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Planning Appeals
Wiltshire Council
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Your Ref: PL/2023/08406
Our Ref: APP/Y3940/W/24/3340093

03 September 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Gil Schwenk
Site Address: Longbarn, Lower Stanton St. Quintin, CHIPPENHAM, SN14 6DB

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.

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

Yours sincerely,

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The Planning Inspectorate

Appeal Decision

Site visit made on 14 August 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/Y3940/W/24/3340093
Longbarn, Lower Stanton St. Quintin, Chippenham, Wiltshire SN14 6DB

- 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 Mr Gil Schwenk against the decision of Wiltshire Council.
- The application Ref is PL/2023/08406.
- The development proposed is Permission in Principle for the erection of 2no. Dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

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

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

4. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.

5. Both parties make reference to the draft Neighbourhood Plan for Stanton St Quintin. However, the Council has not referred to it in any refusal reason or in its reasoning and has made it clear that '*no reliance or weight was placed on any draft Neighbourhood Plan policies during the consideration or determination of the application*.' As such, I will not take this document into account in my considerations.

Main Issue

6. 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.

Reasons

Location and accessibility

7. The appeal site consists of a parcel of land next to the domestic curtilage of Long Barn, a substantial detached dwelling, originally part of a farmstead based around Glebe Farm House, a Grade II listed property which is located to the immediate south. The site is located within the settlement of Lower Stanton St Quintin.

8. Lower Stanton St Quintin is defined by the Wiltshire Core Strategy (2015) (CS) as a small village. Lower Stanton St Quintin has no settlement boundary and therefore for the purposes of planning policy, in accordance with CS core policy C1, the site is located within the open countryside.

9. CS Policies 1 and 2 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. Saved policy H4 of the North Wiltshire Local Plan 2001 (LP) sets out circumstances where new dwellings in the open countryside would be permissible, none of which apply in this case.

10. CS Policy 1 states that at small villages, development will be limited to that which meets the housing needs of the settlement. CS Policy 2 further states that development is limited to infill within the existing built area.

11. Paragraph 4.29 of the CS clarifies that '*infill is defined as the filing of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'*.

12. To the north of the appeal site is a parcel of open land. Notwithstanding the use and character of the land, the separation gap between the built form of Long Barn and the neighbouring properties to the north facing Avil's Lane, including this parcel of land and the appeal site, is substantial. It is not therefore a small gap. Based on the submitted site plan, a number of dwellings could be provided within the gap.

13. This gap consists of the open appeal site, an orchard, and an open parcel of land immediately to the rear of Brook Cottage. I observed that this neighbouring parcel appears partly domestic, with a seating structure visible, however the planning history outlined by the Council set out that its lawful use is agricultural, and the planning history of this site[1], refusing development and domestication of the site, reaffirms its open, undeveloped character.

14. The development free appeal site, sitting next to this parcel of land, contributes to the edge of settlement, transitionary character of the surroundings, which I find to be more closely related to the countryside to the east than the built environment to the west. The log cabin located adjacent to the appeal site is a small, single storey inconspicuous structure which does not domesticate the

[1] 18/01695/FUL & 16/10177/OUT

wider a site. The appeal site has the feeling of being more closely related to adjoining open space and countryside than the existing built up area.

15. The appeal site is not therefore within the built up area of Lower Stanton St Quintin and the proposal would not represent infill.

16. CS Policy 1 also sets out that small villages have a low level of services and facilities, and few employment opportunities. Whilst not isolated from other existing dwellings, the appeal site is remote from shops, services, employment and facilities required for day-to-day living given the notable absence of these from Lower Stanton St Quintin. There is a petrol station on the A429 which provides a limited shop, however this alone would not meet the day to day requirements of residents.

17. The nearest defined settlements with some (albeit again, limited) services and facilities are Stanton St Quintin and Upper Seagry, however, given the narrow unlit nature of the rural lanes connecting these with Lower Stanton St Quintin and the distances involved, this would not provide safe or convenient walking or cycling access to facilities or services.

18. The nearest bus stops to the site are again located on the A429, which provides an irregular service to Chippenham, Swindon and Malmesbury. Whilst offering some choice of means of travel to future occupiers, and opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the bus service is not so convenient that the site can be described as well-connected.

19. A nearby approved residential scheme is referenced by the appellant[2], however limited details are provided of this scheme which prevents direct comparison in respect to nearby services and facilities and policy requirements.

20. Accordingly, the intended future occupiers of the new dwelling would be likely to have a high reliance on a private motor vehicle to access day to day services. Once in their cars there would be a high probability that occupiers of the new dwelling would be likely to go further afield where there are a greater range of services and facilities. Consequently, the support that would be given by occupiers of the new dwelling to maintaining the vitality of the community would be unlikely to be discernible.

21. Therefore, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged.

22. I conclude therefore that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the Framework. It would also not be located in an accessible location and would be dependent on car travel. The proposal would conflict with CP Policies 1, 2, 10, 60 and 61, in addition to LP Policy H4 in this regard.

[2] Application reference 17/05625

Character and appearance

23. As set out above, the appeal site sits in a large undeveloped gap between Long Barn and Brook Cottage and Hanbury House, which face Avil's Lane, which, whilst sited on a private access, I find to be more closely related to the countryside to the east than the built environment to the west.

24. The development would result in a development similar to adjacent cul-de sacs, and appropriate plot sizes and high quality detailing and design can be secured at TDC stage. However, the appeal proposal would result in a significant development, visible from a number of neighbouring properties in addition to the site frontage, irrevocably altering the existing open character of the site and extending built form into this undeveloped parcel, harming its existing open, rural character. The development would visibly extend the built form of the settlement into the countryside.

25. I conclude therefore that the proposal would harm the character and appearance of the area. The proposal would conflict with CP Policies 51 and 57, which, in accordance with the Framework, require development to preserve and respond positively to the locally distinctive character of settlements and landscape.

Flooding

26. The appeal site falls within flood zone 1, however, a Strategic Flood Risk Assessment (2019) shows it as being at risk of groundwater flooding, with groundwater levels of 'between 0.025m and 0.5m below the ground surface'. As such, footnote 59 of the Framework states that a site-specific flood risk assessment is necessary.

27. Whilst limited details of the appeal decision[3] referenced by the Council is provided, the high court ruling referenced[4] is an example of the increased importance of flooding and drainage in the planning decision making process.

28. No site-specific flood risk assessment has bene submitted. However, paragraph 173a) of the Framework requires that it be demonstrated that, within the site, the most vulnerable development is located in areas of lowest flood risk. Whilst indicative plans are submitted, no details of siting are secured at permission in principle stage, and this could be considered at TDC stage.

29. In relation to the other requirements of this paragraph to (b) be appropriately flood resistant and resilient (c) incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate; (d) safely manage any residual risk; and (e) include safe access and escape routes where appropriate, as part of an agreed emergency plan, these could also be assessed and secured at the TDC stage, prior to the granting of planning permission.

30. There is therefore no conflict with the requirements of the Framework in this respect, at this stage.

[3] APP/D1265/W/23/3316590
[4] Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities, 20 January 2023

Other Matters

31. The appeal site is located nearby Glebe House, which is a Grade II listed building. Glebe House was originally a farmhouse originating in the late 16th or early 17th century. The significance of the property is derived from its special architectural and historic interest and level of survival. The listing description notes that it is an interesting example of early vernacular architecture, built in stone rubble, painted to the front, with part pitched clay tiled roofs.

32. Long Barn was part of the historic farm buildings of Glebe House and forms part of the historic context of the site. However, the appeal site sits apart from the barn, behind the access to the parking area, and is a similar distance from Glebe House as the nearest more modern dwelling on The Forge.

33. As such, I am satisfied that it is possible that sensitively designed dwellings with appropriate landscaping in this location would have little impact on the setting and architectural qualities of the listed building and would not harm how the heritage asset is experienced and appreciated.

34. Accordingly, I find that its significance would be preserved, in accordance with Section 66(1) of the Listed Buildings and Conservation Areas Act 1990.

35. The Council refer to a non-designated heritage asset, and whilst this is not identified, it is assumed that this is Long Barn. The Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

36. The significance of the building lies with its visual and historic association with Glebe House, as well as its identifiable remaining barn appearance and character. The setting of Long Barn is currently mostly open, befitting its original agricultural use, although this has been impacted by the significant extension to this building, and the domestication of its immediate surroundings.

37. Again, the appeal site would sit a similar distance from Long Barn as the dwellings on The Forge, and away from Glebe House. The development's effect on the setting of Long Barn would therefore not cause harm to the appreciation of its architectural interest or connection to Glebe House. As such, I am satisfied the scheme by reason of its location would not be detrimental to Long Barn's significance.

38. The appellant has not disputed the Council's claim that it is able to demonstrate more than a four-year supply of deliverable housing sites, which, for a period of two years from the revised Framework's publication, is the relevant requirement having an emerging local plan at Regulation 19 stage. With no evidence to the contrary, I am satisfied that paragraph 11.d) of the Framework is not engaged.

39. The proposal would however result in 2 additional windfall units of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would result in short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the units. However, given the quantum of development in this case, I give these matters limited weight in favour of the scheme.

40. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the location of the proposed development would be in conflict with the spatial strategy of the development plan, would be reliant on the car and would harm the character and appearance of the surroundings. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

41. For the reasons given above I conclude that the appeal is dismissed.

B Phillips

INSPECTOR