National Planning Policy Framework

PL/2023/11012 Land adjacent to Kiln Close, Whaddon, SP5 3HE

Planning Inspectorate Reference: APP/Y3940/W/24/3347288

Following the publication of the updated version of the National Planning Policy Framework (NPPF) on 12 December 2024, the Local Planning Authority provide the following comments in relation to this update for consideration against the above mentioned appeal.

Prior to the publication of the revised NPPF, the Council was already in a position where it unable to demonstrate the requisite housing land supply and the 'titled balance' was applied.

The changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer and must apply the revised Local Housing Need for decision-taking immediately. This, therefore, results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The Council cannot demonstrate the requisite five-year housing land supply and can demonstrate a 2.03 years supply.

It is noted that the 'titled balance' is now applied to this appeal proposal following the recent changes to the NPPF and the Council's five-year housing land supply position forms a material consideration in the determining of this appeal.

Under the updated NPPF, paragraph 11(d) references the special regard to be given to policies for development that are located in sustainable locations, make effective use of land, securing well-designed new places and the provision of affordable housing. Whilst the minor revision to the presumption in favour of sustainable development for decision taking is that permission should be granted unless the framework indicates a "strong" reason for refusal, rather than a "clear" reason for refusal is noted, there are still "strong" reasons for the appeal proposal to be dismissed in that the scheme fails to make efficient use of the land nor is it well designed for the reasoning as outlined in the Local Planning Authority's (LPA) statement of case.

Furthermore, the Inspector is advised to refer to the recent decision for application PL/2024/05291, the revised scheme for three-self build dwellinghouses submitted to address the reasons for refusal of this appealed application. The decision notice for this application is included at APPENDIX 1.

Whilst it is acknowledged that officers recommended approval of this revised scheme in the absence of any statutory consultee objections, members of the Southern Area Planning Committee refused planning permission for this proposal on the basis that the scheme was contrary to the requirements of Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity), CP52 (Green Infrastructure) and CP57 (Ensuring high quality design and place shaping) and paragraphs 124 and 187 of the NPPF Guidance.

To conclude, the principle of development on this site is acceptable having regard to the settlement strategy of the WCS in that it is within the settlement boundary of a Large Village with a range of services and facilities. However, the number of dwellings would need to be agreed in order to overcome the site specific reasons for refusal. The current number of dwellings and their layout subject to this appeal proposal is considered to have a detrimental effect to the residential amenities of the existing neighbouring properties within Southampton

Road and Kiln Close; to wildlife habitats through the removal of vegetation that has already taken place and; the removal of the embankment to facilitate the siting of the dwellinghouses.

Whilst the provision of four additional dwellings would have associated benefits in terms of Council's current housing supply and the economy from construction and occupation, the harm identified by the reasons for refusal in the Decision Notice to the plan policies of the WCS as a whole would in officer opinion, tilt the balance away from finding favour with the scheme. Furthermore, it was concluded that it would not be possible to provide suitable habitat mitigation/compensation for the loss of vegetation following the removal of vegetation from the embankment as this would be extensive and require a large proportion of the site layout of the proposal to accommodate this. Therefore the inclusion of four dwellinghouses on this appeal site would not offer suitable habitat mitigation against the loss of the vegetation.

For the reasoning as outlined above and as included within the LPA's statement of case, the Council respectfully request that the Inspector dismisses this appeal.

Wiltshire Council

APPENDIX 1

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2024/05291

Decision Date: 17 January 2025

Applicant:	Manor House Developments Ltd C/O Agent, Bodenham House Barn, Bodenham, Salisbury, SP5 4EN
Particulars of Development:	Excavation of former railway embankment, erection of 3 x new self build dwellings, hard and soft landscaping and associated works
At:	Land Adjacent to Kiln Close, Whaddon, Wiltshire, SP5 3HE

In accordance with paragraph 39 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): (1)

1 It is considered that the proposed excavation and removal of the former railway embankment and development of three new detached self-build dwellings on the excavated land would lead to a significant and fundamental detrimental change to the visual appearance of the immediate area with the removal of the historic embankment considered as a significant feature in this part of Whaddon previously providing a valuable green and ecologically rich area of which, the entirety would be lost with minimal replacement following the development of the dwellings proposed. Consequently, the development is considered to be contrary to Core Policies CP50 (Biodiversity and Geodiversity), CP52 (Green Infrastructure) and CP57 (Ensuring high quality design and place shaping) of the Wiltshire Core Strategy and paragraphs 124 and 187 of the NPPF guidance.

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)).