in the development plan cannot be out-of-date when considered against the Framework when read as a whole. In light of this, the relevant policies in the determination of this application are not considered to be out of date and there is no reason to conclude that Paragraph 11d of the Framework is engaged and the presumption in favour of sustainable development applied in this decision.

27. My attention has been drawn to 2 appeals in which the Inspectors attributed limited weight to spatial strategy policies in the development plan given the shortfall in 5 year housing land supply[1]. However, these proposals were considered in the context of the previous iteration of the Framework, which did not include the current provisions of Paragraph 226 set out above. Therefore, these decisions are not comparable to the appeal proposal and do not weigh in favour of the proposal.

Conclusion

28. Considered against the conflict with the settlement strategy policies in the development plan, and the harm to the landscape and scenic beauty of the Cotswold NL, the material considerations would, in combination, be insufficient to outweigh this harm and conflict with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR

[1] APP/Y3940/W/23/3315432 and APP/Y3940/W/22/3299162