

Our Ref: MW/Stubbs

10th December 2024

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Dear Ms Trecise,

Town and Country Planning Act 1990
Erection of 3no. dwellings and associated works after demolition of workshop buildings on land rear of 2 Lydiard Green, Lydiard Millicent, Swindon, SN5 3LP.

Introduction

1. We are instructed by Mr John Stubbs to prepare and submit this full planning application for the erection of three dwellings and associated works after the demolition of workshop buildings on land rear of 2 Lydiard Green, Lydiard Millicent, Swindon.
2. This letter is addressed to Olivia Trecise who wrote the pre-application advice to the applicant in September 2022 for this site. Details of the pre-application are found under ref. ENQ/2022/01178.
3. Please find enclosed in support of this planning application:
 - The design and access/planning statement (this covering letter);
 - The planning application forms and certificates;
 - The location plan (Y24-11-7);
 - Proposed site layout (Y24-119-2 REV B);
 - Proposed 5 Bed Detached House, Plot 1 (Y24-119-3);
 - Proposed 5 Bed Detached House, Plot 2 (Y24-119-4);
 - Proposed 5 Bed Detached House, Plot 3 (Y24-119-5);
 - Proposed Detached Garage Details (Y24-119-6);
 - Existing site photos;
 - The preliminary ecology survey by Ellendale Environmental Ltd dated 24th July 2024;
 - The biodiversity net gain metric and report by Ellendale Environmental Ltd dated November 2024;
 - The topographical survey (27023-200-01);
 - The transport report by RodgersLeask dated October 2024;
 - CIL Form 1;

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- The pre-application advice (ref ENQ/2022/01178) dated September 2022;
- The appropriate application fee of £1,734.

Site Description

4. The application site is situated within Lydiard Green, a hamlet within the parish of Lydiard Millicent. There is no settlement boundary for Lydiard Green or Lydiard Millicent, which is defined as a Small Village in the Wiltshire Core Strategy.

5. The site, excluding the existing access, is approximately 58 metres along the southern boundary, some 77 metres along the northern boundary by about 30 metres deep. It is surrounded by established residential development to the east, south and west. An open field lies to the north of the site. Given its size, the site would not be necessarily considered as a small gap, however, it is previously developed land surrounded by residential properties on three sides.

6. The existing workshops do not present any special architectural or historic features and the location is not a designated employment area, where the loss of employment land could be considered contrary to the policies of the WCS.

Planning History

7. There are a number of planning applications associated with the site. The relevant applications are:

- N/88/00219/OUT; *Demolition of 3 timber outbuildings on plot no. 2 and demolition of dwelling on plot no.4, and the construction of 5 dwellings on the site.* Refused 14 March 1988.
- N/95/00256/FUL; *Change of use to B1 (business) use (retrospective) /access/car park area/ outside storage area and landscaping use for business.* Approved, 19 June 1995.
- ENQ/2022/01178; *Demolition of disused farm buildings and creation of 5 building plots.* Received, 15th September 2022.

Preapp: ENQ/2022/01178

8. The applicant sought advice from Wiltshire Council's pre-application service of the demolition of disused farm buildings and erection of five dwellings (on a slightly larger site).

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9. In response to the pre-application, Wiltshire Council concluded that the site is situated in the open countryside and the residential development proposed is not generally supported in this location. However, given that the land is a brownfield site with lawful business use, a high quality residential development scheme to replace the existing workshop buildings would likely result in some modest public benefits. Should the forthcoming residential scheme would be able to address the issues, the proposal was likely to be considered favourably.

10. The LPA discussed that the proposal would result in a few issues:

After considering the proposal, I am concerned that the proposal would likely result in adverse impact upon the character of the area and the amenity of the neighbouring properties. In particular, the proposed site layout, by introducing a row of 5 detached dwellings in a linear formation, would fail to respect the sporadic patterns of the development, which is strongly presented in the locality. Furthermore, the proposed dwellings would be situated in close proximity to the adjacent properties, as such, the proposal would likely result in an unreasonable overbearing or overlooking impact upon the amenity of the neighbouring dwellings.

11. The LPA suggested the following steps to address the concerns raised by the Officer in ENQ/2022/01178.

- ***To reduce the number of dwellings, and no more than three dwellings within the site;***
- ***To increase separation distance between the new dwellings and the adjacent dwellings;***
- ***To avoid any primary windows directly overlooking the adjacent properties;***
- ***To avoid any linear formation, the site layout needs to more sporadic to respect the main character of the area; and,***
- ***To provide a good quality landscaping and tree planting scheme within the site, taking into consideration the proximity of the open fields to the north of the site.***

12. The LPA have summarised further information required to be submitted with an application being made:

- ***An ecological survey; and,***
- ***A transport statement.***

13. In light of the pre-application advice of ENQ/2022/01178, the applicant has instructed us to prepare this full planning application.

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The proposed development

14. The proposed development involves the erection of three five-bed detached dwellings (Class C3) with associated garages and parking off the existing shared access. The proposed dwellings will be constructed in a local vernacular style. The scheme has been designed to complement the neighbouring development.

15. The shared access currently serves the three existing neighbouring dwellings and the existing workshop buildings. The proposed access will serve the net six dwellings with the new scheme.

16. In terms of highways safety, visibility onto the highway network is adequate having regard to the highway conditions and the existing lawful employment use of the land. The access was subject to a level of vehicles movements which historically would be similar to the vehicles to six dwellings (three existing and three proposed). The access will be upgraded to serve the properties, and will be sufficient for the waste/recycling trucks to approach the site. An agricultural access to the small parcel of agricultural land to the north of the site will be retained.

17. The application is accompanied by a layout plan showing the dwellings in the context of the neighbouring development. The scheme has been designed to complement the neighbouring site with respect to scale and materials. Materials will be reconstructed stone and render with concrete roof tiles.

Relevant Planning Policy Guidance

18. The proposal has been prepared taking into account relevant national and local planning policy. This section sets out a brief summary of the relevant planning policy documents, whilst the following section demonstrates compliance with these.

19. Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Wiltshire Core Strategy (updated 2015) and Lydiard Millicent Neighbourhood Plan 2018-2036 (May 2021).

National Planning Policy Framework

16. The current National Planning Policy Framework (NPPF) is dated December 2023 and provides a framework within which the development plan and development control decisions should be made.

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17. The NPPF is clear that the purpose of the planning system is to encourage local planning authorities to support sustainable development, which is achieved through securing various economic, social and environmental objectives. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving proposals that accord with the Development Plan without delay.

18. The NPPF is in the process of being updated, but has not been formerly adopted to date. Wiltshire Council relies on the NPPF dated December 2023. The key paragraphs of the NPPF (December 2023) for this development include:

- Achieving sustainable development: paragraphs 2, 8, 11, 12, 15 and 16.
- Decision-making: paragraphs 39, 48, 56, 57 and 58.
- Delivering a sufficient supply of homes: paragraphs 61, 65, 80, 81 and 82.
- Promoting sustainable transport: paragraphs 106, 107, 109, 112 and 114.
- Achieving well designed places: paragraphs 128, 132, 134 and 138.
- Conserving and enhancing the natural environment: paragraphs 180, 182, 186, 191 and 192.
- Conserving and enhancing the historic environment: paragraphs 195, 198, 200, 201, 205, 206, 207, 209, 211 and 214.

19. Paragraphs 63 to 66 of the NPPF (December 2023) state that the Government's intention is to offer a deliverable supply of housing and significantly boosting the supply of dwellings. Paragraph 63 discusses, amongst other matters, that:

63...within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

20. We understand that Wiltshire Council currently accepts that it is unable to demonstrate a 4-year supply of available land, such that the 'tilted balance' described in paragraph 11(d) of the NPPF will apply.

Local Planning Policy Guidance

21. Local Planning Policy falls to be determined by Wiltshire Core Strategy (January 2015) and the Lydiard Millicent Neighbourhood Plan 2018-2036 (Adopted May 2021).

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Wiltshire Core Strategy (January 2015)

22. The Wiltshire Core Strategy (WCS) was adopted in January 2015. It is considered that this proposal falls to be determined in the light of policies CP1: Settlement Strategy, CP2: Delivery Strategy, CP44: Rural Exception Sites, CP45: Meeting Wiltshire's Housing Needs, CP51: Landscaping, CP57: Ensuring high quality design and place shaping, CP60: Sustainable transport and CP61: Transport and new development, as set out below.

Core Policy 57: Ensuring high quality design and place shaping

A high standard of design is required in all new new developments, including extension, alterations, and change of use of existing buildings. Development is expected to create a strong sense of place through drawing on local context and being complementary to the locality.

Core Policy 60: Sustainable transport

The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

Core Policy 61: Transport and new development

New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

As part of a required transport assessment, the following must be demonstrated:

I. That consideration has been given to the needs of all transport users, where relevant, according to the following hierarchy:

- a) Visually impaired and other disabled people;***
- b) Pedestrians;***
- c) Cyclists;***
- d) Public transport;***
- e) Goods vehicles;***
- f) Powered two-wheelers; and,***
- g) Private cars.***

II. That the proposal is capable of being served by safe access to the highway network.

III. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.

Where appropriate, contributions will be sought towards sustainable transport improvements, and travel plans will be required to encourage

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the use of sustainable transport alternatives and more sustainable freight movements.

Lydiard Millicent Neighbourhood Plan 2018 - 2036 (Adopted May 2021)

23. Lydiard Millicent Neighbourhood Plan 2018-2036 was adopted in May 2021. The key policies for this application as listed in the pre-application are:

- LM2: Managing design in Lydiard Green;
- LM8: Movement Routes; and,
- LM9: Enhancements to Movements Routes.

Wiltshire Local Transport Plan 2011- 2026 Car Parking Strategy

24. Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy refers to the residential parking standards which states

Policy PS6: Residential parking standards

The provision of car parking associated with well designed new residential development will be determined in accordance with an approach which takes account of:

- ***The dwelling size; and,***
- ***The appropriate mix of parking types (e.g. unallocated, on-street, visitor, etc).***

25. Each five bedroom dwelling is required to have a minimum of three parking spaces, plus one visitor parking space, as shown on the site layout plan, in accordance with the Councils adopted parking standards.

Planning Considerations

Principle of Development

26. Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy) of the Wiltshire Core Strategy (WCS) (2015) comprise the over-arching strategy for the location of new development in Wiltshire. Core Policy 1, 19 and Appendix F of the WCS identifies Lydiard Millicent as a small village.

27. It is considered that the site is within the Small Village. The site is part of Lydiard Millicent, it is considered that it is not in an isolated location in terms of the decision of the Court of Appeal in Braintree DC v SSCLG [2018]. It is well connected to Lydiard Millicent and the services, facilities, employment and public transport links that it has to offer.

28. On the matter of housing land supply, we draw attention to the recent appeal decision dated 20th November 2024 at Widham Farm, Purton (ref. [APP/Y3940/W/24/3347455](#)). This was an appeal against the refusal of an application for 61 dwellings, access and open space following the

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demolition of two dwellings and for 0.72ha of employment land. This appeal decision provides up-to-date evidence in terms of housing land supply, compared to the pre-app advice provided by Wiltshire Council given in September 2022.

29. The appeal decision at Widham Farm, Purton explains the recent change in circumstances relating to the housing land supply position as referred to in paragraph 6 of the Inspector's decision:

6. The Council, in advance of the Hearing, confirmed that it would not be defending any of its reasons for refusing planning permission. This follows a change in circumstances related to the Council's housing land supply position.

30. Paragraph 13 of the appeal decision states that the four-year housing supply cannot be demonstrated. Paragraph 13 states:

13. Even so, the Council is currently unable to demonstrate a four-year supply of deliverable housing sites. Therefore, in the context of the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, the most important policies for determining this appeal are deemed out-of-date.

31. The pre-application advice from September 2022 has to be read in the context of this latest housing land supply position confirmed by the Council in its evidence to the recent Widham Farm appeal ([APP/Y3940/W/24/3347455](#)). The proposal is therefore subject to the 'tilted balance' set out in paragraph 11 of the NPPF, which adds to the case in favour of granting planning permission.

Infill development and housing land supply

32. Whilst the site is not allocated for development the Neighbourhood Plan has clarified the manner in which development proposals in Lydiard Green should be assessed. The site is previously developed land surrounded by residential uses on three sides. Wiltshire Council Core Policy 1 (CP1) and Wiltshire Council Core Policy 2 (CP2) limit development in small villages to infill, which was defined as the filling of a small gap within the village that was only large enough for not more than a few dwellings. This proposal falls squarely within this definition. However, in the context of the 'tilted balance', these policies can be given little, if any, weight.

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33. The proposal respects the existing character and form of the settlement; does not elongate the village or impose development in sensitive landscape areas; and, does not consolidate an existing sporadic loose knit areas of development related to the settlement.

Design and Residential Amenity

34. The proposed design and layout of the scheme has been informed by a thorough review of the site and an assessment of the character and pattern of development within Lydiard Green.

35. The street scene is characterised by a variety of styles of red brick, render and stone dwellings, including a chapel located on the opposite site of the road. The road through Lydiard Green is relatively narrow without a pedestrian foot way along a large extent of the street frontage.

36. The proposed dwellings are of a traditional design, which compliments the surrounding rural vernacular. The removal of the existing employment buildings and the development of houses of high quality design in accords with WCS CP57 and responds to the local setting and topography for the environment to be retained and enhanced.

37. The proposed dwellings will be two-storey buildings with gardens, orientated in a way that overcomes concerns of overlooking and issues of distance and overbearing impact on the development within the pre-application advice (under ref. [ENQ/2022/01178](#)).

The site is being looked over by a few residential properties. Whilst details in terms the height of new dwellings, ground level of the site, the location and number of windows have not been submitted, given the proximity of approximately 13-15 metres, I am concerned that such distance would result a degree of overlooking and overbearing impact.

38. The existing landscaping provides visual screening, and the ecological report proposes new habitats for wildlife enrichment. PIRs will be used to control external lighting.

Impact on Lydiard Millicent Conservation Area

39. CP58 of the Wiltshire Core Strategy seeks to protect, conserve and where possible enhance the historic environment. The Lydiard Millicent Conservation Area is adjacent to the north-eastern corner of the site. The existing buildings are not statutory listed. There are no listed buildings nearby. The proposal will have a neutral effect on the character and

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appearance of the adjacent Conservation Area. It might be considered that the erection of the three dwellings on the existing brownfield site used for light industrial use (Class E(g)(iii)) might enhance the Conservation Area.

40. The existing workshops do not present any special architectural or historic features, and it is not situated within the designated employment area. The LPA are of the view in their pre-application, that there is no objection in principle to the proposed demolition provided that the buildings were surveyed for protected species (please refer to the ecology report).

Highways, access and parking

41. The application will make use of the existing access taken from the main road (Lydiard Green). The access is currently a private drive which is able to serve the existing dwellings and the storage units behind the dwellings on the application site.

42. The development is served by safe access to the highway network. The site access drawing (ref: 24309-RLL-24-XX-DR-D-5001) submitted with the transport report and survey shows visibility splays of 2.4m x 43m (30mph) to the east and 2.4m x 57m (36.6mph) to the west.

43. The highways report demonstrates that the existing visibility from the site access is sufficient. The access arrangements are not severe in line with current planning policy.

44. As the development consists of three 5-bedroom dwellings, each house is shown to have 3 spaces each in accordance with Wiltshire Council's residential parking standards. The design includes garages. The garages will be 6m x 3m (internal dimensions) which is sufficient room for an average sized family car, a cycle, and some storage provision. There will also be one visitor parking space in accordance with Wiltshire's Parking Standards as sited within the pre-application advice.

Ecology

45. A preliminary ecology report by Ellendale Environmental was undertaken in July 2024. The following measures will enhance the habitats on-site through the following measures (which we except can be dealt with by condition:

- Planting of native shrubs in appropriate areas of the site, such as the boundaries, to bolster the existing habitat and provide connectivity between existing habitats;

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- Bird nesting boxes; and,
- Bat boxes.

46. Calculations for biodiversity net gain are also included which shows a very positive contribution to biodiversity with a calculated result of 3614.03% (please refer to the standard biodiversity metric).

Trees and landscaping

47. There are no mature trees present along the boundaries or with the site. The proposed scheme seeks to retain all existing trees/hedgerows to help screen the development. Moreover, the trees along the boundary will be protected with temporary fencing for the duration of the works.

Flood Risk

48. The site is within a residential area which is within Flood Zone 1. No Flood Risk Assessment is required.

Drainage

49. The site is within an existing residential area where mains foul drainage is not available. All dwellings and commercial uses in this area rely upon non-mains drainage solutions. Foul drainage will be achieved in the same manner as existing dwellings in the vicinity, a Biofilter, which operates as a mini sewage treatment plant will be installed and treated water will be discharged to the existing ditch along the east boundary of the site. Surface water will be discharged to soakaways within the site.

Concluding Remarks

50. This is an application for the erection of three five-bed dwellings (Class C3). The site is situated on the edge of Lydiard Green with residential development on three sides. It is previously developed land.

51. Given that the land is a brownfield site with lawful business use, a high-quality residential development scheme to replace the existing workshop buildings likely result in some modest public benefits, the Council has agreed that the principle of residential development here is acceptable.

52. This application addresses the points raised by Olivia Tresise in [ENQ/2022/01178](#) and provides a suitable scheme that meets the possible concerns raised by the LPA.

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53. Following this pre-application advice, the recent (November 2024) appeal decision ([APP/Y3940/W/24/3347455](#)) at Widham Farm, Purton, indicates that Wiltshire Council is unable to demonstrate a 4-year supply of suitable housing sites, in which case the 'tilted balance' favours the grant of planning permission for the three dwellings.

54. The proposals are supported by the relevant planning policy context set out in the NPPF (July 2024) and the Wiltshire Core Strategy (Adopted January 2015) and the Lydiard Millicent Neighbourhood Plan 2018-2036 (May 2021).

55. The proposed development is considered to be a sustainable form of development on previously developed land, within a Small Village, with existing residential development on three sides. Given the Council's current housing supply situation, the proposal would help address the shortfall.

56. The benefits of the scheme are clear. It would bring forward much needed market housing in a sustainable location, consistent with the WCS. Significantly weight should be attached to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy.

57. The parking and access arrangements are appropriate. There will be no habitat loss - indeed, there would be a considerable net gain. There will be no adverse impact in terms of residential amenity or the character and appearance of the Conservation Area.

58. I trust that you have all the necessary information required to register and favourably determine this application. I look forward to hearing from you in due course. If you need any further clarification, please do not hesitate to get in contact with me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Marc D. Willis', with a large, sweeping flourish extending to the right.

Marc D. Willis BTP MRTPI FBIAC