Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2025

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/Y3940/W/24/3347288
Land Adjacent to Kiln Close, Whaddon, Wiltshire SP5 3HE

- 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 G Mundy of Manor House Developments Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2023/11012.
- The development proposed is excavation of former railway embankment, erection of 4 x new dwellings, hard and soft landscaping and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended site plan showing changes to the parking layout, together with additional biodiversity information. The amendments are relatively small, and the Council has had the opportunity to comment on this and the new information. As such, no prejudice would arise if this amended plan, and the new information, is taken into account. I shall determine the appeal on this basis.

3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this and I have determined the appeal on the basis of the current planning policy position.

Main Issues

4. The main issues are the effect of the proposal on:

    - the character and appearance of the area,
    - the living conditions of the occupiers of nearby dwellings with regard to noise and disturbance, and outlook, and
    - biodiversity.

Reasons

Character and Appearance

5. The appeal site consists of a formerly vegetated railway embankment, situated between Southampton Road and Kiln Close. The site lies within a Special Landscape Area. As found by previous Inspectors in relation to appeals cited by

the appellant, the built-up area has a variety of house designs, layouts and densities. These give it a suburban character, albeit more rural and spacious in places.

6. Properties on Southampton Road consist largely of houses laid out in a ribbon along the road, and fronting onto it. Several cul-de-sacs lead off from Southampton Road, including Kiln Close. Here, dwellings consist of detached properties positioned in a loose arrangement within reasonably spacious, verdant plots. Some dwellings are set at an angled position, with their side elevations visible. However, most if not all have their main elevations facing broadly towards the road, providing their front, public face.

7. The proposal seeks to erect four detached dwellings. These would be positioned one behind the other in a tandem arrangement. This would reflect the linear alignment of the former railway line and its embankment, which would be removed and levelled. Between proposed plots 1 and 2; and 3 and 4 would be parking and circulation areas.

8. The proposal would have gardens of a size that would exceed the footprints of the dwellings. They would also have a low density and a plot-to-built-development ratio similar to others locally. There is no dispute that in these respects the proposal would comply with the Wiltshire Design Guide Supplementary Planning Document, dated March 2024. As such, it would not be particularly cramped.

9. Even so, large parts of the spaces between the proposed dwellings would be taken up with hard built form, such as the parking and circulation areas, which would be visible from Kiln Close. As a result, the proposal would urbanise and undermine the verdant and spacious character of this part of the Special Landscape Area.

10. Furthermore, the rear or largely blank side elevations of the proposal would be facing Kiln Court and so would be the most prominent. This would result in it having an awkward, inward-looking appearance. The rigid, tandem position of the dwellings would similarly fail to reflect the orientation and layout of other properties hereabouts.

11. Consequently, despite the sympathetic external materials and designs, the proposal would have a contrived, incongruous appearance. This would conflict with the Creating Places Supplementary Planning Document, adopted 2006, which requires proposals to demonstrably enhance their wider setting and address the relationship of dwellings to the street. It would similarly not accord with the National Design Guide which amongst other things encourages active, street-facing frontages.

12. For the reasons given above, the proposal would harm the character and appearance of the area, conflicting with policy CP57 of the Wiltshire Core Strategy (WCS), adopted January 2015, and saved policy C6 of the Salisbury District Local Plan (SDLP), adopted June 2003. These require that development has a high standard of design to create a strong sense of place, and is carefully controlled to conserve the character of the Special Landscape Area.

13. I see no conflict with WCS policies CP1 and CP2, which relate to the spatial strategy for development in Wiltshire. Nevertheless, for the same reasons as given above, the proposal would also conflict with the requirements of Framework

paragraphs 135 and 139 for development to be well-designed and sympathetic to the surrounding built development. As such, this harm carries substantial negative weight in the planning balance.

Living Conditions

14. The rear gardens of the residential properties on Southampton Road adjoin the embankment at an angle. This means that their rear gardens vary in length considerably. Vehicle movements on Southampton Road and the nearby A36 already result in a degree of background noise. Even so, occupiers of the dwellings would anticipate a degree of peaceful enjoyment of their properties and of their rear gardens in particular.

15. The amended plan has clarified the number of parking spaces proposed. Though a sufficient distance from properties in Kiln Close, the parking and circulation areas would be located close to the boundary with the rear gardens of dwellings on Southampton Road, particularly Dacris, Seefeld and The Wayside. Activity, noise and movement from the parking and circulation areas would include that from cars manoeuvring, engines running, and doors slamming. Given their close proximity, they would have a harmful, intrusive impact on the adjoining rear gardens, making them less pleasant places to reside.

16. I have no substantive details of any acoustic fencing, or the extent to which it would mitigate these effects. Nor am I convinced that there would be sufficient space for this fencing, as well as successful landscaping, given the limited space available behind the parking areas. I only have limited details of the other appeal developments cited by the appellant, including that at Calne[1], preventing useful comparison. These matters do not therefore overcome my concerns about the harmful effects of the proposal in respect of noise and disturbance.

17. The proposal would change the outlook from the rear windows and gardens of the properties on Southampton Road and Kiln Close. However, the proposed dwellings would have hipped roofs and heights of 1.5 storeys, limiting the extent of their physical presence on neighbouring properties. The dwellings would be set away from the common boundary and additional trees and landscaping would mitigate their visual effects on the Southampton Road properties. Consequently, even at its closest points, the proposal would not be unduly overbearing or harmful to the outlook available to these properties.

18. Nevertheless, for the reasons given, the proposal would harm the living conditions of the occupiers of nearby dwellings with regard to noise and disturbance. On this basis, it would conflict with WCS policy CP57, which requires compatibility with adjoining buildings and uses, and with the amenities of existing occupiers. I give this significant negative weight in the planning balance, having regard to the aim of Framework paragraph 135 for a high standard of amenity for existing users.

Ecology

19. The embankment previously hosted a large amount of mature woodland. The trees and woodland have been removed under a felling licence, said to have been undertaken under a different ownership, but leaving the embankment largely

[1] APP/Y3940/W/22/3303889

denuded of vegetation. Although a range of protected and important species are identified in the area, the site has no particular ecological designations.

20. WCS policies CP50 and CP52 require proposals to protect features of nature conservation, retain and enhance existing on-site green infrastructure, and cause no net loss of biodiversity. Development categorised as 'major' must in particular make a net gain, but the proposal is not of this type. Given the extent of the proposal, it would not provide sufficient space to compensate for the loss of the previous woodland.

21. However, the appeal application was submitted before 12 February 2024 and is not subject to the Biodiversity Net Gain requirement for a calculation of pre-development biodiversity value. I am aware of no planning or other necessity for the felled trees and woodland to be replanted. As such, the baseline for any net loss is the existing status of the site and so there is no requirement for the site layout to provide space for compensatory trees or vegetation.

22. The post-felling Preliminary Ecology Appraisal (PEA) found that the site still has the potential to support some protected species. That said, I have little evidence that retention of the embankment in its current form is necessary for ecological reasons. Instead, other enhancements are recommended by the PEA, which could be the subject of a condition.

23. For these reasons, I conclude that the proposal would not have a harmful effect on biodiversity. It would therefore comply with WCS policies CP50 or CP52, and the similar requirements of the Framework. WCS policy CP51 relates to landscape impacts rather than biodiversity and so I find no conflict in respect of this main issue. Consequently, ecology is a neutral factor in the planning balance. I will deal with the effect on habitat sites below.

Other Considerations and Matters

24. The Council accepts that it cannot currently demonstrate a five-year supply of housing land, with a significant shortfall now calculated at only 2.03 years following publication of the new Framework. Accordingly, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply. This is as set out in paragraph 11 of the Framework.

25. I have found conflict with WCS policy CP57 and SDLP policy C6, which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole.

26. Against that conflict, the proposal would make a contribution to the supply of housing, including for self-build units. Its future occupiers would have positive social and economic effects, and its construction would assist the building industry. The proposal would make efficient use of land in a location that is reasonably sustainable, in a Large Village suitable for housing. However, due to the relatively modest number of dwellings proposed, I give these benefits only moderate positive weight in favour of the proposal.

27. Framework paragraph 125(c) requires that I give substantial weight to the value of using suitable brownfield land within settlements for homes, which it says should

be approved unless substantial harm would be caused. However, even if the site does constitute brownfield land, I have found that substantial harm would result from the proposal and so it would not constitute an appropriate opportunity. On this basis, Framework paragraph 125(c) does not support it.

28. The Council and the appellant have made reference to a subsequent planning application for three dwellings at the site. Nevertheless, full details of this scheme have not been provided. In any case, the application was refused by the Council and so does not represent a fallback. Accordingly, I have focused my considerations on the proposal before me.

29. The proposal has the potential to affect the River Avon Special Area of Conservation (SAC), the SACs and Special Protection Areas (SPAs) in the River Test catchment, and the New Forest SPA and SAC. These are protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm with regard to the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SACs and SPAs. However, as the balance of considerations is against the proposal, this matter need not be considered any further in this case.

Planning Balance and Conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm that I have identified, and the weight I have ascribed to this, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

31. I have found conflict with the Development Plan. The material considerations in this case do not indicate a decision other than in accordance with it. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR