LPA'S APPEAL STATEMENT

WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

APPEAL REFERENCE: APP/Y3940/W/24/3340093

LPA REFERENCE: PL/2023/08406

APPEAL PROPOSAL: Long Barn, Lower Stanton St Quintin, Chippenham, SN14 6DB

1. Introduction

1.1 This Statement of Case ('SoC') relates to an appeal made by Mr Gil Schwenk pursuant to Section 78 of the Town and County Planning Act 1990 (as amended). The appeal relates to an application for *'Permission in Principle for the Erection of 2no. Dwellings.'*

1.2 The Decision Notice for the refused application is attached at **Appendix 1** to this SoC. The Officer's Delegated Report prepared at the time of the determination of this planning application is attached at **Appendix 2**. The Officer's Report should be regarded as constituting the Council's statement in respect of this appeal, supplemented by the additional commentary set out in this SoC.

1.3 The application was refused under delegated powers on 13 December 2023 for the following four reasons:

1. *"The proposed development, by reason of its location outside of any defined settlement boundary within the open countryside and not falling within the definition of 'infill' development, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The proposed development is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development and is unacceptable in principle. The harm arising from the proposal is not significantly and demonstrably outweighed by any benefits, including to housing land supply. The application therefore fails to accord with Core Policies 1, 2 and 10 of the Wiltshire Core Strategy (Jan 2015); Saved Policy H4 of the North Wiltshire Local Plan (June 2006); and Sections 2, 4, 5 and 9 of the NPPF (2023).*

2. *The proposal, located remote from a range of services, employment opportunities, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of private motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The site is in the open countryside and is not well served by public transport and as such, the vehicle movements associated with the site are likely to take place via private modes. The proposal is therefore contrary to Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (Jan 2015) and Paragraphs 104, 105 and Section 9 of the NPPF (2023).*

3. *The proposed location of the development on a clearly sensitive, transitional greenfield site at the edge of the settlement, would have an adverse impact on the existing natural, generally open rural character and appearance of the site. The function this site serves as an interface between built and natural form would be irrevocably and demonstrably harmed, this weighing significantly against the proposal. As such, the application conflicts with Core Policy 51, and Core Policy 57, and Sections 12 and 15 of the NPPF (2023).*

4. *The site is identified as being at risk of groundwater flooding. Insufficient information has been provided to confirm acceptability in principle in terms of flood risk and drainage and as such the proposal is contrary to Section 14 of the NPPF (2023)."*

2. Material Changes in Planning Policy

Revised NPPF

2.1 Following determination of the application, but prior to the lodging of this subsequent appeal, in December 2023 the Government published an updated version of the NPPF. Whilst the Appellant's SoC asserts that the Council are unable to demonstrate a 5-year supply of housing (Section 9), it is in fact the case that the revised NPPF 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.

2.2 The revised NPPF, for the purposes of which Wiltshire Council is a 'paragraph 77 authority' (as it has an emerging plan that has reached an advanced stage), advises that the Council is now required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing, rather than five years. 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. As these figures exceed the 4-year threshold, in the context of paragraph 11 of the NPPF the planning balance is now 'level' rather than 'tilted'. This position has been established through recent appeal decisions[1]. With a level balance, full weight must be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy).

2.3 No other specific updates are considered relevant to this appeal proposal.

Wiltshire Design Guide

2.4 Since determination of the application, the Council has now adopted the Wiltshire Design Guide (March 2024)[2]. Whilst not forming part of the adopted development plan, as supplementary planning guidance it does provide some further support to some of the reasons for refusal of this application – this is referenced throughout this SoC where appropriate.

[1] e.g. /3329064 (Pound Lane, Semington), /3321812 (Land at Notton, Lacock), /3324436 (Folly Lane, Warminster) and /3326636 (Land off Thompsons Hill, Sherston)
[2] Wiltshire Design Guide - Wiltshire Council

3. **Points of Clarification**

Draft Neighbourhood Plan

3.1 Reference paragraph 3.3 of the Appellant's SoC, the Examination of the draft Neighbourhood Plan for Stanton St Quintin did commence. However, the 'Note of Interim Findings from the Examiner to the Parish Council and WC' (dated 13/09/2022) concluded that the Basic Conditions Statement was deficient, and the Plan would need some significant re-drafting.

3.2 In any case, no reliance or weight was placed on any draft Neighbourhood Plan policies during the consideration or determination of the application.

4. **Case for the LPA**

Reason for Refusal no.1

4.1 The current status of the relevant development policies, and in particular those relating to housing delivery in the context of the NPPF: Core Policies 1 and 2 (WCS) and Saved Policy H4 (NWLP) is set out above. In particular, the 'presumption' set out at paragraph 11 of the NPPF is not currently engaged.

4.2 Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Lower Stanton St Quintin is defined as a Small Village. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development; beyond these limits is countryside. Because the appeal site lies beyond the limits of development, it is within the countryside.

4.3 Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements, and further states that housing should not be permitted outside the limits except in the few circumstances explained in the policy.

4.4 CP2 allows for 'infilling within the existing built area' to be supported, provided three specific criteria are met. The Officers Report sets out an assessment against these criteria ('Location – Settlement Strategy') and it is not necessary to repeat that in this SoC.

4.5 The Appellant's SoC infers that the site is 'infill' due to the use of the parcel of land to the immediate north of the site as residential garden land relating to Hanbury House. However, the lawful use of that land remains agricultural and the planning history for that site – including the withdrawal of an application for the change of use of that land to residential curtilage (18/01695/FUL, withdrawn 20/04/2018) – is also set out and considered in detail in the Officer's Report.

Reason for Refusal no.2

4.6 The locational and sustainability aspects of the site and proposal are set out in full in the Officer's Report, including reference to both the Highway Officer's comments and objection, and the

previous conclusions of the appeal inspector for the adjacent site.

4.7 It remains the case that a real-world assessment of the situation would lead to the conclusion that the occupiers of the new dwellings would be reliant on the private car to undertake the majority of their regular activities, and this runs contrary to the general aims of sustainable development set out in the locational policies of the Core Strategy set out above.

4.8 The Appellant's SoC in this regard focuses in large part on design considerations and is not considered to trigger the need for any further rebuttal.

Reasons for Refusal no.3

4.9 The site provides a visual link between the village and the landscape setting beyond, with views through the site from the public highway ensuring that the built streetscape does not form a 'blunt' edge to the village. This is demonstrated on the photograph included below:



View from the public highway looking north across the site

4.10 The introduction of dwellings onto this plot, which as noted in the Officer's report, the appeal inspector previously concluded with regard to the adjacent plot ('the very serious adverse impacts'), would erode this transition, resulting in harm to both landscape character and streetscene.

4.11 Comments made within the SoC regarding the design of the proposed dwellings have been treated as indicative only given that the application is for Permission in Principle.

Reason for Refusal no.4

4.12 Whilst the site falls within flood zone 1, it is shown as being at risk of groundwater flooding, with the Strategic Flood Risk Assessment showing the site as having groundwater levels of 'between 0.025m and 0.5m below the ground surface', as per the extract below:



Extract from Strategic Flood Risk Assessment 2019

4.13 No flooding or drainage information was submitted within this Permission in Principle application and, as it is not possible to attach conditions to any Permission in Principle approval, a lack of information was submitted with the application to confirm suitability and appropriateness of the site for the residential development proposed.

5. Conclusion

5.1 This SoC has set out the basis upon which the LPA made the decision to refuse the planning application and has fully justified those reasons for refusal.

5.2 This SoC has set out material considerations which have emerged since the determination of the planning application which would further support a dismissal of this appeal.

5.3 In particular, the application was determined when the 'presumption' set out at paragraph 11 was engaged and it was concluded at that point that the harm arising warranted refusal. With the LPA currently able to demonstrate an appropriate housing land supply of 4 years, paragraph 11 of the NPPF is not now engaged and determination rests on a 'flat' balance of the benefits against the harm arising.

5.4 The Council maintains that the harms arising do not outweigh the benefits and the appeal should be dismissed accordingly.

6. Appendices Enclosed

Appendix 1 Decision Notice PL/2023/08406
Appendix 2 Officer Delegated Report PL/2023/08406

Wiltshire Council

The Town and Country Planning Act 1990 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Refusal of Permission in Principle

Application Reference Number: PL/2023/08406

Decision Date: 13 December 2023

Applicant:	Mr Gil Schwenk The Long Barn, Lower Stanton St. Quintin, Chippenham, SN14 6DB
Particulars of Development:	Permission in Principle for the Erection of 2no. Dwellings
At:	The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB

In pursuance of their powers under the above Act, the Council hereby REFUSE Permission in Principle for the development referred to in the above application and plan submitted by you, for the following reason(s):

Refusal Reason(s): (4)

1 The proposed development, by reason of its location outside of any defined settlement boundary within the open countryside and not falling within the definition of 'infill' development, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The proposed development is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development and is unacceptable in principle. The harm arising from the proposal is not significantly and demonstrably outweighed by any benefits, including to housing land supply. The application therefore fails to accord with Core Policies 1, 2 and 10 of the Wiltshire Core Strategy (Jan 2015); Saved Policy H4 of the North Wiltshire Local Plan (June 2006); and Sections 2, 4, 5 and 9 of the NPPF (2023).

2 The proposal, located remote from a range of services, employment opportunities, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of private motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The site is in the open countryside and is not well served by public transport and as such, the vehicle movements associated with the site are likely to take place via private modes. The proposal is therefore contrary to Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (Jan 2015) and Paragraphs 104, 105 and Section 9 of the NPPF (2023).

3 The proposed location of the development on a clearly sensitive, transitional greenfield site at the edge of the settlement, would have an adverse impact on the existing natural, generally open rural character and appearance of the site. The function this site serves as an interface

between built and natural form would be irrevocably and demonstrably harmed, this weighing significantly against the proposal. As such, the application conflicts with Core Policy 51, and Core Policy 57, and Sections 12 and 15 of the NPPF (2023).

4 The site is identified as being at risk of groundwater flooding. Insufficient information has been provided to confirm acceptability in principle in terms of flood risk and drainage and as such the proposal is contrary to Section 14 of the NPPF (2023).

Parvis Khansari - **Corporate Director, Place**

1. **Appeals**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: http://www.planningportal.gov.uk/planning/appeals.

Appeals must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk.

DELEGATED REPORT

Application Reference:	PL/2023/08406
Application Type:	Permission in Principle

Site Address:	The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB
Proposal:	Permission in Principle for the Erection of 2no. Dwellings
Recommendation:	Planning Permission be REFUSED

PROPOSAL

This application seeks Permission in Principle (PiP) for the erection of 2no. dwellings on a site of approximately 0.2ha located at the eastern edge of Lower Stanton St. Quintin, which is identified as a 'Small Village' in the Wiltshire Core Strategy (Adopted January 2015).

The indicative Site Plan shows 2no. detached dwellings set to the west of the existing log cabin on the site, which is shown as being retained. Separate garage buildings are shown for each of the dwellings and access is taken via the existing access to the site from the rural road which spurs off Seagry Road to run south-east away from the village.

In the first instance, a decision on whether to grant permission in principle to a site must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. The scope of a PiP application is limited to consideration of issues of: (i) location; (ii) land use; and (iii) amount of development. Issues relevant to these 'in principle' matters should be considered at this permission in principle stage; other matters are left to be considered at the technical details consent stage.

SITE DESCRIPTION

The site is located at the eastern edge of Lower Stanton St. Quintin, to the immediate north of the residential property of The Long Barn and is thus bound to the south by that property and its associated curtilage land. To the north the site is bound by a field, beyond which is the residential properties of Brook Cottage and Hanbury House; to the east is open agricultural land and to the west are the residential properties fronting the residential cul-de-sac of The Forge. The site is currently formed of low level orchard trees and a timber log-cabin, also of low level. It is relatively flat and on a level with The Long Barn but sits noticeably higher than those dwellings further west.

The Long Barn forms part of an historic farmstead which is based around the residential property of Glebe Farm House, a Grade II listed property which is located to the immediate south of The Long

Barn, together forming a traditional courtyard. Access to Glebe Farm House is taken adjacent to the access for this application site.

It is noted that the site appears to be subject to a range of archaeological interest; this is considered in subsequent Sections of this report. The site is not subject to any specific landscape or environmental constraints, is located in flood zone 1 and is not crossed by, or adjacent to, any Public Rights of Way.

POLICIES

Wiltshire Core Strategy ('WCS', Jan.2015)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 10: Spatial Strategy for the Chippenham Community Area
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

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

Although the draft Neighbourhood Plan for Stanton St. Quintin has commenced Examination following consultation carried out in June / July 2022, that Examination has not concluded and the plan has not been 'made' and thus carries only limited weight.

National Planning Policy Framework (NPPF) (September 2023)
Section 2: Achieving sustainable development
Section 4: Decision taking
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

ISSUES

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

- Location
- Land Use
- Amount of Development

PLANNING HISTORY

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

- 18/08160/FUL: Construction of timber cabin for mixed use as training/dayroom and tourist accommodation and change of use of land to camping/glamping site with formation of 3 x tent/yurt bases thereon (in association with existing training/tourist facilities). Retention of timber storage shed – Approved – 16/11/2018
- 15/03049/FUL: Erection of Horticultural Shed. Access Road and Parking for a Pick Your Own Apple and Vegetable Farm – Withdrawn – unspecified

The adjacent barn, with overlapping site areas at the access, has been subject to the following applications previously:

- PL/2023/08462: Subdivision of existing dwelling to 4no. separate – Awaiting determination at time of writing
- 15/07057/FUL: Change of Use of Part of Dwelling to Mixed Use Comprising Tourist Accommodation and Training Facility with Associated Works – Approved – 11/09/2015
- N/09/02100/FUL: Change of Use of Agricultural Land to Residential Curtilage – Approved – 13/01/2010

Although the site area for planning application N/09/02100/FUL includes the site the subject of this application, the 'change of use' related specifically to the area immediately adjacent to the Long Barn.

CONSULTATIONS

Stanton St Quintin Parish Council – Object, stating:

> *"The Stanton St Quintin Parish Council has strong objections to this application. This is outside of the development boundary, is overdevelopment of the site and contrary to the draft Neighbourhood Plan for Stanton St Quintin. There would be serious highways and environmental issues with increased traffic coming out on a blind bend and the Parish Council agrees with the comments made by Wiltshire Council Highways. The design is out of keeping with the environment. The Parish Council would query whether the existing sewerage system could cope with the additional development."*

Highways Officer – Objection, stating:

> *In principle the location of the proposed dwellings will be outside of any development boundary and therefore I raise a sustainable transport objection.*
>
> *The highway refusal reason relates to the principle of development where all journeys are reliant on private car trips contrary for all visits to the proposal site. This is contrary to core policies within the Wiltshire core strategy and the emerging climate strategy for Wiltshire which aims to reduce carbon emissions and has a stated goal of becoming carbon neutral by 2030. This proposal would see an increase in vehicular movements in a rural setting and an increase in carbon emissions. There is no/limited bus service within easy walking distance of the proposal site. Therefore, most journeys to the proposal site will have to be undertaken via private car contrary to local and national policies favouring sustainable transport.*
>
> *The site is in the open countryside and is not well served by public transport. As such, the vehicle movements associated with the site are likely to take place via private modes. This is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. Therefore, the proposal is not considered to be a sustainable form of development and is contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy 2015 and Section 9, paragraph 110 of the National Planning Policy Framework 2021.*
>
> *Planning policy would dictate if this were considered infill development."*

Archaeology Officer – No objection, stating:

> *"Despite the modern landscaping which is likely to have occurred around the long barn, there is sufficient archaeological potential that, were this a full application, I would advise a programme of programme of archaeological monitoring secured via condition."*

REPRESENTATIONS

6no. representations have been received, all in objection raising the following points:

- Site is outside of the Development Plan boundary
- Remote from local services
- Not well served by public transport and resulting high reliance on private vehicles
- Highway safety and impact
- Change to character of land and form of the village
- Impact on character of adjacent listed building

ASSESSMENT

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF, applications for planning permission must be determined 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). There is no 'made' Neighbourhood Plan and the draft carries very limited weight at this stage in the process (with the Examination not having been concluded); the NPPF is a material consideration.

The scope of assessment for the first stage of a PiP application is limited to 'in principle' considerations of **location**, **land-use** and the **amount of proposed development** only. In the event of approval in principle, the second stage, known as the 'technical details consent' stage, involves the submission of the detailed development proposals. The technical details stage involves assessment of all of the usual range of considerations that relate to full planning applications, for example design, appearance, layout, access, parking, landscaping, ecology and heritage impacts. The granting of a PiP application does not guarantee the acceptability of the proposals at the technical details consent stage.

Planning conditions cannot be imposed on the grant of PiP however conditions can be applied in the usual way at the technical details consent stage. Any PiP approved for residential development must be expressed indicating the minimum and maximum net number of dwellings which are, in principle, permitted. For a valid PiP application only a plan to identify the land to which the application relates is required; this application is supported by indicative plans, elevations and site plan, as well as a Planning Statement.

<u>Location – Settlement Strategy</u>

The main in principle issue is whether the proposed development would constitute a suitable location for new residential development. This is to be considered having regard to the settlement strategy set out in the Wiltshire Core Strategy (WCS), and the accessibility of the site in terms of services and facilities.

The Settlement Strategy and Delivery Strategy for the district are set out in Core Policy 1 and Core Policy 2 of the WCS respectively. Taken together these policies seek to direct new residential development to the existing urban areas and defined settlements to meet the general aims of promoting sustainable development and the protection of the countryside. The settlement hierarchy set out in the WCS is Principal Settlements, followed by Market Towns, Local Service Centres and then Large Villages – each of these sizes of settlement have designated settlement boundaries.

However, being designated as a 'Small Village' within the WCS, Stanton St Quintin does not have a defined settlement boundary and the site is thus not located within any defined limits of development. [Representations made regarding the settlement boundary included within the draft Neighbourhood Plan are noted, but not considered to hold any weight at this stage given the status of that emerging Neighbourhood Plan, as set out above.]

With regard to sites outside of the defined limits of development, Core Policy 2 states that: *"At the Small Villages, development will be limited to infill within the existing built area."* The sub-text to Core Policy 2 defines 'infill' as: *"…the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling."* Core Policy 2 goes on to state that

that proposals for development at the Small Villages will be supported: *"… where they seek to meet housing needs of settlement provided that the development:*

i. respect the existing character and form of development
ii. does not elongate the village or impose development in sensitive landscape area; and
iii. *does not consolidate an existing sporadic loose knit areas of development related to the settlement."*

Whilst the proposal is adjacent to the residential curtilage of The Long Barn to its south, the parcel of agricultural land to the north remains undeveloped and open. The width of that field is a not insignificant 28m or so before meeting the rear curtilage boundaries of Brook Cottage and Hanbury House.

The planning history on that land is considered relevant to this application. Firstly, it is noted that a previous application to extend the residential curtilage of the latter of those a small distance into this agricultural land (application ref. no. 18/01695/FUL) was met with a degree of local resistance, that application having been withdrawn prior to determination. Prior to that, an application for the erection of 1no. dwelling on a part of that site to the rear of Hanbury House was refused (16/10177/OUT), and then subsequently dismissed at appeal[1]. In that case, the Appeal Inspector considered the principle of development on the site, as well as the character of the site, and concluded that despite a degree of domesticity, that site has:

> "…*a greater affinity with the open land to the east rather than having the characteristic of an infill plot."*

The Appeal Decision goes on to explain that, whilst the site on which Hanbury House is now located was correctly considered to be an 'infill' plot, development on that particular site would:

> *"… extend the built up area into the open countryside. Consequently it would fail to respect the character and form of the settlement, a key requirement of Policy CP2."*

That Appeal Decision goes on to conclude that:

> *"… the very serious adverse impacts of the proposal on the character and appearance of the area in addition to the conflict with Core Policy 2 would significantly and demonstrably outweigh the benefits, including the provisions of the Framework and specifically paragraph 47. Accordingly the development would not amount to sustainable development. This is a decisive and compelling reason in addition to non-compliance with Core Policy 2 on which to dismiss this appeal. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant"* (paras. 8 and 10).

It is acknowledged that, although being adjacent, the two sites have somewhat different characteristics and that in any case each application should be treated on its own merits. It is also noted that, since that appeal decision planning permission has been granted for the log cabin on the northern part of the site (with associated change of use of land to camping/glamping site, under application ref. no. 18/08160/FUL). However, that low level built form of relatively indiscreet rural

[1] Appeal Decision APP/Y3940/W/17/3166769, Appeal Decision dated 02/05/2017

character on the application site does not change the overall character and openness of this site. Similarly, the subsequent planning permission for camping / glamping is not considered to materially change the general character or openness of the land and, given the very close spatial relationship between that appeal site and this current site, those previous conclusions made by the Appeal Inspector – which, importantly, do not pre-date the adopted WCS or the lack of 5-year housing land supply – are considered to remain applicable to this site and application.

For this reason, the application is not considered to meet the definition of 'infill' in terms of Core Policy 2 and it would conflict with the settlement and delivery strategy of the Development Plan and is therefore considered to be unacceptable in principle.

The location of the proposal would also conflict with Saved Policy H4 'Residential Development in the Open Countryside' of the NWLP, which is relevant given the location of the site outside any settlement boundary. Policy H4 provides two circumstances under which new residential development in such locations would be acceptable, namely: (i) if it is related to essential needs; or (ii) if it is for the replacement of an existing dwelling. This application meets neither of these two criteria and thus conflicts with this Policy. Saved Policy H4 does not fully align with the provisions of the NPPF, nor Core Policies 1 and 2, which are more up to date and are therefore afforded greater weight.

5-year supply of deliverable sites

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing land supply. Currently the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. The NPPF makes it clear that where this cannot be demonstrated, relevant polices for the supply of housing (which in this case would include Core Policies 1, 2 and 10 of the WCS) are considered to be out-of-date, and the 'tilted balance' described at Paragraph 11 of the Framework should be applied.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking process, this means (11c) approving development proposals that accord with up-to-date development plans without delay; or (11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
(i) the application of policies in this Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed (including footnote 7); or
(ii) 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.

The current housing land supply shortfall in Wiltshire means that the tilted balance of the presumption in favour of sustainable development enshrined in paragraph 11 of the NPPF is engaged. To help restore the supply shortfall, the Council's latest published 5 Year Housing Land Supply and Housing Delivery Test Briefing Note explains that the Council will:

"(iii) 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."

There would be a benefit of the additional housing in the context of a lack of 5-year supply so paragraph 11(d) of the NPPF is applicable.

The balancing of benefits against harm, in the context of paragraph 11 of the NPPF, is set out in the following section of this report. At this juncture it is relevant to note however, that the conclusions of the Appeal Inspector for the adjacent site referenced above (PL/10166/OUT) were in the context of a lack of 5-year housing supply at that time, with the Appeal Decision confirming that: *"… following further submissions by the Council as part of this appeal, there does not appear to be any disagreement between the parties that the Council cannot now demonstrate a five years' supply of deliverable housing sites and paragraphs 14 and 49 of the Framework are therefore not engaged"* (paragraph 6).

Location – Access to services and facilities

The nearest defined settlements to the site are: Stanton St Quintin (some 1.5km to the south-west), Upper Seagry (some 2.8km to the east); the village is equidistant between the Principal Urban Area of Chippenham (some 6km to the south and on the opposite side of the M4 motorway) and the Market Town of Malmesbury to the north. Being located adjacent to the main A429 and some 1.2km north of the M4 motorway, Stanton St Quintin is physically distant and separated from these other settlements. Thus, whilst not 'isolated' in the technical sense, it is not considered to be particularly well related to these other settlements, such that it would be unrealistic to anticipate that residents would travel to these by means of transport other than private car.

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

> *There is no/limited bus service within easy walking distance of the proposal site. Therefore, most journeys to the proposal site will have to be undertaken via private car contrary to local and national policies favouring sustainable transport. The site is in the open countryside and is not well served by public transport. As such, the vehicle movements associated with the site are likely to take place via private modes.*

This conclusion aligns with the conclusions reached by the Appeal Inspector for the previously referenced appeal decision, that:

> *"Whilst the Council has expressed the view that the appeal site is poorly served by public transport, no evidence has been put forward to demonstrate that the village is poorly served. On the contrary, I observed during my site visit that regular bus services are available to both Chippenham and Malmesbury. However, this is insufficient justification for reducing the weight that should be given to Core Policy 2 and releasing the appeal site for residential development. To do so would allow residential development in the countryside without the quantified need for it and would be in direct conflict with the core planning principle of paragraph 17 of the Framework that planning should be genuinely plan led"* (para. 9).

Lower Stanton St Quintin itself lacks basic facilities and services for day to day living, such as local shops and schools. The nearest primary school in Stanton St Quintin is a significant walk away across the A429 and there is no post office, village hall, pub or any other facilities of any kind that would be walkable within a short distance to the site; although there is a roadside service station (with Budgens and Costa) located on the A429, some 400m from the site. A real-world assessment of the situation would lead to the conclusion that the occupiers of the new dwellings would be reliant on the private car to undertake the majority of their regular activities.

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

Location – Landscape Character and Heritage

The scope of this Permission in Principle application is restricted to the extent that detailed design and layout of the proposal cannot be considered at this stage. In principle, site specific locational factors to consider are the fact that the site is currently a parcel of generally open land which presents the appearance as being more closely related to the countryside than the urban built form.

Whilst not specifically protected by any landscape or ecological designation, the site is considered to contribute to the natural landscape character of the area, providing a link between the built form of the village and the rural landscape beyond. National policy clearly directs new development towards previously developed and brownfield sites recognising the wildlife, and other, functions of undeveloped land (paragraph 120).

The conclusions of the previous appeal Inspector on the adjacent site have been noted above, but to re-iterate in terms of landscape impact, their conclusion was that development on that site would:

> *"… extend the built up area into the open countryside. Consequently it would fail to respect the character and form of the settlement, a key requirement of Policy CP2,"*

with the result that:

> *"… the very serious adverse impacts of the proposal on the character and appearance of the area in addition to the conflict with Core Policy 2 would significantly and demonstrably outweigh the benefits, including the provisions of the Framework and specifically paragraph 47. Accordingly the development would not amount to sustainable development."*

This 'very serious adverse' impact on local character is a major policy obstacle. Core Policy 51 requires development not to have a harmful impact on landscape character, including:
"ii. The locally distinctive character of settlements and their landscape settings.
iii. The separate identity of settlements and the transition between man-made and natural

landscapes at the urban fringe'.

Core Policy 57 requires proposals to: 'create a strong sense of place through drawing on the local context and being complementary to the locality'. Part i of the policy requires development to relate positively to its landscape setting and the existing pattern of development topography, while part vi seeks the efficient use of land that takes account of the site's characteristics and local context 'to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area'. At the national level, paragraph 130c of the NPPF requires development to be sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph 174b also requires planning decisions to recognise the intrinsic character and beauty of the countryside.

The proposal is also close to the listed building of Glebe Farmhouse (Grade II), of which The Long Barn forms an intimate part in terms of historic context. The accesses to the two sites are taken at the same point from the highway and there is clearly a close relationship between the sites. As such, the site is considered to be part of the surroundings in which this designated heritage asset is experienced. The farmstead centred around Glebe Farmhouse is recorded on the Historic Environment Record (HER) as follows:

> *"Glebe Farm, Stanton St. Quintin. Partially extant 17th century farmstead of regular courtyard plan. The farm buildings are dispersed across multiple yards. The farmhouse is detached with side on to the yard. Located within or in association to a village. There has been a partial loss (less than 50%) of traditional buildings."*

Initial analysis of the site revealed it as being of archaeological interest (as per the extract below, and as recorded on the HER as 'Earthworks typical of the medieval period' (HER: ST98SW454). However, the Archaeology Officer has confirmed that this could be satisfactorily dealt with by way of appropriate Condition and as such this would not warrant a justifiable reason for refusal at this Permission in Principle stage.

Whilst no information has been submitted in relation to heritage impacts at this stage, it is on balance considered that heritage impact per se would not be a justifiable reason for refusal at this 'in principle' stage. That is not to conclude that development on this site would necessarily result in 'no harm' to the setting of the designated and non-designated heritage assets[2], just that it is not possible to conclude that an appropriate design and mitigation could not potentially overcome any such impacts In this respect, the contribution that the settings make to the significance of the heritage assets would be compromised by the proposal. Whilst it is unlikely that the imposition of Conditions would overcome any harm which may arise, it is considered that, on balance, a reason for refusal at this 'in principle' stage based on heritage impact could not be substantiated.

In summary, whilst the heritage concerns raised are not considered to amount to sufficient justification for a refusal of this permission in principle application, the proposed location of the development on a greenfield site at this clearly sensitive site at the edge of the settlement, would

[2] Indeed, it could be reasonably assumed that the comings and goings from the intended future residents of the proposal, in close proximity to these heritage assets, would considerably reduce the spacious semi-rural aesthetic in this location.

have an adverse impact on the existing natural, generally open rural character and appearance of the site and locality, and the function this site serves as an interface between built and natural form would be irrevocably harmed, this weighing significantly against the proposal.

Location – Drainage

Although the site falls within flood zone 1, it is shown to be at risk of groundwater flooding, with the Strategic Flood Risk Assessment showing the site as having groundwater levels of 'between 0.025m and 0.5m below the ground surface'.

The latest update of the NPPF (September 2023) confirms that the plan-led form of development should,

> *"… manage flood risk from all sources"* (para.160) and that: *"All plans should apply a sequential, risk-based approach to the location development – taking into account all sources of flood risk and the current and future impacts of climate change."*

Paragraph 162 then explains that:

> *"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."*

Footnote 55 of the NPPF explains that for sites within flood zone 1, a site specific flood risk assessment should be provided for (inter alia): *"… land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use."* This recent update to the NPPF post-dates Core Policy 67, but the increased importance of flooding and drainage in the planning decision making process has been made clear through recent appeal decisions[3] as well as the Wathen-Fayed High Court ruling.[4] Accordingly, insufficient information has been provided to confirm acceptability in principle in terms of flood risk and drainage.

Land Use

The NPPF outlines the Government's objective to significantly boost the supply of homes. WCS Core Policies 1 and 2 are the Local Plan's overarching policies in respect of establishing suitable locations for sustainable new development. The parameters of these policies are quite clear in setting out in spatial terms where new housing is considered to be sustainably located and thus acceptable. The arguments regarding the acceptability of the principle of new housing on this site are set out above.

Amount of Development

[3] For example, APP/D1265/W/23/3316590 [13/10/2023]

[4] Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities, 20 January 2023

The proposal for 2no. dwellings, shown in an indicative layout on the submitted Site Plan. The amount of development itself is not considered to give rise to any specific impacts on the amenities of occupants of neighbouring properties. Accepting that this layout is indicative, as shown, to the north the dwellings would overlook the paddock field, with Hanbury House and Brook Cottage being some 40m distant; to the south the front projection element of the dwellings, would be some 20m from The Long Barn.

THE PLANNING BALANCE AND CONCLUSION

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

In terms of considering how much weight to apply to the housing policies of the WCS, the extent of the lack of five-year housing supply has been considered. The higher the shortfall, the greater the need for additional unplanned housing sites to meet this need. As such, whilst there is a need to identify additional sites for housing, these should be in sustainable locations with an identified need.

A consideration of the potential benefits and adverse effects associated with the principle of this development is set out below:

Benefits

The proposal would provide a very modest contribution of housing towards addressing the modest county-wide shortfall. There would be some employment and economic benefits associated with the construction phase although given it is for only 2no. dwellings, the weight to be attached to this benefit would be limited and temporary.

There would also be some benefits for the local area regarding increased economic expenditure from new residents however, with no facilities available within the Lower Stanton St Quintin itself (other than the service station), this expenditure would be outside of the settlement and thus of no real benefit to the immediate local community. The delivery of 2no. dwellings in this location is therefore considered to give rise to limited social and economic benefit.

Adverse Effects

The site is within a Small Village with no defined settlement boundary and generally poor access to local services and facilities. The proposed housing would be in a location contrary to the development plan's housing delivery policies. In a plan-led system there is significant harm in granting consent for new housing in a location contrary to the development plan's housing delivery policies, which directs housing to suitable and sustainable locations. As such the proposal does not represent sustainable development in the context of the WCS and would be contrary to Core Policies 1, 2, 10, 60 and 61, as well as Saved Policy H4. Substantial weight is attached to these conflicts.

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

There are impacts arising in terms of landscape and character impact. The proposal would introduce a contrasting pattern of development within this rural area which would alter the visual appearance and prevailing semi-rural character of the site and area and would result in harm to the landscape and edge of settlement character. In the appeal on the adjacent site, which as considered above relates very closely to this site in terms of its character and contribution to overall landscape aesthetic, the appeal inspector concluded that these were 'very serious adverse impacts' which as such would 'significantly and demonstrably outweigh the benefits' and as such the proposal would not amount to sustainable development. Those conclusions are considered to hold equally applicably to this site.

Whilst any impacts on the setting of the designated and non-designated heritage assets have not been considered or quantified to any extent at this stage, they are not on balance considered to amount to a justifiable reason for refusal of this application.

Planning Balance

Overall, the provision of 2no. dwellings would make a limited contribution towards the supply of housing in an area with an under supply and there would also be a limited amount of social and economic benefits arising from the construction phase and future spending of occupants. However, given the scale of proposed development these benefits are afforded limited weight.

It is accepted that the Council is currently unable to demonstrate a five year supply of housing sites and therefore paragraph 11(d) has been engaged in this assessment. There are no relevant protected areas or assets that provide a clear reason for refusing the principle of the development proposed. However, when assessed against the policies in the NPPF taken as a whole, and its overarching objectives of sustainable development, the conflict arising with the spatial policies of the Wiltshire Core Strategy – specifically Core Policies 1, 2 and 10, coupled with the adverse impacts arising from this proposal, would significantly and demonstrably outweigh the benefits. These adverse impacts relate to landscape character on this sensitive site at the edge of the settlement, as well as unquantified flood risk and drainage impacts which taken together, constitute reasons as to why this Permission in Principle application should not be approved. Whilst these impacts might be offset to some extent by the public benefit arising from the provision of 2no. dwellings, this is not considered to outweigh the likely harm arising.

The Council's settlement strategy set out in the Core Strategy clearly directs applicants to the locations that it has assessed as being sustainable and suitable for new development in order to conserve countryside, protect undeveloped green spaces and reduce reliance on the private car for the majority of journeys. In conclusion, the principle of development, having regard to location, land use and amount proposed, is not considered acceptable and the application is recommended to be refused.

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

1. The proposed development, by reason of its location outside of any defined settlement boundary within the open countryside and not falling within the definition of 'infill' development, would be contrary to the settlement, delivery and community area strategies of the Wiltshire Core Strategy. The proposed development is deemed to be unsustainable as it would conflict with the Council's plan-led approach to sustainable development and is unacceptable in principle. The harm arising from the proposal is not significantly and demonstrably outweighed by any benefits, including to housing land supply. The application therefore fails to accord with Core Policies 1, 2 and 10 of the Wiltshire Core Strategy (Jan 2015); Saved Policy H4 of the North Wiltshire Local Plan (June 2006); and Sections 2, 4, 5 and 9 of the NPPF (2023).

2. The proposal, located remote from a range of services, employment opportunities, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of private motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The site is in the open countryside and is not well served by public transport and as such, the vehicle movements associated with the site are likely to take place via private modes. The proposal is therefore contrary to Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (Jan 2015) and Paragraphs 104, 105 and Section 9 of the NPPF (2023).

3. The proposed location of the development on a clearly sensitive, transitional greenfield site at the edge of the settlement, would have an adverse impact on the existing natural, generally open rural character and appearance of the site. The function this site serves as an interface between built and natural form would be irrevocably and demonstrably harmed, this weighing significantly against the proposal. As such, the application conflicts with Core Policy 51, and Core Policy 57, and Sections 12 and 15 of the NPPF (2023).

4. The site is identified as being at risk of groundwater flooding. Insufficient information has been provided to confirm acceptability in principle in terms of flood risk and drainage and as such the proposal is contrary to Section 14 of the NPPF (2023).