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Your Ref: PL/2023/04815
Our Ref: APP/Y3940/W/24/3340609

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

30 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr & Mrs Bailey
Site Address: Land at Kington Lane, Stanton St Quintin, Chippenham, Wiltshire, SN14 6DF

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

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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 18 September 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/Y3940/W/24/3340609
Land at Kington Lane, Stanton St Quintin, Chippenham SN14 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Bailey against the decision of Wiltshire Council.
- The application Ref is PL/2023/04815.
- The development proposed is the construction of 12 dwellings, including 5 affordable housing units, and associated infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved for future consideration save for access. I have determined the appeal on this basis.

3. An illustrative plan accompanies the application and I have paid regard to this information in so far as assessing the principle of development in land use terms.

4. The appellants have submitted a planning obligation in the form of a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 securing financial contributions towards waste and recycling containers; secondary school places and youth and adult open space and 5 affordable dwellings. I have addressed this in my reasoning below.

Main Issues

5. The main issues are:

   - Whether the site is an appropriate location for new housing having regard to local and national planning policies;
   - The effect of the proposed development upon the character and appearance of the area; and
   - The effect upon biodiversity.

Reasons

Appropriate location

6. The appeal site is located on the southern edge of Stanton St Quintin defined within the Wiltshire Core Strategy (2015) (CS) as a small village. CS Core Policy 1 sets out the settlement strategy for the area and states that small villages are expected to deliver limited housing to that needed to help meet local housing needs and improve employment opportunities, services and facilities. Core Policy 2 outlines the delivery strategy and states that development will be delivered in a sustainable pattern that prioritises the release of employment land and the re-use of previously developed land and to limit the need for development on Greenfield sites. In small villages development will only be permitted within the existing built area and subject to a number of design criteria.

7. Stanton St Quintin does not form part of the 'settlement strategy' and 'delivery strategy' set out at CS Core Policies 1 and 2 and whilst the village does not have a settlement boundary it is evident that the site lies beyond the built area of the village and forms part of the surrounding countryside.

8. The village has some services and facilities including a nursery and primary school and hotel, which are close to the site accessible by existing footpaths. There is also a parish hall and convenience store and petrol filling station located to the north east, however, accessing these facilities involves travelling along a country road that is devoid of footpaths and streetlighting. In my view walking to and from them would be impractical and undesirable particularly so during the hours of darkness and inclement weather and thus walking is unlikely to be an attractive option for most residents.

9. Taking into account the limited range of services within Stanton St Quintin and that some are not accessible by walking future residents would be reliant upon principal settlements and market towns for the weekly shop, larger order goods, health, employment, higher education and entertainment. Future residents would likely rely on private vehicles to access these services and facilities.

10. That said, there are bus stops located within a short walking distance of the site accessible via existing footpaths that provide hourly services to larger towns including Malmesbury and Chippenham 6 days a week.

11. I am not aware of what information was before the previous Inspector, in consideration of appeal APP/Y3940/W/22/3299845, in this regard but based on the evidence before me the reasonably frequent bus service to Malmesbury and Chippenham would likely provide an alternative transport option to facilities and services further afield reducing the reliance on private vehicles to some extent. I am also mindful that the National Planning Policy Framework (the Framework) sets out that transport solutions will vary between urban and rural areas.

12. The appellants assert that saved Policy H4 of the North Wiltshire Local Plan (2006) (LP) is out of date given its restrictive approach to residential development and is inconsistent with the Framework. Paragraph 225 of the Framework sets out that existing policies should not be considered out of

date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

13. Whilst saved LP Policy H4 takes a more restrictive approach to housing development in the countryside I find that it is still broadly consistent with the Framework in that it recognises the intrinsic character and beauty of the countryside.

14. As such, whilst I have found that the site would not be unacceptable in terms of its accessibility to services and facilities it lies within open countryside and outside the built area of Stanton St Quintin. Therefore, it would not be an appropriate location for new housing having regard to the development strategy for the area contrary to LP Policy H4, CS Core Policies CP1, CP2 and CP10 which, amongst other things, seek to direct new development to appropriate locations and encourage sustainable patterns of development.

Character and appearance

15. The site comprises a paddock with an established copse of trees in the southern corner and hedgerow extending along the road frontage. The site lies within a rural landscape with open fields to the south and east. To the north of the site is Court Gardens, a residential cul-de-sac consisting of predominately detached bungalows in relatively generous plots. Despite the audible and visual presence of the M4 motorway the site is read as an open paddock on the edge of a rural village. Whilst not subject of local or national designation the site and its undeveloped nature positively contribute to the verdant and rural character of the immediate area and acts as a buffer between the built form of the village and the motorway.

16. I acknowledge that matters relating to scale, layout, appearance and landscaping are reserved for future consideration, however, the introduction of built form through up to 12 new dwellings and associated infrastructure and the resultant urbanisation of the site would significantly erode the site's open and green appearance. The loss of the paddock would unacceptably diminish the contribution it makes to the rural character and appearance of the area through this urbanisation.

17. Whilst I note the presence of Court Gardens to the north the number of dwellings proposed, and the cumulative impact of the built form and associated infrastructure would still give rise to the perception of an intensively developed and urban form of development. This would be at odds with the prevailing pattern and character of development neighbouring the site.

18. Whilst soft landscaping is proposed it would take some time for it to become established. Moreover, there is no certainty that it would mitigate the impact of the built form and the harm that I have identified.

19. The appellants contend that CS Core Policy 51 is not consistent with the Framework drawing my attention to a recent appeal decision[1] in the area. Whilst the policy is not fully consistent with the Framework, I still afford it

[1] APP/Y3940/W/22/3312268

moderate weight as it requires proposals to be sensitive in terms of design and landscaping.

20. As such, the proposed development would adversely affect the character and appearance of the area contrary to parts ii and iii of CS Core Policy 51 and parts i, ii, iii and vi of CS Core Policy 57 which, amongst other things, require developments to have regard to the distinctive character of settlements and their landscape setting; the transition between man-made and natural landscapes at the urban fringe; respond to the value of the natural environment and relate effectively to the immediate setting and wider character of the area.

21. It would also be contrary to paragraphs 96, 131, 135, 136, 137 and 139 of the Framework which, amongst other things, aim to achieve healthy, inclusive safe places and beautiful buildings; the creation of high quality, beautiful and sustainable buildings and places that will function well and add to the overall quality of the area and that are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Biodiversity

22. The site largely comprises grassland, scrub and woodland which the appellant's baseline survey indicates has limited ecological value. The submitted information including the Biodiversity Net Gain Pre-Development Assessment indicates that a net gain for biodiversity of 2% can be achieved through off-site provision.

23. Based on the evidence before me I am satisfied that a robust baseline has been established and I am sufficiently content that a measurable net gain in biodiversity would be achievable

24. As such, the proposed development accords with CS Core Policy 50 and paragraph 180 of the Framework which, amongst other things, seek to minimise and provide net gains for biodiversity.

Other Matters

25. Notwithstanding the appellant's comments there is no substantive evidence to suggest that the village primary school is under threat or that its long-term future is dependent on the proposed development. As such, I give this aspect of the appellant's argument limited weight in coming to my decision.

26. The appellants have drawn my attention to paragraph 89 of the Framework. It is evident that this relates to business and community uses in rural areas and not residential development. As such, I have given this negligible weight in coming to my decision.

27. Every planning application and appeal must be considered on its own merits, as I have done. Thus, it is not an inevitable conclusion that dismissing this appeal would sterilise development within Stanton St Quintin.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

29. On account of the emerging local plan having reached Regulation 19 stage, including both a policies map and site allocations, the Council is required to demonstrate a 4-year housing land supply as set out in paragraphs 77 and 226 of the Framework. The Council advise that they can demonstrate a housing land supply in the region of 4.60 years.

30. Whilst the planning application subject of this appeal pre-dates the latest version of the Framework there is nothing before me to indicate that paragraphs 77 and 226 only apply to applications post publication or that any transitional arrangements exist. The appellant has referred me to footnote 79 of the Framework, however, this refers to transitional arrangements in respect of paragraph 76 and is thus not applicable in this particular case.

31. Consequently, as the Council can demonstrate a 4-year supply of deliverable housing land paragraph 11(d of the Framework is not engaged.

32. I acknowledge that the deliverable housing land figure is not an upper limit, and the proposed development would make a modest contribution to housing supply locally. However, given the local planning authority are meeting its responsibilities in terms of overall housing supply I afford this moderate weight in the overall balance.

33. The appellants have drawn my attention to the need for affordable housing in part stemming from under delivery in the Chippenham Housing Market Area resulting in a waiting list of over 5 years. This has not been disputed by the Council and on this basis the delivery of affordable dwellings attracts substantial weight in favour of the development.

34. Whilst the proposal is intended to deliver five self-build plots no executed planning obligation to secure the plots as self-build has been provided. Therefore, there is no certainty that the proposed development would deliver self-build and custom housebuilding plots. As such, this matter carries negligible weight in the overall balance.

35. The construction of 12 houses would provide jobs, albeit this would be largely limited to the construction phase. New residents would support local services and facilities through increased expenditure. The net gain in biodiversity would also be a benefit. However, these benefits would be moderate in the overall balance.

36. The planning obligations would contribute towards supporting or improving local education infrastructure. However, the obligations would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.

37. On the other hand, I have found that the proposed development would not be an appropriate location for new housing having regard to the development strategy for the area and that it would adversely affect the

character and appearance of the area. Even taking into account the objective to significantly boost the supply of housing, the conflict between the proposal and the most relevant policies in the CS should be given very significant weight in this appeal.

38. In the context of the above I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal. Consequently, the presumption in favour of sustainable development therefore does not apply in this case.

39. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm. The appeal is therefore dismissed.

Conclusion

40. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR