# DELEGATED REPORT

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| **Application Reference:** | PL/2023/11190 |
| **Application Type:** | Planning Permission |

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| **Site Address:** | Land to the East/Adjacent to 279 Quemerford, Calne |
| **Proposal:** | Proposed erection of two detached dwellings and associated works |
| **Recommendation:** | Planning Permission be REFUSED |

**PROPOSAL**

The applicant seeks outline permission for the erection of 2no. detached dwellings and associated works. The dwellings are laid out to front the access drive with parking areas in front of each of the dwellings. They are both two-storey, 3-bed dwellings which are shown to be of stone elevation with quoin detailing, set under slate roof.

New hedging is proposed along the eastern and northern boundaries of the site and beyond the northern boundary of the proposed residential curtilages (but within the red-line boundary) new tree planting is proposed, described as: '720m2 compensatory area of wildlife grassland enhancement' on the submitted Site Plan.

**SITE DESCRIPTION**

The application site is located in Quemerford, which is situated at the eastern edge of Calne along the A4 as that road runs east out of Calne towards Beckhampton. Along the northern side of the A4 in this locality is residential development and to the south is countryside; the application site is situated on the northern side, set back from the road behind existing residential development which fronts the road.

The proposed access to the site is shown as using the existing access which serves Quemerford Common Farm, which is also a designated Public Right of Way (CLAN21). Before reaching the buildings associated with Quemerford Common Farm, a spur to the west from that access serves three detached dwellings built to the rear of nos.261 – 269 Quemerford, numbered as 277, 277a and 279.

The site is described as being 'to the east / adjacent to' no.279 Quemerford; it is also located to the rear of nos.271 – 275 Quemerford. Beyond the access drive to Quemerford Common Farm is open countryside, that character wraps around the entire eastern and northern boundaries of the site; to the south is the access drive serving nos.277 – 279 Quemerford, the other side of which are the rear gardens of nos.271 – 275 which front the A4, and to the west is a short access spur, beyond which is no.279 Quemerford itself.

The dwellings along this section of the main road form part of a strong, linear row of residential properties which front the road, arranged such that there is a single property frontage with a single driveway serving that property. There is a wide variety of scale and character along this northern side of the road: some single-storey / some two-storey dwellings, some detached / some semi-detached, all with a wide materials palette; to the south is open countryside. The general layout is of linear form following the road, although there are pockets of development in depth which are predominantly accessed off short residential streets in a cul-de-sac arrangement.

Whilst Quemerford Common Farm is visible from the road, that dwelling is set within a wider countryside setting and, whilst constituting what could be considered as 'backland' development, only a glimpsed view of nos.277 – 279 is visible from a short passing section of the streetscene.

The application site is located outside of the settlement boundary to Calne, as identified within the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan (2020) and is therefore located in land designated as open countryside. The site appears to have been deliberately excluded from the settlement boundary, since the dog-leg of the boundary is drawn tight to the gardens of existing properties, and in particular, does not extend eastwards beyond the building line of no.279 (the site of which having always been inside of the settlement boundary to Calne).

As such, the application site does not abut the settlement boundary, as there is a strip of land which includes a turning head and field boundary falling between the application site and the defined settlement boundary in this location.




Wiltshire Housing Site Allocations Plan (extract) – Site Location Plan (extract)

The site does not fall within any landscape or conservation designated areas. There are no designated heritage assets within close proximity of the site: approximately 200m to the west of the site lies a designated scheduled monument and a number of listed buildings in the wider locality. The site falls within flood zone1 and does not show as being at risk of groundwater flooding.

**POLICIES**

***Local Planning Policy***

Calne Community Neighbourhood Plan 2016-2026 (Made February, 2018)

Policy GA1 – Sustainable Transport
Policy GA2 – Highway Impact
Policy BE1 – Integration and Landscaping
Policy BE2 – Design Principles for Local Distinctiveness
Policy BE3 – Parking Provision
Policy NE2 – Setting of Calne and Calne Without
Policy NE3 – Biodiversity
Policy NE4 – Energy Conservation

Wiltshire Core Strategy (adopted Jan 2015)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 3: Infrastructure Requirements
Core Policy 8: Spatial Strategy for the Calne Community Area
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 (Saved Policies) (NWLP, Adopted June 2006)

Policy H4: Residential Development in the Open Countryside
Policy NE14: Trees, Site Features and the Control of New Development

***Material considerations***

National Planning Policy Framework ('The NPPF', December 2023)

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Wiltshire Local Transport Plan 2011-2026: Strategy (March 2011) / Car Parking Strategy (March 2015)

Wiltshire Design Guide (March 2024)

**ISSUES**

The application is for the erection of 2no. detached dwellings with associated landscaping and the planning issues arising for consideration are as follows:

- Principle of development
- Appearance, landscaping and scale
- Impact on character and appearance of locality
- Residential amenity
- Highways and Public Rights of Way
- Ecology and trees
- Archaeology
- Other matters

**PLANNING HISTORY**

There is only one previous planning application relating directly to the site, as follows:

- **PL/2022/05274:** Outline application with some matters reserved for the erection of 4 dwellings and associated works (access only) – Refused 01/12/2022 – Dismissed at appeal (appeal ref. no. APP/Y3940/W/23/3315399) – 02/08/2023

The following applications are relevant as contextual interest, relating to land within close proximity (to the west) of this application site:

- **13/04855/OUT:** Outline Application for Residential Development – Approved – 02/03/2015 (and associated REM applications 15/09469/REM and 17/01602/REM)
- **15/05420/FUL:** Erection of Three Dwellings– Withdrawn – 31/07/2015

For immediate reference, the proposed site layout from the previous scheme presented under PL/2022/05274 and dismissed at appeal is shown below:




Extract from previously submitted drawing no.2225.03.03.revD

**CONSULTATIONS**

Calne Town Council – Object, stating:

> *"Members had significant reservations about the proposal and noted the previous refusal and that there was no longer a presumption in favour of development and that the intention was that the application would be called in by the Local Ward member."*

Highways Officer – No objection, subject to conditions, stating:

> *"The proposals seek to utilise the existing private access for the erection of 2 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 2 dwellings.*
>
> *The proposal for 2 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 has been indicated as surface parking on the site plans. The plans do not indicate locations for cycle parking which is mentioned within the highways statement attached to the application which was previously submitted for a similar application on the site for 4 dwellings. Cycle parking can be dealt with through a condition in this instance.*
>
> *Electric Vehicle Charging would be expected at a rate of 1 space per dwelling where allocated parking is proposed therefore, I would expect to see at least 2 EV charging points within the development proposals in line with Building Regulations Document S and the NPPF.*

*With regard to PROW, Footpath CLAN21 runs north-south along the initial section of the access track. The Countryside Access Team have commented previously 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 and ascertain access rights.*

*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 conditions and informatives:*

*CYCLE PARKING*
*No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.*

*REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.*

*ACCESS OVER ROW*
*Access over public footpath/bridleway*
*The application indicates access to the application site will be over land which is subject to a public footpath/bridleway. Section 34 of the Road Traffic Act states that "...if without lawful authority a person drives a motor vehicle-*
*(b) on any road being a footpath or bridleway he is guilty of an offence".*
*Lawful authority is taken to mean the express permission of the owner of the land.*
*The applicant should ensure that all necessary rights in respect of vehicular access to the application site can be secured.*

*VEHICLE ACCESS*
*The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.*
*If you have any queries regarding the above advice, please contact: Highwaysdevelopment@wiltshire.gov.uk"*

Drainage Officer – No objection subject to conditions, stating:

*"Matters Considered: Documents Reviewed:*
- *Planning Statement .pdf*
- *Plot 2 - Proposed Ground Floor Plan.pdf*
- *Site Layout Plan.pdf*

*The Wiltshire Council Strategic Flood Risk Assessment, SFRA Data Explorer, has indicated that the site is located within Flood Zone 1 and there has a has a low level of risk from fluvial flooding.*

*The site has a low level of risk from ground water flooding. The site has a low level of risk from surface water flooding.*

*Conditions:*
*The drainage team have the following conditions which need to be addressed by the applicant:*
*The developer is to provide a drainage strategy that will demonstrate there is no increase in runoff from the proposed site and how runoff and associated water quality will be appropriately managed. The strategy should also include a drainage plan showing overland flood exceedance routes and FFLs.*

*Informatives*

- *Any proposals should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753).*
- *All new drainage will need to comply with Building Regulations Part H.*
- *The applicant is required to demonstrate that soakaways (if proposed) have been sited the appropriate distance from any building, road or structure foundations in line with CIRIA C574and Wiltshire Guidance.*

Arboricultural Officer – No objection, stating:

*"No objection to this proposal in relation to trees. There are Lombardy Poplars trees identified close to the site as part of Appendix A which forms part of the Ecology Appraisal, but these are noted to be off-site and not affected by this proposal."*

Archaeology Officer – No objection subject to conditions, stating:

*"The application area is located in an area of high archaeological potential lying immediately to the south of earthwork remains indicative of medieval settlement; some of these features lying 200m to the west of the application area are designated as a scheduled monument.*

*I would therefore advise that an archaeological trial trench evaluation be undertaken on the application area; the total length of trenching should be equal to 4% of the application area with a 1% contingency for further trenching should this be required. This trial trenching to be secured via a condition to be attached to any planning permission that may be issued. Such a condition is to be worded thus:*

*'No development shall commence within the area indicated by application PL/2023/11190 until:*

*a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and*
*b) The approved programme of archaeological work has been carried out in accordance with the approved details.*

*REASON: To enable the recording of any matters of archaeological interest.'*

*The work is to be carried out following the Standard and the Universal Guidance for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.*

*It should be made clear that, in this case, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required."*

Ecology Officer – No objection, subject to Condition

*Information reviewed to inform this response included:*

- *Ecological Appraisal. December 2023. Malford Environmental Consulting;*
- *Proposed Site Plan Rev B. November 2023. Concept Drawing and Design Services;*
- *Small Sites Metric. December 2023. Completed by Ecologist Dr Stephen Dangerfield.*

*We welcome the survey reports provided in support of the application and note that no evidence of protected species or habitats were identified during the site visit. We note the proposals outlined within the ecology report to include the installation of bat and bird boxes on the new buildings, a sensitive lighting scheme and precautionary working methods to support biodiversity.*

*BNG*
*We welcome the submission of the small sites metric completed by the ecologist which demonstrates that the delivery of a 10% net gain via an on-site scheme is deliverable. The proposed onsite gains will be provided within the red line boundary. Adherence to this scheme must be secured by compliance condition.*

*Conditions:*
*1. The development will be carried out in strict accordance with the following documents:*

- *Ecological Appraisal. December 2023. Malford Environmental Consulting;*
- *Proposed Site Plan Rev B. November 2023. Concept Drawing and Design Services;*
- *Small Sites Metric. December 2023. Completed by Ecologist Dr Stephen Dangerfield.*

*REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.*

*2. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.*
*REASON: In the interests of conserving biodiversity.*

*INFORMATIVES:*
*Breeding Birds*
*The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits."*

Wessex Water – No objection, stating:

*"Thank you for your consultation concerning the above. Wessex Water has no objection to the proposal and can advise the following.*

*Water Supply*
*Subject to application Wessex Water will supply the required flows to the proposed 2 dwellings via a connection to the 9" public supply main located in Quemerford.*
*For more information and how to apply please see here: Supply connections (wessexwater.co.uk)*

*Foul Water Disposal*
*Subject to application Wessex Water will accept the foul flows only from the proposed 2 dwellings via a connection to the 150mm public foul sewer located in the road abutting the eastern boundary of the proposed site.*
*For more information and how to apply please see here: Sewer connection (wessexwater.co.uk)*

*Surface Water Drainage*
*Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Land drainage run-off shall not be permitted to discharge to the public sewerage system. Wessex Water will not accept surface water flows into the foul sewer, either directly or indirectly.*

*We note your application states that surface water is to be drained via a sustainable drainage system and so a connection to our network is not required."*

Rights of Way – No objection (with caveat), stating:

*"The first 70 metres or so of the existing access is recorded as a public footpath. It has good forward visibility and adequate width to allow vehicles and pedestrians to pass. It has a tarmac surface. The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take legal advice to ensure they have a right of access. Assuming the applicant has a private vehicular right of access I have no objection subject to the following informatives:*

*PRIVATE VEHICULAR RIGHTS*
*The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take legal advice to ensure they have a right of access.*

*OBSTRUCTION DURING CONSTRUCTION*
*The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way CLAN21 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council."*

**REPRESENTATIONS**

The application was advertised by neighbour letter, in response has generated 12 representations of objection to the application. A summary of the main issues raised is set out below:

- Outside of settlement boundary
- Harm to character and appearance of the area
- Ecological impact – submitted documents are inaccurate
- Lack of local infrastructure (doctors)
- Conflict with the Public Right of Way, and safety issues arising
- Precedent and aim of piecemeal development following previous application / appeal
- No benefit to the local community
- Local sewerage system cannot cope
- Lack of appropriate bin store provision
- Calne Neighbourhood Plan seeks to protect the countryside and landscape setting
- Insufficient car parking space provision
- Large houses do not meet any need
- Inaccuracies on plans
- Lack of implementation of landscaping on adjacent site

Not of direct relevance to the consideration of this application, but points have also been made regarding the delivery of landscaping agreed under previous planning applications.

**ASSESSMENT**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). The Calne Community Neighbourhood Plan made in 2018 is also relevant to this application.

Principle of development

The application site is situated in the open countryside, outside of the Calne settlement boundary. Core Policy 1 of the WCS sets out the settlement strategy for development in Wiltshire. It defines Calne as a 'Market Town' which as such has the potential for significant development to help sustain and enhance its services and facilities and promote better levels of self-containment and viable sustainable communities.

Core Policy 2 sets out the Delivery Strategy for growth for the period 2006 to 2026. This states that within the defined limits of development of Market Towns there is a presumption in favour of sustainable development. The Calne settlement boundary was not revised as part of the neighbourhood plan and the site remains outside of the settlement boundary. This was comprehensively reviewed through the Wiltshire Housing Site Allocations Plan (WHSAP) adopted

in February 2020. As the site is situated outside of the settlement boundary, the presumption in favour of sustainable development set out in CP2 does not apply.

CP2 states that other than circumstances permitted by other policies within the plan, development will not be permitted outside the defined limits of development. 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 dwellings proposed within the open countryside at this location. The limits of development may only be altered through the identification of sites for development through the emerging Local Plan review (see below) or through the neighbourhood plan process.

Also of relevance is Core Policy 8 which deals specifically with development in the Calne community area. This identifies that within the plan period (2006 to 2026) 1,440 new homes should be provided at Calne and 165 homes in the rest of the community area, giving a total of 1,605. The latest Housing Land Supply Statement published in May 2023 (Base date: April 2022) records total completions (2006 – 2022) as 2,065 and deliverable commitments (2022-2026) as 369, thus totalling 2,434. This demonstrates that completions and commitments represent over 50% above the indicative requirement of 1,605 for the Calne Community Area, with an 'Indicative remaining requirement' of minus 829. The increased level of housing delivery in Calne has been consistent for some time and over the last 10 years Calne and Calne Without were amongst the highest housing growth areas in Wiltshire. Consequently, additional dwellings would exacerbate the planned level of supply even further, which may have implications for the plan led spatial strategy.

There is a lot of local concern that housing has been developed without the much-needed infrastructure. The intention of the neighbourhood plan is to empower the communities of the Calne community area to make decisions about where, when and how further development should take place. Whilst the neighbourhood plan recognises the Calne community area has exceeded their indicative housing figures for the plan period, it was recognised pressure for new development is likely to continue and as such, the neighbourhood plan has assessed sites for potential suitability for allocation in the neighbourhood plan. This includes assessment of the application site, amongst other sites identified in the Strategic Housing Land Availability Assessment (SHLAA) and a call for sites. As a result of local input, Policy H1 of the CCNP supports the development of up to 295 dwellings on 'Land North of Lowe Lane' within the plan period up to 2026. This process shows the Calne community area's willingness to accept development through a plan-led process for housing delivery. Increased levels of housing have been delivered over recent years in Calne to make up for a lack of delivery in other areas such as Chippenham and Trowbridge. Calne is one of the smaller market towns in Wiltshire. Too much substantial growth prematurely could undermine the spatial strategy for Wiltshire and there may be issues with inadequate infrastructure. WCS para 5.39 states that: *"future development during the remainder of the plan period should be phased to ensure that infrastructure and employment provision appropriately supports development in the town."*

Policy H4 of the CCNP relates to settlement boundaries and housing sites. The policy echoes WCS Core Policy 2, in that other than in circumstances as permitted by other policies within the WCS, development will not be permitted outside the limits of development. The supporting text to

H4 states that: *"The existing settlement boundary of Calne serves a specific purpose in that it is intended to contain the growth of the town and enable development to take place in a coherent manner, maintaining the structure and form of the existing settlement geography. In addition, the boundary will protect the landscape setting of the town and represent transitional edge between the urban and surrounding rural areas."* The policy allows small windfall developments within the limits of development and in accordance with other criteria. In accordance with WCS Core Policy 2, other than in circumstances as permitted by other policies within the WCS, development will not be permitted outside the limits of development. The CCNP includes a housing allocation which does not relate to the application site.

Accordingly, and as has been identified within many of the received representations, including the Town Council's comments, the proposed development would be located in open countryside, outside any recognised development limits, resulting in the formation of residential development in the countryside. This is contrary to policies CP1, CP2 and CP8 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan 2011 as well as the NPPF. The proposal for new dwellings in this location would not comply with the settlement strategies of the development plan, the Wiltshire Core Strategy as well as saved policies within the North Wiltshire Local Plan 2011 and would conflict with the broad aims of the NPPF. Development should be refused if it does not comply with the development plan, unless there are material considerations or circumstances that would indicate otherwise.

*Location and accessibility*

In terms of location and accessibility, the site is located at the edge of existing built form and the response from the Highways Officer confirms that the site is within walking distance of local bus services. Whilst this site is thus not considered to be isolated or unsustainable from a locational point of view, at over 2km it is not considered to be within reasonable walking distance of the town centre services or employment opportunities.

*The NPPF and housing land supply*

The revised 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. The Council's most recent Housing Land Supply Statement (published May 2023) sets out the number of years' supply against our local housing need – 4.60 years. It is likely that this figure is a little higher than 4.6 years because the NPPF has removed the need to apply a 'buffer' to authorities that 'deliver' housing sites.

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 'flat' balance of benefits against harm arising. This position and approach has been confirmed through recent appeal decisions, e.g. /3329064 (Pound Lane, Semington), /3321812

(Land at Notton, Lacock), /3324436 (Folly Lane, Warminster) and /3326636 (Land off Thompsons Hill, Sherston).

The relevant issues that contribute to the determination of the application will be explored in the sections below, followed by the conclusions on the planning balance.

*Recent appeal decision /3315399*

Of relevance is the very recent appeal decision for residential development on land immediately adjoining (and forming part of) this application site, which is also outside of the settlement boundary.

In their decision which was issued 02/08/23, the Appeal Inspector considered that despite the available services and accessibility and sustainability credentials of the site:

> *"… it remains classed as open countryside and in conflict with the adopted development strategy"* (para.8), and continues on: *"Therefore, the proposed development, for the reasons given, would not provide a suitable location for housing, having regard to the development strategy for the area. The proposal would be contrary to Core Policies 1, 2 and 8 of the Core Strategy. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances"* (para.9).

Moreover, it should be noted that this conclusion was reached during a period which the Council could not demonstrate sufficient supply of housing land and the 'tilted balance' set out at paragraph 11 of the NPPF was engaged.

*Conclusions*

On the basis of all of the above, the application proposal is considered to be contrary to Core Policies 1, 2 and 8 (WCS) and H4 (CCNP) due to its location outside of any settlement boundary. As such, the principle of residential development on this site is unacceptable, with a previous appeal inspector also very recently confirming new residential development in this general location to be inappropriate. Currently the Council can demonstrate a sufficient supply of housing land and paragraph 11(d), which refers to the tilted balance triggered by a lack of sufficient housing land supply, is not engaged. The acceptability of the application proposal thus rests on a 'flat' balance of benefits against harm arising.

<u>Character and appearance</u>

The proposal is for 2no. two-storey detached dwellings on the site, shown to be of stone elevation with quoin detailing under slate roof. The submitted elevation drawing shows the 'estimated height of existing neighbouring properties', with the proposed dwellings have a marginally lower (estimated) ridge-line than those dwellings.

However, the properties will be very much read in the context of the development fronting the A4. This is particularly relevant as the first two dwellings sited to the immediate east of the access road are single storey dwellings. The proposed 2no. dwellings are within reasonably close

proximity of these existing dwellings and will certainly be read visually against that single-storey form from the street – the visual prominence yet set-back nature of these dwellings will present an incongruous appearance in terms of streetscene.

It is notable that the previously approved dwellings adjacent to the site and to the rear of the frontage built form are set behind two-storey properties and as such are considerably much less visible from the streetscene. With parking areas shown to the front of each of the dwellings and only nominal planting proposed on the southern boundaries of the site – and indeed limited space for any meaningful planting – the impact of this two-storey scale of development is considered to be overly-dominant in terms of the prevailing streetscene character. Indeed, the Inspector makes this very point in the previously dismissed appeal, stating:

> *"15. … However, in part due to Nos 281 and 283 being bungalows, this would allow clear views out towards the right hand side of the appeal site where they would appear prominent and incongruous in the rural setting of the Quemerford. Whilst the left hand side would be more hidden by existing vegetation alongside the access track, the lack of visibility from a particular public view does not outweigh the harm I have identified above.*
>
> *16. Whilst it would be seen in the context of the surrounding built form, especially when viewed from the north, the siting of the proposal would result in additional dwellings situated in a backland position. It would still be read as an intrusion into the open countryside due to the undeveloped nature of the appeal site."*

The application is supported by a Landscape and Visual Impact Assessment. On the basis that the application site is not within any designated landscape area, the Landscape Officer has not been formally consulted on this planning application. Importantly in this regard, the Inspector previously reached the above conclusions in the context of Core Policy 57 and the advice set out at Section 12 – each of these relate to appropriate design and are not matters of landscape impact per se, which would be dealt with under Core Policy 51, this is demonstrated through the text at paragraphs 18 and 19 as follows:

> *"18. Consequently, the proposal would harm the character and appearance of the area. The proposal would conflict with Core Policy 57 of the Core Strategy and Policies BE2 and NE2 of the Calne Community Neighbourhood Plan (NP) (made February 2018) which, in combination, seeks to ensure that development enhances local distinctiveness by responding to the value of the natural environment, relating positively to the landscape setting and the settlement pattern of development. Development should also be respectful of the pastoral setting of Calne, including the sensitive rural edges of Calne where both views in and out and linkages are an integral part of the character of these places.*
>
> *19. The proposal would also be contrary to the principles within Chapter 12 of the National Planning Policy Framework (the Framework) (2021), most notably paragraph 130 which states that developments should be sympathetic to local character, including the surrounding built environment and landscape setting."*

The Officer's Report for the previous application sets out the context of the site in terms of:

> *"Quemerford being defined by a predominance of terraced, detached, and semi-detached residential properties which provide for a highly uniform presentation to the public highway in a traditional architectural language and a form of burgage type plot arrangement.*

*Critically, that development forms of the built-up part of Quemerford, with the countryside starting immediately behind the gardens to those properties. Those frontage properties provide for a strong and consistent building line and limited gaps or driveway entrances between each property. This pattern of development prevails with only few exceptions – and those exceptions being in the form of two or three dedicated cul-de-sac type layout, whereby there is very little visual or layout connection between those insertions and the traditional format, ribbon type properties directly fronting the A4. With three individual exceptions to circa 70+ properties directly fronting the road along this stretch of Quemerford, there are no residential properties which have been constructed ad hoc to the rear of existing properties which have their own dedicated frontage and access to the public highway."*

That description and analysis remains the case, and it is considered to remain the case that, despite the reduction in site area from that previously dismissed appeal scheme, the proposed development would result in harm to the character and appearance of the area, and harm which would be long-lasting.

The proposal does not respect the pastoral setting of Calne & Calne Without at this 'sensitive rural edge' where views both in and out and linkages are an integral part of the character of the area. It represents an erosion of the countryside setting to Calne as is specifically warned against within several of the elements to policy NE2 (CCNP) and constitutes an alien pattern of development behind the frontage properties precisely as is warned against within policy BE2 (CCNP).

It remains the case that the proposed development runs against the grain in an aggressive manner and will breach the threshold of built form into the open countryside not only in a manner that in and of itself will erode the transition between town and countryside, but also in a manner that will be impossible to restrain and distinguish from further applications. Such an outcome for new development is hardly the high quality or well-designed development envisaged by Section 12 to the NPPF.

To conclude, having regard to the character of the locality within which the application site contextualised, the proposed development cannot be regarded as being of a high quality or well designed as is required by section 12 to the NPPF. In particular, the proposal would not respond positively to the existing townscape and landscape in terms of building line and streetscape and fails to effectively integrate into its setting, as is required by Core Policy 57. 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 respectively, to the Calne Community Neighbourhood Plan.

Residential amenity

With regard to residential amenity and living conditions, the Inspector previously noted that the proposal would not warrant refusal, concluding that:

*"24. 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. It would be in accordance with Policy CP57 of the Core Strategy DPD which requires development to have 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. It would also be in accordance with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for existing and future users."*

Being a full application, the submitted drawings provide additional detail in terms of the precise spatial arrangement of proposed dwellings, and as such the distances between existing and proposed dwellings.

It remains the case the proposed dwellings would result in a quite intimate relationship with the existing dwellings – not least in terms of the front first floor windows of the proposed dwellings directly looking into the rear gardens of nos. 271 – 275. It also remains the case that the existing residential properties will experience an abrupt and irrevocable change to their outlook and living conditions. At present those existing residents enjoy a relatively tranquil, rural outlook and ambience form their rear gardens.

However, on the basis of the conclusions reached by the Inspector with the previously dismissed proposal, and the separation distances of the front elevations from the rear curtilage boundaries of nos. 271 – 275, it is not considered that any impact would be significant enough to justify a reason for refusal under Core Policy 57.

Highways and Public Rights of Way

Access to the development would be taken from an existing track / Public Right of Way connecting Common Farm and nos.277 – 279 to the A4, but will naturally involve the creation of additional driveways and turning / manoeuvring space.

It is acknowledged that a number of public representations have raised concern regarding the limited width of that existing access track to the A4, often congested with bins and without lighting, which would be further highlighted with the increased trip generations caused by the inclusion of these additional 2no. dwellings.

However, as referenced within the Highway Engineer comments and the previously dismissed appeal Inspector's conclusions, the existence of such a track is sufficient to cater for use for a further 2no. dwellings and would not warrant refusal on the basis of traffic generation or impact.

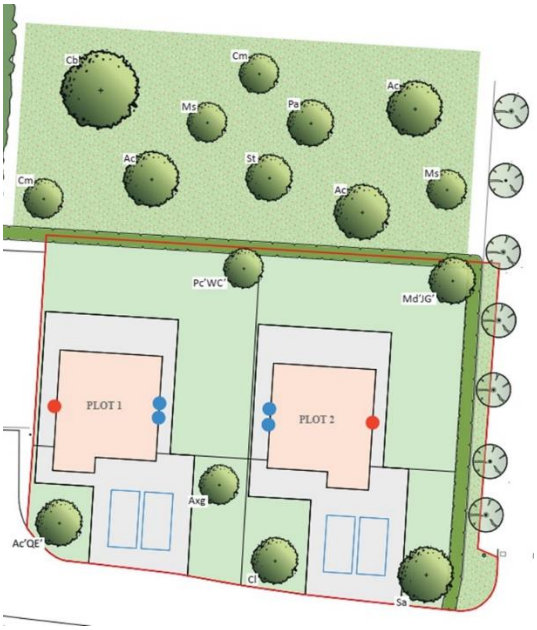
The Rights of Way Officer notes that a private right of vehicular access would be required to access the site with a mechanically propelled vehicle, but with that caveat, concludes that they have no objection to the application.

Overall, the proposal is considered to be acceptable and accord with policies CP60 and CP61 of the WCS and the relevant sections of the NPPF.

Ecology and trees

The application is accompanied by an Ecological Appraisal which fully sets out the identified impacts and associated mitigation measures, including bat roost boxes, bird nesting boxes, new garden hedge and tree planting and wildflower grassland. The Council's Ecology Officer has been consulted on the proposal and has confirmed they have no objections subject to appropriate conditions. It is noted that a number of representations have called into question the accuracy and validity of the Ecological Appraisal; however, there is no particular reason or evidence which would justify formally disputing the specific findings relating to this particular site.

The submitted Landscape and Visual Appraisal document proposes tree planting to the north of the site (a mix of species), as shown on the extract below and which offers an ecological benefit:




Extract from dwg. no. WHL-1747-05

None of the existing trees along the edge of the access track up to Common Farm are proposed to be removed and the Council's Arboricultural Officer has raised no objection with regard to impact on trees.

Archaeology

The Council's Archaeology Officer has raised no objection to this application proposal, subject to appropriate conditions and the application is not considered to give rise to any conflict with Core Policy 58 or Section 16 of the NPPF.

Other matters and material considerations

*Drainage and water supply*

The comments made in representations regarding water pressure are noted. However, these are not directly part of the planning process and Wessex Water has responded with no objection on the basis of the submitted plans. Any further site specific drainage issues would be dealt with through the Building Regulation process.

*Precedent*

Representations regarding this site representing a smaller parcel of the previously dismissed appeal site are noted and these concerns are understood and have some resonance. However, it is an established planning principle that each site / proposal is treated on its own merits and the consideration and determination of this application would not necessarily translate onto any other site.

Nevertheless, it is beholding for Local Planning Authorities to be consistent in their decision making, and in this particular case, it has been very recently held at appeal that this general locality is not appropriate for new residential development. It is therefore appropriate for the determination of this application to have regard to that previous appeal decision under reference PL/2022/05274.

**CONCLUSION**

This report confirms that the proposed development conflicts with a number of Development Plan policies, not least because the application site is beyond settlement limits and in an area classed as countryside and is not, therefore, acceptable in principle when assessed against the relevant Development Plan policies Core Policies 1, 2 and 8.

The Council can currently demonstrate sufficient supply of housing land, this being 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. With the publication of the draft Local Plan [Reg19] in September, and the established position that the Council can currently demonstrate 4.6 years housing land supply. The Council's most recent Housing Land Supply Statement (published May 2023) sets out the number of years' supply against our local housing need – 4.60 years. It is likely that this figure is a little higher than 4.6 years because the NPPF has removed the need to apply a 'buffer' to authorities that 'deliver' housing sites. 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 'flat' balance of benefits against harm arising; this position and approach has been confirmed through recent appeal decisions.

Briefing Note No. 22-091 prepared by the Council in respect of 5YLS is now not considered to be of much less relevance since the Council can demonstrate an NPPF compliant housing land supply.

In terms of benefits, the proposal would provide a limited amount of short-term employment through the construction of the development. There would also be some further modest benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development. There are also some sustainability and ecological benefits arising. The delivery of 2no. market houses is of benefit, but this is not considered to represent a 'significant' benefit given both the housing land supply position set out above, and the over-delivery of housing within the Calne area over recent years. No affordable housing or other infrastructure is being proposed or required by planning policy.

In contrast, and precisely as was concluded in the very recent past by the Inspector considering PL/2022/05274 on the immediately adjoining site, by reason of it being an alien and out of keeping form of development projecting out into the open countryside, the proposal represents a poor form of development and fails the meet the clear requirements of polices CP57 to the Wiltshire Core Strategy as well as policies BE2 and NE2 to the Calne Community Neighbourhood Plan, and section 12 to the NPPF. As such there is a demonstrable, long-lasting and harmful impact on the character and appearance of the area.

Overall, as with the previously dismissed appeal, this proposal conflicts with the development plan as a whole as the proposal would not provide a suitable location for housing and would be contrary to the relevant policies in relation to the development strategy for the area and the character and appearance of the area. This significant and demonstrable harm is not outweighed by the benefits arising and the application is thus recommended for refusal.

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

1. The site is located in the open countryside outside of the limits of development of Calne as defined on the Policies Map and by virtue of its scale and location would conflict with the sustainable development strategy of the plan as expressed in Core Policies 1, 2 and 8 (Community Area Strategy Policy) of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined at paragraph 4.25 of the plan within Core Policies 8 & 44 of the Core Strategy or relate to a site allocated in the development plan for residential use. It would therefore constitute unsustainable development in the countryside.

2. The proposal represents the introduction 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.