LAND TO THE WEST OF ALDERTON LANE,
GRITTLETON, WILTSHIRE SN14 6AN

APPELLANT'S FINAL COMMENTS
APP/Y3940/W/24/3352933

December 2024

1 Introduction

1.1 This document sets out the Appellant's final comments. It responds to the Council's statement, but it does not introduce new material. It briefly references the NPPF (December 2024). It comments briefly on the Parish Council's statement.

2 The Council's Case

2.1 The Council's case is that moderate weight should be given to the benefits of the extra dwellings, but that significant weight should be given to conflict with development plan policies. Their conclusion depends upon the finding that there is harm to the landscape and character of the area, as this then engages the housing policies, given the significant shortfall in housing provision.

3 Analysis of the Council's Case

3.1 The Council's position has changed since the determination of the application because the Council cannot demonstrate a four-year housing land supply. Therefore, as per the NPPF (December 2023) paragraph 11, planning permission should be granted unless:

(i) policies that protect areas of particular importance (in this case AONB/National Landscape is referenced by the Council) provide a clear reason for refusing the development;

(ii) any adverse impacts would significantly and demonstrably outweigh the benefits.

3.2 The NPPF was updated in December 2024. Paragraph 11 d) has been expanded, but this does not alter the assessment required significantly.

3.3 The Council's case is that there is conflict with Chapter 15 of the NPPF which gives rise to a clear reason for refusal, such that the tilted balance does not apply. It is first, therefore, necessary to identify what actual or policy harm the Council has identified.

3.4 The Council's appeal statement in respect of RfR2 extends to two paragraphs, relying upon the landscape impacts which "**are covered in detail**" in the officer's report, they say. The appeal statement also comments that harmful development at the edge of a settlement would impact on the distinctiveness of the settlement and its value to the National Landscape.

3.5 Taking these in reverse order, the Council has concluded that a design can be secured which will not harm the heritage asset in terms of built form. Therefore the dwellings themselves will not harm the distinctive vernacular of the settlement.

3.6 The Council's conclusion that there will be harm hinges on the conclusion that there will be a loss of openness. Essentially there will be landscape harm because this is a particularly important open area, they allege.

3.7 This is central to the Council's decision, and to whether or not the tilted balance applies. The Council must demonstrate that it has correctly concluded that there is a harm at a level that warrants refusal.

3.8 In the officer's report the site was described as "**a sensitive and prominent location at the edge of the settlement**". The Council disputes, the officer's report continues, that the site is only visible from the road outside of the site, and "**maintain that the site is highly visible in wider landscape views towards the site on approach to the village from the west**". Character would be eroded, it is alleged.

3.9 It will be recalled that the Council's evidence is particularly thin. The argument that this is highly visible, stated to be "covered in detail" in the original officer's report, seems to be set out in a single paragraph of the officer's report that states:

> "**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**".

3.10 The Council's views are challenged in detail in the Appellant's Appeal Statement, with analysis and photographs on landscape impact and views set out in 5.28 to 5.50, and in respect of form and character in 5.51 to 5.56. It is shown that the site is not "highly visible" on approach, or a prominent location.

3.11 The Council's officer's report does no more than allege that this is a prominent and sensitive location. Given that this is challenged in detail by the Appellant, it would be reasonable to expect the Council to provide justification for its conclusion. The Council's Statement is remarkable for its lack of commentary and evidence on this matter. Under RfR2 the Council acknowledge that two houses could be designed which "**would align with the closest properties in terms of layout, scale and design**", but still state (without any supporting justification) that this is "**a sensitive and prominent location at the edge of the settlement**".

3.12 In the officer report the Council alleges that "**the site is highly visible in wider landscape views towards the site**". Given that we have shown, in photographs in the Appeal Statement, that the site is not highly visible, it is surprising that the Council makes no attempt in its Statement to support its position, referring only to the officer report which also provides no analysis, no viewpoints and no justification as to why that conclusion is reached, as reproduced above.

3.13 The Council does not provide evidence to justify that stance, in terms of landscape impact.

3.14 The Council's evidence, is, put mildly, disappointing. The allegation of this being a "sensitive and prominent" location and the site being "highly visible in wider views towards the site" are supported by no photographs. The Inspector is directed to no viewpoints. The Council provides no analysis, just makes a statement.

3.15 Nor does the Council provide evidence to justify the conclusion that there will be harm to the character. In its appeal statement the Council (under RfR2) states that distinctive vernacular settlements form part of the special qualities of the National Landscape. If the dwellings can be well designed to align with the closest properties, it follows that there will be no harm to the character of the settlement. The Council's statement under RfR2 that this will be "**harmful development**" that would "**impact the contribution of this settlement to the distinctiveness and value of the National Landscape**" is not supported by evidence or explanation.

3.16 The Council has not provided evidence to justify reason for refusal No 2.

3.17 Therefore the tilted balance applies. The Council's housing policy conflict, as alleged, then falls away.

3.18 As the Council's housing policies are out of date, if the Inspector finds that the landscape harm, for which the Council provide no justifying evidence, does not warrant refusal, the development should be allowed.

3.19 The Council's Appeal statement seeks to suggest that harm to the housing policy, whilst reduced because of the housing shortfall, should still carry significant weight. This is because they continue to allege that the development elongates the village because it is an extension to a line of houses, and consolidates development because it adds development to an area considered to be separate from the core of the village.

3.20 The Council's Appeal Statement seeks to explain how "elongate" and "consolidate" can basically mean the same thing and can be used to describe the same development (as they do here). The Appellant does not accept that can be the case. If it could be the case, then including "elongate" in CP 2 (ii) and "consolidate" in CP 2 (iii) seems rather unnecessary. Clearly the author of the policy had in mind two different issues.

3.21 As the housing policies are not engaged, the Appellant does not respond in further detail on the matter. However, the Appellant points out that at the end of the third paragraph on page 2 of the Council's appeal statement, the development is described as "**separate from the core of the village**". Core Policy 2 allows development within the existing built area. The policy does not make any reference, in the context of the three criteria, to those relating to "**the core of the village**". I am concerned that the Council is not applying the policy as it is intended to be applied.

4 Conclusions and the Council's Case

4.1 The Council provides no evidence to justify its description of the appeal site as a "**sensitive and prominent location**" or that the proposed development would be "**highly visible in wider landscape views towards the site**". Therefore harm to the National Landscape is not made out by the Council.

4.2 The Council has a housing shortfall and this development will contribute to meeting housing need.

4.3 It is recognised that the development will not harm the built character of the Conservation Area, if suitably designed, and it follows that it will not harm the character of the area (as distinct from the landscape harm which the Council has alleged but does not evidence).

4.4 Therefore:

(i) there are no clear reasons for refusing the development because of policies protecting assets of particular importance;

(ii) there are no adverse effects to significantly and demonstrably outweigh the benefits of extra housing.

4.5 The character of the settlement will not be eroded and there is no evidence to enable the conclusion that this is either a sensitive and prominent location, or that there will be landscape harm to any significant degree. The Council's statements to that effect are supported by no analysis.

4.6 The appeal should be allowed.

5 The Parish Council's Case

5.1 Grittleton Parish Council's concern is limited to being able to ensure that the heritage of the village is maintained, for which they would have expected to have seen detailed drawings. Wiltshire Council has concluded that an acceptable design is possible, and the Parish Council will be consulted fully on that at application stage as well. That concern should not warrant a dismissal.