Wiltshire Council

29 November 2024

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The Planning Inspectorate
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Dear Sir/Madam,

Appeal Reference: APP/Y3940/W/24/3352933

Application Number: PL/2023/10502

Site Address: Land West of Stonewold House, Alderton Lane, Grittleton, Wiltshire, SN14 6AN

Please accept this letter along with the attached decision notice (**Appendix One**) and officer's report (**Appendix Two**) as the LPA's appeal statement.

The attached case officer's report adequately addresses the planning merits and application of policy to the case. However, it is considered necessary to address some of the points raised in the appellant's grounds of appeal. It is also necessary to provide an update in relation to the Council's land supply position which has changed since the decision was issued.

RfR 1 Principle of Development

In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict development to locations within the Limits of Development defined for towns and villages. Grittleton is a small village with no settlement boundary. Core Policy 2 states that at Small Villages, development will be limited to infill within the existing built area.

The delegated report includes a thorough assessment of the site context and concludes that the proposal is not considered to be infill in accordance with the Criteria of CP2. The report further assesses the specific location in terms of accessibility to services and facilities concluding that it would not result in a sustainable pattern of development.

The RfR is clear that the proposal does not meet the criteria of CP2 to be considered infill development. Para 4.34 of the WCS is clear that in-fill is the filling of a small gap within the village, the policy refers to infill being within the existing built area.

The appeal site in this case lies adjacent to a row of six dwellings along the western side of Alderton Road (outlined in red below). These are the only properties on the western side of Alderton Road. The core of Grittleton village extends eastward along The Street. The two new dwellings would be erected on land at the end of a row of houses with woodland immediately to the south and a field immediately to the west.



The appeal site is considered to be separate to the built-up area of the village and is open to the countryside on two sides. For these reasons, the proposal could not reasonably be described as infill development within a built up area, even when taking into account that there are properties to the opposite side of the road. The development would be viewed as an extension of the line of houses into the countryside. Albeit at the end of the row, following the pattern of development, the result of increasing the amount of development to this side of the road is to consolidate development at the settlement edge and within an exposed position within the National Landscape. The proposal does not comply with the criteria of CP2 relating to development at small villages.

CP2 (ii)& (iii) In response to the appellants suggestion that there is confusion around the meaning of 'consolidate' and 'elongate' the LPA provides the following clarification.

On certain simple reading of the two words this may seem a contradiction however it is also necessary to understand the use of the words in policy terms and to read the words in the context they are used in the delegated report. Specifically, that "…*the proposed site would elongate the built form along Alderton Road"* (i.e. be seen as an extension to the line of houses) and that "*the result of increasing the amount of development to this side of the road is to consolidate development"*, which is an area of development considered to be separate from the core of the village.

This understanding of the definition of 'elongate' in policy terms is expressed by the Inspector in recent appeal decision relating to Land south of White House Cottage, Callow Hill, Brinkworth, Wiltshire, SN15 5DZ attached at **Appendix Three** (APP/Y3940/W/24/3342226) in which the Inspector explains at para. 19 that the Callow Hill proposal could not be seen as elongating the village *"….due to existing buildings either side*" . In contrast, this appeal site does not have existing buildings to either side. The development elongates the row of dwellings at the edge of the village.

The LPA does not disagree that word 'consolidate' can mean to '*bring together'* . It does however also commonly mean '*to strengthen'* or '*add to'* which is the use here. There would be more development to the west of Alderton Road as is explained in the delegated report.

It is also relevant to note that the inspector also found that the Callow Hill development would consolidate existing sporadic loose knit area of development related to the settlement, despite there being a large amount of buildings surrounding the site suggesting 'loose knit' should not only taken to mean one or two isolated buildings. To assist the Inspector, the location plan and aerial image extract below shows the context of the Callow Hill appeal. The Inspector concluded that this was not infill development under CP2.



Location Plan and Aerial image of appeal site 'Land south of White House Cottage, Callow Hill, Brinkworth, Wiltshire, SN15 5DZ – appeal reference APP/Y3940/W/24/3342226

The appellant has referred to two examples of infill proposals which the LPA has approved. These are assessed below –

PL/2021/03253 Land to the south of Lion and Fiddle, Trowbridge Road, Hilperton, Trowbridge, BA14 7QQ

This application does not involve a comparable proposal. Hilperton is defined within the WCS as a 'Large Village' with a Settlement Boundary (shown in black line below). In this case the proposed development was sited almost entirely within the defined limits of development (the Settlement Boundary). The proposal was in accordance with CP2 for development in Large Villages.



PL/2022/09068 – Woodpeckers, Berhills Lane, Seend, Melksham, SN12 6RR

The application was approved following a committee resolution to grant planning permission. The officer recommendation was for Refusal, the first reason being that it would conflict with CP2. This site was not considered to be infill development in a Small Village. The committee minutes (**Appendix Four**) confirm that the committee were informed that the application was not policy compliant but could be approved if members considered material circumstances would outweigh

this. The application was approved on this basis contrary to the officer recommendation.

Criteria (i) The appellant asserts in para. 6.2 of their statement that by finding that the heritage harm is not unacceptable (i.e. does not warrant refusal), it must follow that the development respects the existing character and form of the settlement. This is a misunderstanding of the heritage assessment set out in the delegated report and the provision of the NPPF (para. 208) which states that harm to designated heritage assets should be weighed against public benefits. To establish a level of harm, which is then considered to be outweighed under the terms of the NPPF, which is a material consideration, does not equate to there being no harm in the first place.

The LPA maintains that there is harm to the character and appearance of the area, this includes the Conservation Area and the edge of the settlement within the CNL failing to comply with CP2 (i). These matters are further reflected in the LPA's RfR 2 which addresses the LPA's specific policies relating to Design, Place Shaping and Landscape (CP51 & 57).

RfR 2 Character and appearance including landscape

The character and appearance including landscape impacts are covered in detail in the attached report. The LPA acknowledges that the dwellings could be well designed to broadly align with the closest properties in terms of layout, scale and design. This does not however mitigate the impact of the development resulting from the loss of visual openness and encroachment into the countryside in a sensitive and prominent location at the edge of the settlement.

On the matter of designated landscape harm it is important to note that the CNL Management Plan identifies that the distinctive Cotswold vernacular settlements form part of the 'special qualities' of the CNL. It follows that harmful development at the edge on one such settlement would impact the contribution of this settlement to the distinctiveness and value of the National Landscape.

Five year land supply and the status of the development plan

It is necessary to set out the Council's current position in respect of lands supply which has changed since the decision was issued.

Paragraph 77 of the National Planning Policy Framework (NPPF) requires local planning authorities to be able to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (these provisions state that where the council has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This concession applies until December 2025). As Wiltshire meets the provisions of paragraph 226 it is required to demonstrate a 4-year housing land supply under the NPPF criteria.

As the Council's adopted strategic policies in the Wiltshire Core Strategy (WCS) became 5 years old on 20 January 2020, the housing requirement used in the housing land supply calculation is the Local Housing Need (established using the standard methodology set out in the Planning Practice Guidance). The housing requirement in the calculation should also include a 20% buffer if the Council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement.

In July 2024 the Council contested an appeal for a proposal for residential development at Land off Storridge Road, Westbury. As part of the inquiry, the NPPF requirements on the housing land supply position was challenged. In the appeal decision (issued 31 August 2024) the Inspector considered that only a 3.85 years supply could be demonstrated. The Council have accepted the Inspector's findings. As a result, the Council have accepted that the requisite 4-year housing land supply cannot be demonstrated. The current position to be used in decision-taking is 3.85 years supply. At this time, housing supply shortfall vs 4 year requirement is still considered to be modest.

Paragraph 11 (d) of the NPPF states that where a four-year (where applicable) housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The Inspector is first invited to assess the LPA's second RfR2 which includes harm to the distinctiveness of the Cotswold National Landscape (formerly AONB) and the provisions of Chapter 15 of the NPPF (a footnote 7 policy). This policy of the Framework is intended to protect valued landscapes and affords great weight to their conservation (para. 180 & 182). If the Inspector agrees with the LPA conclusion that the conflict with the aims of Chapter 15 forms a clear reason for refusal the tilted balance would be disengaged.
However, should the Inspector find that the harm does not provide a clear reason for refusal on these grounds then the presumption in favour of sustainable development must be applied. Without prejudice to the LPA's defence of RfR 2, the balancing exercise has been carried out below.

The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications and appeals. The weight to be attributed to such policies is a matter of judgment for the decision-taker. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise.

In light of the acknowledged shortfall in housing land supply Council accepts that the weight afforded to conflict with housing related policies will be reduced. However, given the modest housing supply shortfall and operation of the Council's action plan which seeks to address the shortfall, it is considered that significant weight should still be attributed to the housing policies of the development plan.

On this matter, the Inspectors attention is again drawn to recent appeal decision which relates to a proposal for 2 detached dwellings at Callow Hill, Brinkworth (**Appendix Three**). In this decision at para. 38 the Inspector acknowledged the land supply position established at the Storridge Road Appeal. At para. 41 the Inspector identifies the relevant policies to the development and concludes that despite the shortfall in housing delivery, **significant weight** is afforded to conflict with those policies, including CP2. The inspector does identify that small housing sites make an important contribution to the housing supply and in light of the shortall in Wiltshire, afforded **moderate weight** to the provision of two dwellings and the associated benefits arising from this.

In light of the **significant weight** that can still be afforded to conflict with the development plan policies, in addition to the weight given to the landscape and character harm identified, the LPA concludes that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits.

For the reasons set out within the attached case officer's report and above, the Inspector is respectfully requested to dismiss this appeal.

Without prejudice to the Council's case, should the Inspector be minded to allow the appeal, conditions are suggested at **Appendix Five.**

In the meantime, should you have any further queries, please do not hesitate to contact me.

Yours faithfully,

Victoria Davis
Principal Planning Officer

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Documents enclosed

Appendix One:	PL/2023/10502 Decision Notice
Appendix Two:	PL2023/10502 Delegated Report
Appendix Three:	Appeal Decision Land south of White House Cottage, Callow Hill, Brinkworth, Wiltshire, SN15 5DZ Ref: APP/Y3940/W/24/3342226
Appendix Four:	Minutes of Eastern Area Planning Committee held 23 February 2023
Appendix Five:	Suggested conditions, without prejudice

Appendix One:
PL/2023/10502 Decision Notice

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/10502

Decision Date: 18 April 2024

Applicant:	Mr and Mrs Brunt Manor Farm, The Street, Grittleton, Wiltshire, United Kingdom, SN14 6AN
Particulars of Development:	Erection of two dwellinghouses.
At:	Land West of Stonewold House, Alderton Lane, Grittleton, Wiltshire, SN14 6AN

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

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

Refusal Reason(s): (2)

1 The proposed development, due to the position of the site within the 'open countryside', would conflict with the settlement strategy of the Wiltshire Core Strategy. The development of the proposed site would elongate the built form along Alderton Road into the countryside, would consolidate development to the west of Alderton Road and impose development in a sensitive landscape area (National Landscape) contrary to the requirements of Core Policy 2 (i) & (ii). The proposal would not represent 'infill' within the existing built area of the village as defined by the Wiltshire Core Strategy. Furthermore, the site is within a location that has limited access to local services and public transport facilities and future occupants would need to travel by car to reach services, facilities and employment opportunities. There are no material circumstances which justify the approval of the proposed development and no objective evidence to demonstrate it would meet an identified housing need of the settlement or meet the criteria identified by Core Policy 2. The proposed development is considered to conflict with Core Policies 1, 2, 10, 60, 61 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local

Plan and Chapters 2, 4, 5 & 9 of the National Planning Policy Framework.

2 The application fails to demonstrate how the proposed development will integrate effectively into its surroundings, to conserve and/or enhance landscape character, relate positively to its landscape setting and protect the landscape character and visual amenity. Introducing two new dwellings to this site would erode the rural character, appearance and distinctiveness of the location within the National Landscape. The development therefore fails to accord with CP51 (ii), (iii), (ix) & 57 (i), (iii), (vi) of the Wiltshire Core Strategy, CE1 & CE3 of the Cotswold National Landscape Management Plan as well as Chapter 15 of the National Planning Policy Framework.

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

Appendix Two:
PL2023/10502 Delegated Report

DELEGATED REPORT

Application Reference:	PL/2023/10502
Application Type:	Outline planning permission – some matters reserved
Site Address:	Land West of Stonewold House, Alderton Lane, Grittleton, Wiltshire, SN14 6AN
Proposal:	Erection of two dwellinghouses.
Recommendation:	Planning Permission be REFUSED

SITE AND PROPOSAL

The application site is located at the western side of Alderton Road, to the edge of the Small Village of Grittleton. The site comprises undeveloped agricultural land covering an area of approximately 0.16ha within the open countryside. The site is outside the limits of development of any settlement and unallocated for any form of development in an adopted development plan. The applicant describes that the land is not currently used except for a short section of farm track from the gated access onto Alderton Road. It is stated that the land has been used as a domestic vegetable garden though there is no planning history relating any such use. The site falls within the village Conservation Area and the closest listed buildings are Manor Farmhouse and Masons to the opposite side of the road, approximately 75m away for the site. The site also falls within the Cotswold National Landscape (formerly AONB). There are no significant ecological designations affecting the site. The closest Public Right of Way (GRIT8) extends away form the site to the north west at a distance of approximately 140m. The site falls wholly within Flood Zone 1 and the site is not identified as being at risk of surface or ground water flooding.

The application seeks permission for the erection of two 4 bedroom dwellings. The application seeks outline planning permission with some matters reserved, the only matter being ‘Landscaping’.

PLANNING HISTORY

None relevant to the application site

POLICIES & GUIDANCE

Wiltshire Core Strategy 2015 (WCS):
CP 1 Settlement Strategy
CP 2 Delivery Strategy
CP10 The Spatial Strategy: Chippenham Community Area
CP44 Rural Exception Sites
CP48 Supporting Rural Life
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP57 Ensuring High Quality Design and Place Shaping
CP60 Sustainable Transport

CP61 Transport and New Development
CP64 Demand Management
CP67 Flood Risk

North Wiltshire Local Plan 2011 (NWLP)
H4 Residential Development in the Open Countryside
NE14 Trees and the control of new development
NE18 Noise and Pollution

Wiltshire Local Transport Plan (3) Car Parking Strategy

Cotswold National Landscape Management Plan 2023-2025

National Planning Policy Framework 2023 (NPPF):
Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 12 Achieving well-designed and beautiful places
Chapter 14 Meeting the challenge of climate change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

ISSUES

- Principle of Development
- Scale, Design & Visual Impact including upon Cotswold National Landscape
- Heritage Impacts
- Highway Safety & Accessibility
- Residential Amenity
- Drainage & Flood Risk
- Ecology

CONSULTATION

Grittleton Parish Council: Comment as follows -

Councillors did not know whether the site fell within the built area/build line of Grittleton and asked U Cllr Nick Botterill to get a determination from the Planners as to whether this was the case and if so should this application be counted as infill or not.

Councillors noted that there was some support for the proposal from neighbouring residents but concerns too around precedent setting for future development, whether there was housing need, access to the highway, disruption and on street parking during the construction stage, visual impact on the village as also reflected in the comments posted on the planning portal (19 March 2024). Though this is an application for

outline planning permission, Councillors wish to see more detailed plans before coming to a definitive decision and particularly as the proposed site is within the Conservation Area where the materials used for walls, roof, windows, doors etc., must be of a suitable conservation grade.

Wiltshire Council Highways: Objection on sustainable transport grounds. No objection in relation to highways safety or capacity in principle and subject to conditions (relating to parking, turning, visibility, consolidated surface) which would apply to the RM approval.

Wiltshire Council Conservation: No comments received

Wiltshire Council Ecologist: No comments received

Wiltshire Council Arboricultural Officer: No comments received

REPRESENTATIONS

The application was advertised by site notice and direct neighbour letter.

Two responses have been received expressing concerns which are summarised below -

- Traffic impacts during construction as a result of contractor vehicles parked on Alterton Road
- Additional cars associated with dwellings may create parking and safety issue along the stretch of road. Suggest signs and speed bumps to slow traffic
- Countryside views will be lost form properties opposite. 1A Alderton road will feel hemmed in.
- There is a question of whether there is a need to f more properties in the village following a lot of development of The Farmyard recently
- Concern that the access details are unknown
- Access to existing driveways are already tight and there are blind spots along the road
- The proposed development hem property opposite in further, and residents will have to endure the inconvenience of noise, dust, pollution, litter, blocked drains, extra traffic etc etc, that regrettably comes with a building site.
- Living standards have been affected by ongoing construction work taking place at The Farmyard development
- Allowing more access along the Alderton Road and specifically opposite our property will only add more obstruction and danger to all road users.

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 i.e. para 2, 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); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006), and the Policies of the Christian Malford Neighbourhood Plan (Made 2018)

Principle of Development

In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict development to locations within the Limits of Development defined for towns and villages. The WCS includes a settlement strategy, Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances as set out within the relevant core policies contained within the plan (outlined within paragraph 4.25 of the WCS i.e. rural exception sites and specialist accommodation).

Grittleton is a small village with no settlement boundary. Core Policy 2 states that at Small Villages, development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- Respects the existing character and form of the settlement
- Does not elongate the village or impose development in sensitive landscape area
- Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

For Small Villages "*some very modest development may be appropriate…to respond to local needs and to contribute to the vitality of rural communities*." As such, Small Villages do not have defined settlement boundaries, allowing development to be carefully managed at these locations.

The application site lies adjacent to a row of six dwellings along the western side of Alderton Road (outlined in red below). These are the only properties on the western side of Alderton Road. The core of Grittleton village extends eastward along The Street. The two new dwellings would be erected on land at the end of a row of houses with woodland immediately to the south and a field immediately to the west.



The application site is considered to be separate to the built up area of the village and is open to the countryside on two sides. For these reasons, the proposal could not reasonably be described as infill development within a built up area, even when taking into account that there are properties to the opposite side of the road. The development would be viewed as an extension of the line of houses into the countryside. Albeit at the end of the row, following the pattern of development, the result of increasing the amount of development to this side of the road is to consolidate development at the settlement edge and within an exposed position within the National Landscape. The proposal does not comply with the criteria of CP2 relating to development at small villages.

The applicant has made comparison to the redevelopment of Manor Farm opposite where permission was granted for the conversion of existing buildings to form 8 dwellings, and the erection of 6 new build dwellings in 2019 under 18/07128/FUL (later varied by 21/01331/VAR). It Is suggested that the proposal is consistent with the approval for new build dwellings as part of that scheme.

Whilst it is correct that the Manor Farm redevelopment did include an element of new build, on review of the circumstances relevant to the application, it is clear that the comparison does not support the applicant's view that this as infill site. There are distinct, in principle, differences between the two proposals and in the Manor Farm case, the case officer was of the view that the new build elements of the proposed development at Manor Farm also did not meet the criteria for infill development within small villages and was therefore contrary to CP2. Following the case officer recommendation to the planning committee at the time, the application was approved after the committee considered that greater weight should be afforded to the applicant's proposition that the proposal was related to the essential needs of agriculture. In particular, that the proposal would generate sufficient value to enable development of a new farmstead as approved under separate application 16/10204/FUL in May 2018.

It is acknowledged as the applicant suggests, that the new dwellings would not be physically isolated from all other properties. The village itself, however, has very few facilities that could meet the day-to-day requirements of occupants of the development. The Planning Statement notes that the village has a pub, church, village hall, tennis courts, cricket pitch, and a wedding and events venue. It is clear that residents will need to travel to a broader range of facilities at larger settlements all of which are considered to be beyond a reasonable walking and cycling distance. The Planning Statement highlights that there is a bus stop within 150m of the site however the available timetables indicate that bus services are unlikely to provide a realistic alternative to use of the private car. Therefore, is likely that the occupiers of the house would be unduly reliant upon car travel to access facilities meaning the proposal would not result in a sustainable pattern of development, having regard to its accessibility to facilities and services.

The development would be in a rural location outside any recognised development limits, and not constituting an infill proposal, resulting in the formation of new dwellings in the countryside which consolidate development at the rural edge of the settlement. Furthermore, the proposal, located remote from services, employment opportunities and not well served by public transport, is contrary to the key aims of the National Planning Policy Framework which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. The proposal is contrary to the National Planning Policy Framework, Policies CP1 and CP2 of the Wiltshire Core Strategy and Saved Policy H4 of the North Wiltshire Local Plan. The proposal also is contrary to the principles of sustainable development set out in policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy.

The proposal for two new dwellings in this location would not comply with the settlement strategies of the development plan, the WCS & NWLP. Development should be refused if it does not comply with the development plan unless there are material considerations or circumstances that would indicate otherwise. In this case, circumstances would include current national policy within the NPPF which is supportive of significantly boosting new housing supply (Section 5).

Housing Land Supply and the status of the Development Plan

On 20 December 2023 the government issued its revised National Planning Policy Framework (NPPF). For housing supply and delivery, the revised NPPF contains two amended paragraphs 76 & 77. Paragraph 76 relates to local authorities who have an adopted plan which is less than 5 years old and which identifies at least five years supply of deliverable sites. Paragraph 77 relates to all other circumstances and makes provision for a four year requirement where authorities have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage.

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan- making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. This situation will remain for a period of two years from the publication date of the revised NPPF.

The Council's latest position on five year land supply is confirmed through a Housing Land Supply Statement (base date 2022), published May 2023, which recognises 4.60 years supply. This figure exceeds the 4 year threshold now relevant to Wiltshire, and this means that the planning balance is 'level' rather than 'tilted'. 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).

Briefing Note No. 22-091 prepared by the Council in respect of 5YLS is now not considered to be of relevance, since the Council can demonstrate an NPPF compliant housing land supply.

<u>Scale, Design and Visual Impact including upon Cotswold National Landscape</u>

Core Policy 57 of the WCS seeks to support small infill type developments which respect the character and appearance of the surroundings. The site is located within the Cotswold National Landscape – CNL (formerly AONB) where Core Policy 51 is relevant as it aims to protect the beauty and tranquillity of the landscape. Section 15 of the NPPF explains that decisions should ensure development protects and enhances valued landscapes and that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty now 'National Landscapes'.

Policies CE1 & CE3 of the Cotswold National Landscape Management Plan require that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape have regard to, be compatible with, and reinforce the landscape character and local distinctiveness of the location. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to the scenic quality of the location and its setting and ensure that views – including those into

and out of the National landscape – and visual amenity are conserved and enhanced. The Cotswold National Landscape has a variety of special qualities which contribute to its significance. These include settlements developed in a Cotswold vernacular, distinctive dry stone walls dark skies and tranquil and accessible landscape.

This planning application is submitted in outline, with matters relating to 'Landscaping' being reserved for later consideration. The application includes a Block Plan and Proposed Elevations. The Planning Statement suggests that the existing stone wall to the front of the site along with some trees will be retained with some trees to the western edge of the site being removed. Elevation drawings indicate traditional gabled roof forms with the use of stone. The Planning Statement suggests that reference is taken from the surrounding style of dwelling. The Block Plan indicates that the layout follows in line with the existing properties to the west of Alderton Road.

Whilst the proposal does broadly align with the nearest row of houses in terms of layout, scale and design, it would still introduce a residential use and built form to an area currently free of development and which would noticeably erode the rural nature of the locality. New and existing trees and hedges could screen the proposed dwellings to some extent however this would not totally obscure the dwellings, particularly when approaching the village along the road from the west. As a result, the development is considered to lead to a loss of visual openness and encroachment into the countryside in a sensitive and prominent location at the edge of the settlement.

The applicant argues that the site is not highly visible, noting that it is only visible from the road directly outside of the site. The LPA disagrees with this point and maintain that the site is highly visible in wider landscape views towards the site on approach to the village from the west (road C72 to The Street). Within the Planning Statement, Photos 10 & 14 clearly show the site backing onto to open countryside with open landscape views beyond.

The proposal would consolidate development to the west of Alderton Road and impose development in a sensitive landscape area (National Landscape) contrary to the requirements of CP2 (i) & (ii). Furthermore, introducing two new dwellings to this site would erode the rural character and appearance and distinctiveness of the location within the CNL. The development therefore fails to accord with CP51 (ii), (iii), (ix) & 57 (i), (iii), (vi) of the Wiltshire Core Strategy, CE1 & CE3 of the Cotswold National Landscape Management Plan as well as Chapter 15 of the National Planning Policy Framework.

Heritage Impacts

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant consent for works that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved and where appropriate enhanced in a manner appropriate to their significance including buildings and structures of special architectural or historic interest. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposal site is within the Conservation Area. The closest listed buildings are Grade II listed Manor Farmhouse, the curtilage listed stone farm buildings and the property known as Masons and Weighbridge all to the opposite side of Alderton Road. In accordance with the NPPF, when considering the impact of proposed development on the significance of a designated heritage assets, great weight should be given to the asset's conservation.

The site is located to the opposite side of the road to the Manor Farm complex and would create two new dwellings at the end of a row of existing properties. The existing historic significance of the curtilage listed farm buildings and Farm House arise mostly from their layout and grouping within the historic farm yard setting. Within this context, subject to an appropriate high quality design and material finish being secured by condition, and appropriate landscaping considered under subsequent reserved matters proposal, it is unlikely that the development to the opposite side of the road would unacceptably detract from or intrude into significant views of the listed buildings contained within the farmyard complex. The intervening distance and other buildings between Masons and the development site mean that the proposals are also unlikely to affect the setting of this listed building.

In terms of the Conservation Area character, despite the influence of the existing buildings, the area has a notably rural feel characterised by the open fields, woodland and stone walls. The front boundary wall is a prominent and attractive feature within the Conservation Area. The site has a largely open appearance with trees and hedges marking boundaries. It is more enclosed in comparison to the open fields beyond however the site's undeveloped state it seen to make a positive contribution to the rural character of the of the area.

It is noted that a stone wall bordering the site to the rear appears to be removed and replaced with a native hedge. The LPA is unlikely to be supportive of the loss of this wall and would instead seek to secure retention or re-siting of the wall in a subsequent reserved matters application relating to landscaping.

The Planning Statement suggests that the boundary wall and trees to the front of the site will be mostly retained. It is stated that some trees to the western boundary will be removed though it is not clear which trees might be within the conservation area. Given that the trees in this area offer amenity value contributing to the character of this part of the conservation area, a condition would be required submission of an Arboricultural Method Statement to include a survey of all existing trees and details of methods of protection for those to be removed and detailed specification for replacement trees to compensate for those intended for removal. Retention of stone walls is welcomed and would be encouraged through a subsequent reserved matters approval.

It is considered that an appropriate high quality external material finish could be secured by condition and whilst matters relating landscaping of the site are a reserved matter, there remains a concern that the development of two dwellings on the site, regardless of the final landscaping layout, would erode the rural character of the settlement edge which contributes positively to the appearance of the conservation area in this location. For this reason, the proposal would fail to conserve or enhance the special character and appearance of the conservation area resulting in conflict with Core Policy 58 (iv).

The proposal will result in harm as identified above which is considered to be at the lower end of 'less than substantial harm' under the terms of the NPPF. In accordance with paragraph 208 of the NPPF any harm that has been identified should be weighed against any public benefits.

In this case the proposal would deliver public benefits in the form of two dwellings along with economic benefits during construction and future occupation. It is considered that the harm could be further minimised through securing a high quality, traditional design and material finish along with an appropriate landscaping scheme to aid the development to integrate into its surroundings. On that basis, it is considered that the level of harm could be minimised and broadly justified so as not to warrant refusal of the outline permission on this basis alone.

Residential Amenity

Core Policy 57 also states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The proposed Block Plan and Elevations demonstrate an adequate level of internal accommodation and outdoor amenity space for the proposed dwellings. The siting, layout and spacing between the existing properties and the proposed dwellings appears sufficient to prevent any overbearing impact and to achieve an acceptable level of privacy for existing neighbouring residents and those within the development.

There does appear to be a utilities pole and stay that would sit within the garden area for one of the properties. It is not clear whether this is to be re-sited though it also appears that existing overhead lines may need to be rerouted to accommodate construction of the dwellings. An informative could be included to explain that re-siting of any utilities including the pole and stay would be subject to permission being obtained from the relevant agencies/owner and that any expense is covered by the applicant.

Neighbouring residents have raised concerns in respect of potential disturbance during construction, speaking of their experience through the duration of The Farmyard development nearby. It is agreed that construction work in close proximity to existing properties can cause disturbance to local residents. In this case, given the proximity of existing properties, it would be considered appropriate for a permission to be subject to a condition securing a Construction Management Plan which can provide details for site arrangements such as for construction traffic, hours of construction and the control of waste, dust and noise.

Highway Safety, Accessibility and Parking

Core Policy 61 Transport and New Development, inter alia, aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 64 Demand Management, inter alia, aims to ensure that adequate parking is provided.

The application seeks outline approval with on matters relating to Landscaping being reserved. The means of access is included in this application. The block plan shows access in the same location as the existing field access, albeit widened, along with a shared parking turning area to the front of the properties.

Wiltshire Council Highways have reviewed the proposal and note that being outside the limited of development, the proposal for two number new build dwellings raises a highway objection on sustainable transport grounds. The Engineer further explains that if viewed as policy compliant a number of conditions would be necessary to ensure appropriate access, parking and turning is provided for each dwelling.

Notwithstanding that there is a fundamental objection on sustainability grounds as discussed in detail under the 'Principle of Development' section of the report above, Wiltshire Council Highways do not raise an objection in relation to a requirement for the dwellings to be accessed off Alderton Road in terms of safety or network capacity. Subject to conditions being imposed in relation to parking, turning and visibility it is considered that the application site can be served by safe access to the highway.

Drainage & Flood Risk

In accordance with Core Policy 67 in relation to Flood Risk, all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Section 14 of the NPPF expects that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The site is within Flood Zone 1 and according to Council records is at low risk of groundwater and surface water flooding. The application relates to the erection of two new dwellings and associated landscaping. The application form does not specify the means of surface or foul water drainage.

For a development of this nature and scale it is appropriate for the foul water drainage arrangements to be dealt with via the building regulations and/or environmental permitting regime. The applicant should note that installation of septic tank or Sewage Treatment Plan and drainage fields/soakaways may require separate planning permission. Informatives could be included to this effect.

It is considered necessary to secure details of the proposed surface water drainage arrangements, particularly for any new hard-standing areas which may not be covered by the building regulations process. A condition could be included to this effect.

Subject to the imposition of conditions to secure design and implementation of a appropriate surface water drainage scheme along with the applicant obtaining the necessary permissions and consents in relation to watercourses and/or sewer connections, the LPA is satisfied that the development can be served by appropriate means of foul and surface water drainage, and that flood risk will not be increased on or off site in accordance with WCS Policy 67 and Section 14 of the NPPF.

Ecology

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 15 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

This application was received on 4 December 2023 prior to requisite dates introducing the mandatory requirement to demonstrate BNG. Therefore, this proposal is not required to demonstrate 10% BNG.

The application is supported by an Ecology Report. No detailed survey work has been undertaken however, the report concludes that there is no suitable habitat to support protected species within the site and therefore no detailed survey is required. In particular it is highlighted that there are no ponds, rubble piles or older trees which may support bat roosts. It is also suggested that the land has been recently cultivated though it does not appear in a cultivated state currently. The Planning Statement suggests that a row of 'young trees' will be removed from the western boundary it also appears that an existing dry stone wall is to be removed from the rear boundary of the site. Immediately south of the application site is a woodland which is likely to provide habitat for a range of wildlife. It is proposed that the roadside wall will be retained.

The submitted report sets out a number of precautionary working methods and ecological enhancements that would be included within the detailed scheme. These include bat lofts, nesting features for house martins and a new western boundary of native multi-species hedgerow.

In this case, the proposal does not involve the removal of any woodland or works to any historic or agricultural buildings. The site does not fall within a SAC consultation zone and is not within or adjacent to a SSSI or priority habitat site (the closest being 'decidious woodland' priority habitat located approximately 120m south of the site near the entrance to Grittleton House). There is no evidence that protected species are present or that there is any irreplaceable habitat on the site. Due to the nature and scale of the development, the proposal does not automatically trigger the Council's current requirement for ecological survey information. In this case the LPA considers that the use of conditions could ensure that the loss of vegetation and habitat can be mitigated and, where appropriate, compensated for. Pre-commencement conditions requiring submission and approval of an Arboricultural Method Statement in relation to on and offsite trees (particularly the adjacent woodland), and a Construction and Ecological Management Plan would be required. In addition, a further condition would require that the detailed landscaping scheme (subject of a later RM approval) is submitted with an appropriate Landscape and Ecological Management Plan, to demonstrate that existing habitat and ecological features (including the existing drystone walls) are integrated into the development where possible and that appropriate ongoing management and monitoring provision is included.

In addition to the provisions necessary to be secured by condition, the LPA is satisfied that the Wildlife and Countryside Act provides the regime for protection of habitats and protected species for modest sites, particularly during site clearance, the grant of planning permission does not override the legal requirements of this Act.

On consideration of the above, it is concluded that the site could be developed to provide two dwellings without involving the loss of significant or irreplaceable habitat. The use of appropriately worded conditions can ensure that the development minimises impacts on existing biodiversity and provides benefits in the form of new permanent nesting and roosting opportunities. Subject to the imposition of conditions to secure submission and approval of an AMS, LEMP, CEMP and a wildlife sensitive lighting scheme to minimise the impact on potentially sensitive habitat bordering the site, the proposal could achieve long-term habitat features and protection of protected species in accordance with the aims of Core Policy 50 and Section 15 of the NPPF.

CONCLUSION

On consideration of the above it is found that the development is unacceptable in principle and would have an unacceptable impact on the character and appearance of the area at the rural edge of this settlement. Whilst some impacts in respect of heritage, ecology and highways safety may be addressed through a suitably designed scheme secured by conditions and a later reserved matters approval, it is not considered that the use of conditions could make the proposal acceptable in principle or in terms of visual character and landscape impacts.

The proposed development, due to the position of the site within the 'open countryside', would conflict with the settlement strategy of the Wiltshire Core Strategy. The development of the proposed site would elongate the built form along Alderton Road into the countryside, would consolidate development to the west of Alderton Road and impose development in a sensitive landscape area (National Landscape) contrary to the requirements of Core Policy 2 (i) & (ii). The proposal would not represent 'infill' within the existing built area of the village as defined by the Wiltshire Core Strategy. Furthermore, the site is within a location that has limited access to local services and public transport facilities and future occupants would need to travel by car to reach services, facilities and employment opportunities. There are no material circumstances which justify the approval of the proposed development and no objective evidence to demonstrate it would meet an identified housing need of the settlement or meet the criteria identified by Core Policy 2. The proposed development is considered to conflict with Core Policies 1, 2, 10, 60, 61 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and Chapters 2, 4, 5 & 9 of the National Planning Policy Framework.

The application also fails to demonstrate how the proposed development will integrate effectively into its surroundings, to conserve and/or enhance landscape character, relate positively to its landscape setting and protect the landscape character and visual amenity. Introducing two new dwellings to this site would erode the rural character and appearance and distinctiveness of the location within the National Landscape. The development therefore fails to accord with CP51 (ii), (iii), (ix) & 57 (i), (iii), (vi) of the Wiltshire Core Strategy, CE1 & CE3 of the Cotswold National Landscape Management Plan as well as Chapter 15 of the National Planning Policy Framework.

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

PRINCIPLE OF DEVELOPMENT

The proposed development, due to the position of the site within the 'open countryside', would conflict with the settlement strategy of the Wiltshire Core Strategy. The development of the proposed site would elongate the built form along Alderton Road into the countryside, would consolidate development to the west of Alderton Road and impose development in a sensitive landscape area (National Landscape) contrary to the requirements of Core Policy 2 (i) & (ii). The proposal would not represent 'infill' within the existing built area of the village as defined by the Wiltshire Core Strategy. Furthermore, the site is within a location that has limited access to local services and public transport facilities and future occupants would need to travel by car to reach services, facilities and employment opportunities. There are no material circumstances which justify the approval of the proposed development and no objective evidence to demonstrate it would meet an identified housing need of the settlement or meet the criteria identified by Core Policy 2. The proposed development is considered to conflict with Core Policies 1, 2, 10, 60, 61 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and Chapters 2, 4, 5 & 9 of the National Planning Policy Framework.

CHARACTER AND APPEARANCE - INCLUDING LANDSCAPE

The application fails to demonstrate how the proposed development will integrate effectively into its surroundings, to conserve and/or enhance landscape character, relate positively to its landscape setting and protect the landscape character and visual amenity. Introducing two new dwellings to this site would erode the rural character, appearance and distinctiveness of the location within the National Landscape. The development therefore fails to accord with CP51 (ii), (iii), (ix) & 57 (i), (iii), (vi) of the Wiltshire Core Strategy, CE1 & CE3 of the Cotswold National Landscape Management Plan as well as Chapter 15 of the National Planning Policy Framework.

Appendix Three:

Appeal Decision Land south of White House Cottage, Callow Hill, Brinkworth, Wiltshire, SN15 5DZ Ref: APP/Y3940/W/24/3342226

The Planning Inspectorate

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Temple Quay House
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BS1 6PN

Direct Line: 0303 444 5467
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Your Ref: PL/2023/03523
Our Ref: APP/Y3940/W/24/3342226

Planning Officer
Wiltshire Council
Development Services
County Hall, Bythsea Road
Trowbridge
Wiltshire
BA14 8JN

08 November 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Main Square (Brinkworth) Ltd
Site Address: Land south of White House Cottage, Callow Hill, Brinkworth, Wiltshire, SN15 5DZ

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,

Rachel Owen
Rachel Owen

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 23 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/Y3940/W/24/3342226
Land south of White House Cottage, Callow Hill, Brinkworth, Chippenham SN15 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Barstow (Main Square (Brinkworth) Ltd) against the decision of Wiltshire Council.
- The application Ref is PL/2023/03523.
- The development proposed is the erection of 2 detached dwellings with associated car parking, vehicular access, tree works and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal planning application was determined, the Council adopted the Wiltshire Design Guide (WDG). Relevant extracts of the WDG have been provided as part of the Local Planning Authority's (LPA) statement, and they form part of my consideration of this appeal.

3. The appellant subsequently provided an additional appeal decision[1] made on 30 August 2024, as it tested and amended the Council's housing land supply figure following a Public Inquiry. I have therefore also taken this into consideration.

Main issues

4. The main issues of this appeal are:

- whether the proposed dwellings would be in a suitable location having regard to the spatial strategy of the development plan for housing and its accessibility to facilities and services; and,

- the effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. The appeal site comprises an undeveloped rectangular field south of the dwelling of White House Cottage, and west of the Callow Hill highway. It is

[1] APP/Y3940/W/24/3340811 (Land off Storridge Road, Westbury)

bordered on all sides by mature hedgerows, and slopes noticeably downwards from Callow Hill. To the south, it abuts a former agricultural building which the main parties state is now in commercial use. At the time of my visit the site access to this building was closed by a metal gate, with the rest of its boundary screened by hedgerow, so I could not ascertain the precise nature of its use. The sloping land beyond the appeal site's western boundary is more open and undeveloped. The curtilage of The Paddock, a two-storey dwelling, partially adjoins the appeal site to the northwest.

6. On the opposite side of the Callow Hill highway is Callow Park, a private business park off a wide tarmacked and gated vehicular access. This business park is of considerable size, as it contains a number of two-storey contemporary commercial buildings and a large car park. The parking and most of its buildings are well set back from Callow Hill, behind a row of detached dwellings to the northeast along Callow Hill and the small agricultural business of Farm View opposite White House Cottage. The business park also extends southwards to the opposite side of the former agricultural building. Further south, there are two detached dwellings and a small complex of commercial buildings, along the same side of Callow Hill as the appeal site.

7. Core Policies (CPs) 1, 2 and 13 of the Wiltshire Core Strategy 2015 (WCS) provide the spatial strategy for new development in the area, and clearly set out how sustainable patterns of development should take place. Brinkworth is categorised as a "Small Village", which is defined as one having a low level of services and facilities, and few employment opportunities. The appeal site is some 3km away from the centre of Brinkworth village.

8. Prior to the adoption of the WCS, there was a settlement boundary around Brinkworth. There were also two other settlement boundaries around Stoopers Hill eastwards along the B4042, and Callow Hill further beyond and nearer to the appeal site (which also included part of the southern frontage to the B4042). These boundaries were all deleted by the WCS. The LPA describes Stoopers Hill and Callow Hill as distinct "hamlets" that are separate from Brinkworth village, although a planning policy or other definition of what constitutes a "hamlet" is not before me. The site lies further south and detached from this former Callow Hill settlement boundary, within the countryside as designated by the WCS.

9. The appellant has put forward an alternative on-the-ground assessment. This concludes that the site is firmly within the built envelope of Callow Hill which, in turn, forms part of the collective grouping that comprises the existing built area of Brinkworth. It is argued that when considering the physical context of the site, the proposed development is naturally contained and would not elongate the village. It is put to me that the above principle is established by case law[2]. This Court of Appeal judgement was however deliberated within a somewhat different context of whether a proposal in the Green Belt constituted "limited infilling in villages", for the purposes of what is now Paragraph 154 of the National Planning Policy Framework (the Framework).

10. The relevant context and crux of this disputed appeal issue is that CP2 of the WCS seeks to restrict development outside the limits of development, as

[2] *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

defined on the policies map, other than circumstances listed in Paragraph 4.25 – none of which apply to the appeal proposal. However, CP2 supports some development within Small Villages, provided it is "limited to infill within the existing built area", and provided that the development:

i) Respects the existing character and form of the settlement
ii) Does not elongate the village or impose development in sensitive landscape areas, and
iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

11. Small Villages are defined in CP1 as having "a low level of services and facilities, and few employment opportunities". The terms "infill" and "built area" are not defined in the Framework or the main body of Core Policy 2. Its supporting text at Paragraph 4.29 states that: "For the purposes of Core Policy 2, infill is defined 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." Case law has held that whilst supporting text does not have the force of policy and cannot trump it, it is nonetheless relevant to the interpretation of a policy.

12. Whether the appeal site is within a village, and whether the proposal constitutes "infill within its built area", is essentially a question of fact and planning judgement for the decision-maker. I see no reason why this should preclude an on-the-ground assessment of the appeal site and the proposal.

13. The built area of Callow Hill comprises mainly of residential dwellings set out in a linear manner, with two small cul-de-sacs by the B4042 junction. There are bus stop shelters on either side of the B4042, by the junction of the Callows Cross cul-de-sac, and near to the Callow Hill junction. It is common ground that these stops are served by hourly services between Swindon and Chippenham. The appellant states that these stops are 0.4 miles or 640m from the appeal site, and the LPA states this distance as being 700m.

14. Regardless of the actual distance, this route to the site is unlit and whilst the westbound B4042 bus stop is served by a footway, it terminates at the Callow Hill junction. The remainder of the route towards the site contains some potential pedestrian refuges such as verges, but no footways. The highway towards it is mainly straight which provides a linear pattern of dwellings, but contains two bends with quite restrictive visibility. I also noted that despite the route being subject to signed 30mph speed limits from its B4042 junction towards and beyond the site, many vehicles appeared to pass the site at speeds in excess of 30mph, including some commercial vehicles. Whilst my visit was a snapshot in time, I nonetheless found the characteristics and quality of this route to be markedly dissimilar to that found in an urban environment.

15. The appellant has provided evidence to contend that regardless of the nature of development and the policy context, the Callow Park development has extended the built envelope of Callow Hill past the appeal site. This in effect makes the proposal site surrounded on three sides by existing development, when counting its frontage on to Callow Hill and facing the Callow Park entrance. In this physical context, the proposal would therefore comprise an infill form of development. It is also agreed that the site is not isolated in terms

of being physically separate from other development having regard to the relevant case law[3].

16. There is no evidence before me to outline the specific employment output from all the commercial premises within the built area of Callow Hill. While they may provide a level of local employment opportunities, there are no other facilities and services within the built area of Callow Hill to meet everyday needs. I find Callow Hill to be best described as a standalone and mainly linear settlement of dwellings and commercial premises, notwithstanding its lack of a development plan settlement boundary, or location within Brinkworth Parish.

17. In light of all the above, Callow Hill is not a village, either in terms of the development plan context, or following my on-the-ground assessment. Callow Hill also cannot reasonably be described to form part of the established built area or envelope of Brinkworth village, due to its significant distance away from the built area of this village, with intervening parcels of undeveloped land.

18. It is also put to me that the appeal site is within a 2.4-mile distance, akin to a 12-minute cycle, from Royal Wootton Bassett. Whist this may not be of dissimilar distance to a route from the edge of a town to the town centre, it is long and undulating with mainly no footway, street lighting or centre road lines. I did not find any of the abovementioned routes to local bus stops and wider services and facilities to be particularly attractive to walk along, and the bends and undulations would likely be perceived as hazardous or prohibitive for many cyclists. These locational shortcomings would mean that the proposal would introduce further unsustainable patterns of development within the undeveloped countryside, as it would likely be heavily reliant on use of a private car to meet day-to-day needs.

19. The surrounding development pattern is generally linear, spread out, and more sporadic on the western side of the Callow Hill highway, including a large open field to the north of the nearby lane forming the Public Right of Way BRIN72 (PRoW). If the former settlement boundary of Callow Hill were to be deemed appropriate for reinstatement, and extension to encompass the appeal site, or nonetheless viewed as an overriding material consideration, the proposal would meet the first strand to criterion ii) of CP 2 in terms of not elongating the village due to existing buildings at each side. However, it would have failed criterion iii) as the proposed dwellings would consolidate an existing sporadic loose knit area of development related to the settlement.

20. The decision notice also cites conflict with the Draft Parish of Brinkworth with Grittenham Neighbourhood Plan (NP). It is common ground that as this Draft NP has not been made yet, it carries limited weight. Its interpretation is disputed between the main parties, in terms of whether it treats the site as being within Brinkworth. Whilst the Draft NP does not propose to alter the existing settlement boundaries, there is no evidence before me outlining its specific stage of consultation or examination. It therefore does not have a significant bearing in my determination of this appeal.

[3] *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

21. I have been provided with an extract of the Brinkworth Parish Housing Needs Survey (October 2022), to further support the view that the Parish as a whole is a Small Village. This extract quotes the 2021 Census population of the Parish and then states it is classed as a "small village". There is no evidence before me to suggest that this document forms part of the Council's adopted spatial strategy. It therefore does not justify such a blanket approach for all land within this Parish.

22. Appeal decisions for other sites within Wiltshire are also cited as being relevant to the proposal, including one dismissed within Brinkworth[4], and one allowed in Winterbourne Bassett[5]. Their locational characteristics and development quantum do not appear to be directly comparable to the current appeal proposal, in particular the distances to local facilities and the relationships with surrounding development. These cited examples are therefore not useful comparisons to the current proposal. I have determined the current proposal having regard to the relevant adopted policies, the Framework and other relevant material considerations.

23. The appeal site is not a suitable location for the proposed residential development, having regard to the spatial strategy of the development plan for housing and the site's accessibility to facilities and services. The proposal therefore conflicts with CPs 1, 2, 13, 60 and 61 of the WCS. In addition to the criteria of policy CP2 set out above, these policies require, amongst other things, development to support sustainable patters of development, reduce the need to travel particularly by private car, and encourage sustainable and safe movement of people within Wiltshire.

Character and appearance

24. At the time of my visit, the site was almost entirely screened by trees along the highway, and its access with an agricultural-style gate was also impeded by shrubbery. Its openness and undeveloped nature could nonetheless still be appreciated from along Callow Hill. The proposed widened communal vehicular access to facilitate the proposal would lead to some loss of hedgerow, and the Plot 2 front garage would require some further pruning. This loss would not be significant in comparison to the shrubbery that would be retained, but would expose some views of the dwellings from Callow Hill.

25. Immediately north of the appeal site, the two-storey dwelling of White House Cottage is clearly visible, as its gable is near to the road. Its modest scale and appearance reflects a rural vernacular, with some historic irregular stone elevation treatments, small square window openings, a low two storey eaves height and shallow pitched roofs with slate tiles. The single storey building of Farm View opposite White House Cottage is similarly close to the highway and is also of modest and traditional form, with similar external materials. The two storey Callow Park commercial buildings are also visible beyond Farm View and along Callow Hill, but well set back from the highway behind hedgerow to avoid a dominant presence in the street scene.

26. The single storey converted agricultural building south of the site was not widely visible from the Callow Hill street scene on account of hedgerow

[4] APP/Y3940/W/23/3329918
[5] APP/Y3940/W/23/3316153

screening. Immediately beyond. a large detached modern two-storey dwelling known as "Painscott" is set within spacious grounds. This dwelling was not visible from opposite the appeal site due to the hedgerows along Callow Hill.

27. The immediate setting of the appeal site is therefore rural in character, despite the surrounding development, including modern and commercial additions and adaptations. In this context, the appeal site provides a notably positive contribution to its rural setting, and this value is not significantly diminished by the lack of public access to the site, or its location outside of a nationally or locally designated landscape.

28. The appellant advises that both proposed dwellings have sought their design inspiration from surrounding dwellings, with the closest being White House Cottage. Whilst the proposed dwellings would sit slightly lower than this neighbour due to the declining land levels, they would have a significantly greater overall depth, width, mass and main window size. They would clearly contrast with the modest proportions of White House Cottage, and the proposed use of grey stone on the elevations would not mitigate this effect.

29. The wider linear development along Callow Hill contains a mixture of single storey and two storey dwellings, many of which are modern in appearance and form. They are mainly of more modest scale than the proposed dwellings. They are also on the opposite side of Callow Hill to the appeal site, and further away from it than White House Cottage. The western side of Callow Hill, in which the proposal would lie, is clearly more undeveloped and rural in character. The overall scale and chosen design approach for the proposed dwellings would fail to respect this more rural context.

30. Although there are other examples of front garages elsewhere along Callow Hill, their presence within the appeal scheme would add a further divergent factor from its immediate context. The dwellings would also be sited relatively close to each other. This, along with the overall tandem design of the frontages, and the expanse of hardstanding to facilitate their shared access, further accentuates a suburban appearance that is at odds with the surrounding rural context. The proposed density appears commensurate with the overall linear pattern of development along Callow Hill. Having regard to its more immediate context, the development will however consolidate the existing sporadic loose knit area found on the western side of Callow Hill, either side of the appeal site.

31. The declining ground levels also means much of the dwellings would be screened by hedgerow along Callow Hill. However, more open views would be available along the shared access, and landscaping should not be relied upon to screen poor design that diverges from its surrounding setting.

32. The proposal therefore conflicts with CP57 of the WCS, insofar as it requires all new developments to be of high standard of design, to create a strong sense of place through drawing on the local context and being complementary to the locality, and to enhance local distinctiveness by relating positively to the existing pattern of development. Even if I had considered the proposal to form infill development within a small village, it would have conflicted with criterion i) of Policy CP2, as it fails to respect its character and form.

33. The second strand to CP2 criterion ii) resists imposing development in a sensitive landscape area. The appeal site and proposal is visible at longer distance views from BRIN72 facing eastwards uphill towards the site, forming a ridge along the Callow Hill highway. From here, the undeveloped site can be viewed within the context of the larger fields located along the declining ground beyond its western boundary and also along Callow Hill. The site is also read alongside the existing dwelling of The Paddock in the foreground on lower ground, and other two storey dwellings higher up along Callow Hill, including White House Cottage. The appeal proposal would be partially visible from this vantage point, but would adequately sit within existing built forms. It would therefore not impose development in a sensitive landscape area.

34. The LPA has cited conflict with the guidance of the WDG, particularly paragraphs 3.2.5 and 4.1.1-4.1.3 which advise, amongst other things, development to respect the characteristic scale and pattern of the overall landscape and settlement, including landforms and slopes within the site. I have found no harm to wider landscape views, and the proposal would not lead to the topography within the site becoming overly reprofiled.

35. I have not found material conflict with the provided extracts of the WDG. However, these extracts do not cross reference the WCS, and it reads to me as a standalone guide more pertinent to larger scale development types than this proposal. Whilst I acknowledge that the appellant drew from existing examples throughout Callow Hill, I have found that this design approach adversely harms the more immediate and rural context of the site. In this respect, the proposal runs contrary to the advice of the National Design Guide which includes context and identity as part of its ten characteristics of well-designed places.

Other Matter

36. The appellant has highlighted inconsistency between the LPA's written pre-application response and its subsequent formal assessment under the planning application, in terms of how the site's location is described relative to Brinkworth. I appreciate how this could be frustrating for the appellant. However, I am dutybound to make my own assessment of the proposal based on the relevant policy, evidence and site-specific circumstances before me. This matter has therefore had little bearing on my determination of this appeal.

Planning Balance

37. I have found significant harm in respect of the location of the proposed dwellings, having regard to the spatial strategy of the Development Plan for housing and the appeal site's accessibility to facilities and services, contrary to Core Policies 1, 2, 13, 60 and 61 of the WCS. I have also found significant harm to the character and appearance of the area, contrary to the design requirements of CP57 of the WCS. Accordingly, I conclude that the appeal proposal is contrary to the development plan as a whole.

38. During the recent determination of the Land off Storridge Road appeal, determined by means of evidence tested under Public Inquiry, the Inspector found that Wiltshire could no longer demonstrate the required four-year supply of deliverable housing sites, concluding that the housing supply figure was 3.85 years. This shortfall has not been disputed by the main parties and exists regardless of whether a four- or five-year housing land supply is required.

Paragraph 11 d) of the Framework is therefore engaged by footnote 8, which states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

39. Irrespective of the existing housing land supply position, the appellant argues that the WCS countryside policies (Core Policies 1, 2 and 13) are not consistent with the Framework and are therefore out-of-date. It is also put to me that these policies are out-of-date when assessed against current development needs in Wiltshire's emerging Local Plan Review, and appeal decisions across Wiltshire[6] forming a "long standing trend" in allowing development outside settlement boundaries due to the WCS failing to deliver housing in accordance with defined needs. The appellant also cites extensive case law[7] and appeal decision citations and extracts[8] to support this assessment.

40. The appellant also considers the above approach to be consistent with a recent Public Inquiry appeal decision[9], where relevant policies within a plan of similar age were found by the Inspector to be out-of-date. However, Paragraph 225 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

41. CPs 1, 2 and 13 are the most important spatial policies for determining the appeal. They seek to direct development towards sustainable locations within settlements and although they restrict many housing types in the countryside, they do not afford the countryside outright protection that would be inconsistent with the Framework. CP57 also forms one of the most important policies and is also consistent with the Framework, as it requires development to establish a strong sense of place and be sympathetic to the existing pattern of development. CPs 60 and 61 are also consistent with the Framework, as they both seek to reduce the need to travel particularly by private car. Despite the existing shortfall in housing delivery, I nonetheless give significant weight to the conflict with these policies.

42. The Framework supports housing that enhances the vitality of rural communities. It also states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and where there are groups of smaller settlements, development in one village may support services in a village nearby. It also states that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that this should be taken into account in decision-making.

[6] APP/Y3940/W/20/3253204 (Lyneham); APP/Y3940/W/22/3296058 (Great Somerford); APP/Y3940/W/22/3309170 (Chippenham); APP/Y3940/W/22/3312268 (Devizes); APP/Y3940/W/21/3275053 (Swindon); APP/Y3940/W/23/3330955 (Hankerton).
[7] Including: *Wavendon Properties Limited v Secretary of State and Milton Keynes Council* [2019] EWHC 1524 (Admin); *Bloor Homes Limited v Secretary of State for Communities and Local Government* [2017] PTSR 1283; and, *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC* [2017] UKSC 37.
[8] Within Annex 1 to the appellant's Statement of Case.
[9] APP/H1705/W/23/3326191 (Land at Watermill Bridge, Andover Road, Wash Water, Hampshire).

43. There is no compelling evidence before me to demonstrate that the vitality of existing services of Brinkworth village, or the local rural community as a whole, is dependent on additional dwellings in Callow Hill. The location and nature of the appeal proposal would increase reliance on the private car and would not foster the sustainable movement of people. The proposal's location is therefore not afforded with any positive weight.

44. The Framework seeks to significantly boost the supply of housing provision, and it also states that small sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would make a small but positive contribution to housing supply. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. Mindful of the extent and persistence of housing shortfall across Wiltshire, moderate weight is afforded to the provision of two dwellings and the associated benefits arising from this. Although the Government's draft planning reforms may further increase the required supply of housing and the extent of the Council's current shortfall, they are at the early stages of consultation. These reforms are therefore afforded only limited weight.

45. The proposal would include several ecological enhancements as set out in the Ecological Appraisal Report. Although the precise net gain to biodiversity is not quantified, these enhancements are supported by the Framework and are afforded moderate weight. The lack of harm to living conditions of surrounding neighbours and future occupiers, and the lack of highway safety objection raised by the Council's specialist officer or team in consultation, are all neutral considerations that weigh neither in favour nor against allowing the appeal.

46. In the specific circumstances of this appeal, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

47. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Cahalane

INSPECTOR

Appendix Four:
Minutes of Eastern Area Planning Committee held 23 February 2023

Wiltshire Council

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 FEBRUARY 2023 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:
Cllr Philip Whitehead (Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Tony Pickernell and Cllr Iain Wallis

Also Present:
Cllr Jane Davies and Cllr Tamara Reay

1. **Apologies**

Apologies were received from:

- Cllr Sam Pearce-Kearney
- Cllr Stuart Wheeler
- Cllr Paul Oatway QPM

2. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Nash, it was:

Resolved

To approve the minutes of the previous meeting, on 1 December 2022, as a true and correct record.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Chairman's Announcements**

There were no Chairman's announcements.

5. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

6. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Wallis, it was:

Resolved

To note the report on completed and pending appeals.

7. **Planning Applications**

The following applications were considered:

8. **PL/2022/09068 - Woodpeckers, Berhills Lane, Seend, Melksham, SN12 6RR**

Public participation:

- John Armstrong (Armstrong Architecture) – spoke in favour of the application
- Chris Sleightholme – spoke in favour of the application

Meredith Baker, Senior Planning Officer, introduced the report which recommended that planning permission be refused, for reasons detailed in the report, for the erection of two new three bedroomed dwellings with associated vehicular access.

The officer advised that the site was located at the edge of the hamlet of Sells Green within the Melksham Community Area. The land was stated to be used for residential purposes but was considered by the local planning authority to be agricultural land. The site was bounded by trees to the north and south, with a small woodland area to the east. She explained that the settlement area was not identified for any type of growth by the settlement strategy and therefore, for the purposes of assessing the planning merits of the proposal, the site would fall within the open countryside. The site bordered open countryside and was outside of the defined limits of development.

She explained that, as the site was not deemed to be brownfield land, the application conflicted with Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy as well as SP11 of the Seend Parish Neighbourhood Plan. By reason of its siting, design and layout of the dwellings, together with the associated residential paraphernalia within the open countryside, the proposal would be harmful to the visual amenities of the area and to landscape character. Furthermore, due to its distance from local services and amenities the proposal would result in a heavy reliance of use of the private motor transport in conflict with the principles of sustainable development and contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy.

In response to technical questions to the Committee the Legal Representative Ros Trotman (Thrings Solicitors) explained that in the National Planning Policy Framework (NPPF) land in built up areas, such as residential gardens, are excluded from the brownfield definition and the application site had been deemed by the Senior Planning Officer to be in a built-up area. The Committee

were informed that there was insufficient evidence on the balance of probability to say that the land had been in continuous residential use as a garden for 10 years. It was also confirmed that the site had no known archaeological significance.

Members of the public then had the opportunity to present their views, as detailed above.

In response to the issues raised during the public participation about the impact of the development on its surroundings, the planning officer explained that the layout and siting would be harmful to visual amenities and landscape character contrary to Core Policy 51 of the Wiltshire Core Strategy.

So the Committee had something to debate, the Chairman, seconded by Cllr Dr Mathew, proposed the application was refused for the reasons outlined in the officer recommendations.

A debate followed where some Members commented that they felt the plot to be nicely situated and that it was well supported by the local community. One Member did raise concerns that the development site could have a negative visual impact as it could be seen a long distance along the adjoining road.

The proposal was then put to a vote but was defeated with the majority of Members voting against the recommendation to refuse the application.

Cllr Dr Mathew then proposed that the application be approved, contrary to officer recommendation, in line with Core Policy 57 of the Wiltshire Core Strategy.

The Development Management Team Leader clarified that the application was not policy compliant but could be approved if Members so wished if they considered that other material considerations would outweigh this.

Cllr Dr Mathew then proposed that the application be approved, following the above advice from the planning officer with suggested conditions and the informative having been outlined. Cllr Dr Mathew's proposal was seconded by Cllr Wallis.

Resolved

To APPROVE the application subject to 15 conditions and an informative.

9. **PL/2022/09381 - Newlands, Hyde Lane, Marlborough, SN8 1JN**

Public participation:

- Oliver Kirby-Johnson – spoke in objection to the application
- David Ripley – spoke in objection to the application

Meredith Baker, Senior Planning Officer, confirmed that there was an error in the pack and the red line on pages 49 and 51 had been superseded. The correct boundary line was shown on page 38.

The officer then introduced the report which recommended that planning permission be granted, for reasons detailed in the report, to change the use of an existing building from (Class C3) residential to (Class C2) student accommodation, in association with Marlborough College.

The officer advised that the change of use to student accommodation was considered to comprise sustainable development with no unacceptable planning implications such as highways or safety impacts. The development was considered to accord with the Development Plan and therefore was being recommended for approval subject to conditions.

There were no technical questions asked by the Committee.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division Member, Cllr Jane Davies, spoke in opposition to the application. Cllr Davies explained that, although not in a conservation area, the property was in an area designated as being an area of special quality within the neighbourhood plan. She noted that being located in the area of special quality was referenced in the reasons for the refusal of a nearby application. She also highlighted that Marlborough held a dark skies festival and was part of an area of outstanding natural beauty, so raised concerns about external lighting at the property. Furthermore, she reported privacy concerns from neighbours being overlooked by the proposed external fire escape and asked that if planning grounds were insufficient to refuse the application, conditions could be imposed to restrict its usage.

In response to issues raised during public participation and the unitary Member statement, the planning officer reassured the Committee that external lighting would be controlled through the third condition included within the recommendation, which stated no external lighting could be installed on site unless details had first been submitted and approved by the local planning authority and unless it met the appropriate environmental zone standards. She highlighted that the ‘area of special quality’ was referenced in the report in the context of the designated conservation area not the neighbourhood plan as that is how it had been referred to by a member of the public in their representation on the application. In any event, the officer advised that the proposed change of use was not considered to cause harm to the character and appearance of the area. She also noted that the external staircase was situated approximately 27 metres from the property boundary, so was deemed to be acceptable.

So that the Committee had something to debate the Chairman proposed a motion to approve the application in line with the officer recommendation, which was seconded by Cllr Dr Mathew.

A debate followed where Members discussed whether screening could be controlled by way of condition to address privacy concerns raised by neighbours. They also discussed the potential privacy and health and safety issues in the event that the platform at the top of the external fire escape were to be used as an area for socialising.

At the conclusion of the debate, it was:

Resolved

That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing No. MC/NL/LP2 dated 29/09/2022 and received 25/01/2023
Site Plan - Drawing No. MC/NL/SP3 dated 20/10/22 and received 25/01/2023
Proposed Plan + Section Through - Drawing No. MC/NL/002 dated 28/09/22
Elevations - Drawing No. MC/NL/001 dated 14/10/22

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

4. The external staircase hereby permitted shall be used solely for access purposes and not as a balcony or similar amenity area.

REASON: In the interests of residential amenity.

5. The change of use hereby permitted shall not be implemented until a scheme of hard and soft landscaping, to provide additional screening along the boundaries with neighbouring properties, has been submitted to and approved in writing by the Local Planning Authority. The submitted hard landscaping details shall include the height, positioning and design of any new screening. The soft landscaping details shall include species, height at planting, positioning and planting densities. All landscaping works shall be carried out in accordance with the approved details prior to the first occupation of the building in connection with the use hereby permitted or in accordance with a programme to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any tree or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

REASON: Insufficient details have been provided and are required in the interests of residential amenity.

Informative:

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

10. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

Appendix Five:

Suggested conditions, without prejudice

WILTSHIRE COUNCIL - DRAFT LIST OF CONDITIONS

Appeal by Mr Brunt in respect of Land West of Stonewold House, Alderton Lane, Grittleton, Wiltshire, SN14 6AN

For an Outline Planning Application (with some matters reserved) for the Erection of two dwellinghouses

Planning Inspectorate Reference: APP/Y3940/W/24/3352933

LPA Reference: PL/2023/10502

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1. APPROVAL OF CERTAIN MATTERS

Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. SUBMISSION OF RESERVED MATTERS (3 YEARS)

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. COMMENCEMENT WITHIN 2 YEARS OF RESERVED MATTERS

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans:

KCC392/01 Location Plan
(received 4 December 2023)

KCC3392/02A Block Plan
KCC3392/03 Proposed Floor Plans for Units 1 & 2
KCC3392/04 Proposed East and West Elevations for Units 1 & 2

KCC3392/05 Proposed South and North Elevations for Units 1 & 2
(received 1 February 2023)

REASON: For the avoidance of doubt and in the interests of proper planning.

5. CEMP

No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be complied with throughout the construction period for the development and shall include details of:

a) Means of protection for, ecological protection areas/buffer zones.

b) Working method statements for protected/priority species.

c) Mitigation strategies, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

6. Ecology and Biodiversity

No site clearance, preparatory work or development shall commence on site until a scheme for habitat retention and enhancement has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include, but not limited to, the following details:

a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken

b) Materials and construction to ensure long lifespan of the feature/measures

c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.

d) When the features or measures will be installed within the construction, occupation, or phase of the development.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

7. ARBORICULTURAL METHOD STATEMENT

No site clearance, preparatory work or development shall commence on site, until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (an Arboricultural Method Statement (AMS)) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

8. SURFACE WATER DRAINAGE

No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents.

No building hereby permitted shall be occupied until the approved surface water drainage works have been implemented in accordance with the approved details.

REASON: To ensure that the site is sufficiently drained and that the drainage system is safely designed in order to manage the risk of flooding to people and property.

9. CMS

No development shall commence on site, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be complied with throughout the construction period for the development and shall include details of:

a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;

b) a programme of works, including measures for traffic management and details of temporary signage;

c) wheel washing facilities;

d) measures to control the emission of dust and dirt during construction; and

e) delivery, demolition and construction working hours.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS, ROOFS & FENESTRATION

No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls, roofs and fenestration have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

11. CAR PARKING

Notwithstanding the submitted details, the proposed development shall not be first brought into use until means/works have been implemented to provide parking space for three vehicles per dwelling in accordance with the Council's residential parking standards.

The parking areas shall be consolidated, surfaced, and always remain available for this use thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

12. ACCESS AND TURNING

No part of the development hereby permitted shall be first brought into use until means/works have been implemented so that the access, turning area and parking spaces have been provided to ensure cars enter and exit the highway in forward gear. The access from the public highway should be a minimum width of 5.5 m to allow for conflicting vehicle movements. The areas shall be always maintained for those purposes thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

13. VISIBILITY SPLAYS

No part of the development hereby permitted shall be first brought into use until means/works have been implemented to maintain visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the near-side carriageway edge 43 metres to the right and left of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900 mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety

14. CONSOLIDATED ACCESS

The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

15. EXTERNAL LIGHTING (ecology)

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2021)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: To avoid illumination of habitat used by bats causing harm and disturbance to protected species.

16. NO BUILDINGS AND FENCES / MEANS OF ENCLOSURE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

INFORMATIVES

CIL

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

WORK TO HIGHWAY

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

BUILDING REGS

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

LAND OWNERSHIP

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

UTILITES

Where any utilities poles or stays are required to be removed or relocated the permission of the relevant agencies should be sought and the expense covered by the applicant.