The Planning Inspectorate

3C Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5356
Customer Services:
0303 444 5000

Email: west2@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref: PL/2023/07590
Our Ref: APP/Y3940/W/24/3339371

18 November 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr F Tieman
Site Address: Woodlands, 20 Smallbrook Lane, WARMINSTER, BA12 9HP

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.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

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:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

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

Yours sincerely,

Sarah Hardy
Sarah Hardy

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 29 October 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/Y3940/W/24/3339371
Woodlands, 20 Smallbrook Lane, Warminster, Wiltshire BA12 9HP

- 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 F Tieman against the decision of Wiltshire Council.
- The application Ref is PL/2023/07590.
- The development proposed is the erection of a dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is for outline planning permission with all matters reserved for future approval except for access. As a result, I have treated any details relating to layout, scale, appearance and landscaping submitted with the application, including on the plans, as indicative only.

Main Issue

3. The main issue is the effect of the proposal on the safety of users of Smallbrook Lane and Boreham Road.

Reasons

4. The appeal site is accessed via Smallbrook Lane, a single-width road which serves several dwellings including the property known as Woodlands, located immediately adjacent to the site. Between 18 Smallbrook Lane (No.18) and Woodlands, hedgerows and mature trees define the boundary between the lane and fields beyond. Combined with narrow grassy verges to both sides of the carriageway, these landscape features enclose this stretch of the lane and limit the locations where pedestrians could move to a safe position should a vehicle be approaching.

5. The lane terminates for vehicles alongside the appeal site where it becomes a Public Right of Way (PRoW). Whilst a snapshot in time, several people were using the lane and PRoW for walking, with and without a dog, and jogging during my site visit. Whilst these may be residents or locals, and their visitors, who may be familiar with the conditions of the lane, this is not guaranteed. Moreover, an awareness of the conditions of the lane does not negate the need to ensure development does not harm the safety of the users of the lane.

6. Whilst the number of additional daily vehicle trips anticipated from the proposal is low and the width of the lane limits traffic speeds, nevertheless any increase would also lead to a heightened potential for conflict between

pedestrians and vehicles. Even if there have been no recorded accidents along the lane, nonetheless, additional traffic movements would be detrimental to the safety of other users. This is particularly the case within the section between No.18 and Woodlands where refuge places are lacking.

7. Similarly, the absence of formal or informal bays in this part of the lane also restricts vehicles from passing without driving on the verge or reversing to where verges are not present. Such manoeuvres could also be hazardous to pedestrians. Consequently, whilst this would not lead to severe residual cumulative impacts on the road network, the impact on highway safety would, nevertheless, be unacceptable and contrary to the principles set out in the National Planning Policy Framework (the Framework).

8. Irrespective of any conclusion on the turning space provided for vehicles on the site or the fact that vehicles already use the lane to access Woodlands, these are not reasons to permit unacceptable development. Even if I were to conclude that the access on to the appeal site from the lane is acceptable, this would not weigh in favour of the appeal scheme.

9. I have been referred to an appeal[1] for another proposal along the lane which was dismissed as the Inspector concluded the safety of users of the junction between Smallbrook Lane and Boreham Road would have been unacceptably reduced. The evidence before me, however, indicates that alterations have been made to this junction since this decision, including a reduction in the speed limit along the main road and the introduction of formal on-street parking spaces. Whilst vehicles parked in the on-street bays during my site visit does partially restrict visibility when leaving the lane, this was to a small degree which did not prevent drivers from making a safe exit. As such, the proposal would not harm the safety of users of Boreham Road.

10. Despite this, I conclude that the proposal would harm the safety of users of Smallbrook Lane and is contrary to policies 60 and 61 of the Wiltshire Core Strategy. In combination, these policies support and encourage the sustainable, safe and efficient movement of people within Wiltshire by ensuring development is capable of being served by safe access to the highway network, amongst other provisions.

Other Matters

11. The proposal would provide social and economic benefits from the construction and occupation of an additional dwelling, which supports the Framework's objective of significantly boosting the supply of housing. Whilst small-scale sites can have a meaningful impact in contributing towards this objective, nevertheless, the benefits from a net gain of one dwelling would be limited. No details of any environmental benefits which could be derived from the appeal scheme have been provided as part of the outline planning application. Therefore, no weight is attributed to this aspect, with limited weight given to the social and economic benefits of the appeal scheme.

12. Although the Council is unable to demonstrate a five-year supply of deliverable housing sites, the status of the emerging Local Plan[2] means that a minimum of four, rather than five, years' worth of housing supply is required by the Framework. The evidence before me indicates that the current position is

[1] APP/F3925/A/02/1088646
[2] Regulation 19

approximately 4.6 years. This is not disputed by the appellant and I have no reason to disagree. Any contribution to the supply of housing would be minimal and the presumption is favour of sustainable development does not apply.

13. The appeal site is located within the catchment of the River Avon Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017. The Council have indicated that sufficient information has now been provided by the appellant as part of the appeal to satisfy their concerns regarding the proposal's impact on the SAC. Nonetheless, if the circumstances leading to the grant of planning permission had been present, it would have been my duty, as the competent authority, to consider if the proposal would be likely to have a significant adverse effect on the integrity of the SAC. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider this matter further.

Conclusion

14. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, which indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR