The Planning Inspectorate

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Your Ref:
Our Ref: APP/Y3940/W/23/3334572

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

12 June 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mrs Brenda Morelli
Site Address: Land off Stanton Lane, Kington St Michael, Wiltshire, SN14 6JQ

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

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

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

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

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

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

Yours faithfully,

Jasmine Rogers
Jasmine Rogers

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The Planning Inspectorate

Appeal Decision

Site visit made on 29 May 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/Y3940/W/23/3334572
Land off Stanton Lane, Kington St Michael, Wiltshire SN14 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant Permission in Principle.
- The appeal is made by Mrs Brenda Morelli against the decision of Wiltshire Council.
- The application Ref is PL/2023/08833.
- The development proposed is the erection of 9 No houses.

Decision

1. The appeal is dismissed.

Preliminary Matters

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

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

4. My attention is drawn to the Wiltshire Local Plan Review and the emerging Kington St Michael Neighbourhood Plan, however given the early stage of these plans, I attribute policies therein limited weight.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, in respect of development plan policies for the location of new housing and the character and appearance of the area.

Reasons

Location

6. The appeal site is adjoining, but located beyond the defined settlement boundary at Kington St Michael and is therefore in an area of open countryside for planning policy purposes. Core Policy 1 of the Wiltshire Core Strategy adopted January 2015 (WCS) sets out the settlement strategy for the distribution of new development within the district. It identifies the principal

settlements as the focus for development, followed by market towns, local service centres and large and small villages. Core Policy 2 of the WCS outlines that other than in circumstances as permitted by other policies within the WCS, development will not be permitted outside the limits of development, as defined on the policies map.

7. Core Policy 10 of the WCS requires that development in the Chippenham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1. Saved Policy H4 of the North Wiltshire Local Plan 2011 (NWLP) sets out that new dwellings in the countryside outside the framework boundaries, as defined on the proposals map, will be permitted provided where specific criteria are met, neither of which apply to the appeal proposal.

8. I therefore conclude that the proposal for market housing outside the settlement boundary would be contrary to Core Policies 1, 2 and 10 of the WCS and Policy H4 of the NWLP and would therefore not be in a suitable location having regard to the development strategy. Even if I were to attribute less weight to Policy H4 of the NWLP, given it is not entirely consistent with the National Planning Policy Framework (the Framework) the proposal would nevertheless conflict with the development plan as a whole on this main issue.

Character and appearance

9. The appeal site forms part of a larger parcel of agricultural land on the edge of the settlement of Kington St Michael. The surrounding area comprises a patchwork of fields enclosed by hedgerows, and areas of woodland, which form part of the undulating open countryside beyond the main built-up part of the settlement, far-reaching views of which are apparent from the field access gate. Despite the presence of residential development on the opposite side of Stanton Lane, by virtue of the undeveloped and verdant nature of the site, which fronts a narrow lane devoid of a footpath and streetlights, it contributes positively to the rural character of the settlement fringe. Even if the existing boundary hedge to the frontage of the site were to be reduced as part of the field margin management, as suggested by the appellant, this would not diminish the rural character of the site.

10. The PPG sets out that the amount of development must be expressed as a range, indicating the minimum and maximum net number of dwellings[1]. However, the application form indicates that permission in principle is sought for 9 dwellings.

11. I acknowledge that the proposed development would respect the linear settlement pattern and that the dwellings could be designed to reflect the traditional housing form elsewhere within the village. However, it is nevertheless important that new development is sympathetic to the site context and specifically in this case the edge of village location. Development on the periphery of the built form comprises a cul-de-sac of chalet bungalows set in spacious plots and low-profile single storey dwellings with wide frontages that adjoin the side boundary of the site.

12. Consequently, notwithstanding the relatively low density in overall terms, development of the amount proposed would be at odds with the prevailing character of the nearby residential development. It would therefore fail to

[1] Paragraph: 016 Reference ID: 58-016-20180615

reflect the rural character and appearance of this part of the edge of the village. Whilst the Framework seeks to ensure that developments make optimal use of the potential of each site, and encourages the effective use of land, it also sets out that decisions should safeguard and improve the environment.

13. While the details of layout, scale and design of the development are not before me, the proposal would nonetheless extend the developed area of the settlement, beyond the extent of the existing built-up form, into the open countryside, in a form that would diverge from the surrounding context. Consequently, the proposed development would appear as an incongruous and visually prominent feature which would fail to respect the landscape character of the locality and the intrinsic character and appearance of the area.

14. The provision of landscaping could go some way to soften the effects of the development, as could the use of appropriate boundary treatments, however, this would not overcome the harm I have identified.

15. For the foregoing reasons, by virtue of the location, proposed land use, and the amount of development, the proposal would harm the character and appearance of the area. In that regard it would conflict with Core Policy 51 of the WCS which requires development to protect and conserve the locally distinctive character of settlements and their landscape settings and the transition between man-made and natural landscapes at the urban fringe and Core Policy 57 of the WCS which seeks high quality design, and development which among other things, enhances local distinctiveness by responding to the value of the natural environment, relating positively to its landscape setting and making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.

16. It would also fail to accord with policies in the Framework that require development to be sympathetic to local character, including the surrounding built environment and landscape setting, and to recognise the intrinsic character and beauty of the countryside.

Other Matters

17. The proposal would offer benefits in terms of housing supply and would reflect the aims of the Framework that seek to significantly boost the supply of homes. The site is also within a convenient distance of local facilities and services within Kington St Michael, which would be accessible by means other than the private car. There would be economic benefits during the construction phase of the development and new housing would help to maintain the village's vitality by supporting its services and facilities. This weighs considerably in favour of the proposal.

18. The Council can demonstrate 4.6 years supply of housing land. My attention is drawn by the appellant to a recent appeal decision in the district[2] whereby the Inspector found that the housing land supply shortage is persistent and is expected to continue for some time, subject to the progress of the Wilshire Local Plan Review. However, even if it was the case that the Council, despite its circumstances in plan making, is required to identify a 5 year supply of housing

[2] Appeal Ref: APP/Y3940/W/22/3309170

land, and so the policies which are most important for determining the appeal are out-of-date, paragraph 11 d) of the Framework fell to be considered, overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

19. I have had regard to the Wiltshire Local Plan Pre-Submission Review (Regulation 19 version September 2023) which identifies a residual housing growth requirement of 34 dwellings in Kington St Michael for 2020 - 2038. Reference has been made to heritage constraints in other parts of the village, including the Conservation Area and listed buildings, that may be an obstacle to new residential development elsewhere. I note that there are also constraints such as the flood zone and areas of priority habitat. However, there is no substantive evidence to demonstrate that alternative sites, including land beyond the development boundary, which would not give rise to the harm to the character and appearance of the area I have found with the appeal scheme, could not meet the housing needs of the village within the relevant timeframe.

20. My attention is drawn to the Council's Briefing Note: Housing Land Supply No.20-20 (June 2020) which sets out its approach to favourably consider applications for development on sites outside the defined settlement boundaries, where there may be the opportunity to improve housing supply. Indeed, this approach was endorsed by the Council in the appeal at Land off the B4069 East of Barrow Farm[3] where it agreed that it would be necessary to support the development of unallocated greenfield sites outside of settlement boundaries to meet housing needs. Nevertheless, the briefing note stipulates that cases where adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused.

21. I note that there have been many representations about various other matters but, as I am dismissing the appeal, no adverse impacts in those regards would arise from my decision.

Conclusion

22. The proposal would extend the built form of the settlement into an area of open countryside, which, for the reasons set out, would conflict with the settlement strategy, and would harm the character and appearance of the area. The proposal would therefore fail to accord with the development plan as a whole. Material considerations, including the policies of the Framework, have not been shown to justify granting planning permission contrary to development plan policies.

23. For the foregoing reasons the appeal is dismissed.

E Worley

INSPECTOR

[3] Appeal Ref: APP/Y3940/W/22/3309170