

Town and Country Planning Act 1990

Planning Statement



Address: 19 Red Pit, Dilton Marsh, Westbury BA13 4BJ

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Tadman Planning Consultants Ltd and forms the supporting information to an application for outline permission to erect up to five dwellings at 19 Red Pit, Dilton Marsh.
- 1.2 The purpose of this statement is to explain the background to the scheme and provide an assessment of the key planning issues set against the context of national and local planning policy and guidance, and any relevant material considerations.
- 1.3 This statement should be read in conjunction with the following supporting information:
- Application Form, Ownership Certificates, and CIL Form;
 - Site Location Plan and Indicative Site layout
 - Design and Access Statement
 - Arboricultural Report and plans
 - Preliminary Ecological Assessment
 - Biodiversity Net Gain Report and metric
 - Transport Note

2.0 SITE CONTEXT

- 2.1 The site lies within Dilton Marsh, a large village within the county of Wiltshire and approximately 1.5 miles south-west of Westbury.
- 2.2 The site currently comprises No 19 Red Pit which is a two-storey cottage constructed of brick under a tiled roof located close to the site's north-western boundary. The existing dwelling is set within a large garden which has numerous trees plus many overgrown shrubs and grassed areas. The site is accessed from Red Pit, a private road accessed off Clivey to the north-east.
- 2.3 No 19 Red Pit is not listed building and is not within the setting of any listed buildings. The site is also not within a Conservation Area. The site is also in Flood Zone 1 or within a designated landscape area.

- 2.4 Dilton Marsh is characterised by a distinctive mix of historic and modern development, surrounded by open countryside and agricultural land, contributing to its character.
- 2.5 Dilton Marsh is set primarily along the B3099 and minor lanes, with some modern cul-de-sac developments extending into adjacent land. The village retains a traditional character with a mix of stone, brick, and rendered cottages interspersed with more contemporary dwellings. The majority of buildings are of one or two storeys, maintaining a modest scale that blends with the surrounding landscape.
- 2.6 The village benefits from a wide range of services including a primary school, church, village hall, local shop, and recreational facilities. There is a railway station on the edge of the settlement, between Dilton Marsh and Westbury.

Planning History

- 2.7 There is no recent planning history for this site.

3.0 THE PROPOSAL

- 3.1 The proposed description of the development is as follows:

'Outline application for the erection of up to five dwellings following the demolition of the existing dwelling, all matters are reserved except from access'

- 3.2 As the application is in outline with only access under consideration, all details other than access are indicative only.

- 3.3 The indicative plans show the erection of five dwellings on the site, a net increase of four dwellings as follows:



- 3.4 It is anticipated that the dwellings will be two to two and a half storeys high under pitched roofs with each dwelling being provided with off street parking. Gardens are also provided to the front and rear of each plot.
- 3.5 Plots 1 and 2 are indicatively shown as a pair of semi-detached dwellings with plots 3, 4 and 5 comprising detached house with garages. Two areas of shared amenity space are also shown on the site..
- 3.6 The development will result in the loss of a number of trees on the site.
- 3.7 The existing dwelling is of single skin construction, poorly insulated and has had no improvements carried out for approx 55 years. Unfortunately it would not be economical to refurbish the house and therefore it is proposed to be demolished.

4.0 PLANNING POLICY CONTEXT

Local Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Wiltshire Council's Development Plan comprises:
- Wiltshire Core Strategy (2015)
 - Wiltshire Housing Site Allocations Plan (2020)
 - Minerals Core Strategy (2009)
 - Saved policies West Wiltshire District Plan 1st Alteration (2004)
- 4.3 The following policies of the Wiltshire Core Strategy are relevant to the determination of this application:
- Core Policy 1 - Settlement Strategy
 - Core Policy 2 - Delivery Strategy
 - Core Policy 32 – Westbury Community Area
 - Core Policy 41 – Sustainable Construction and Low-Carbon Energy
 - Core Policy 50 – Biodiversity and Geodiversity.
 - Core Policy 52 – Green Infrastructure
 - Core Policy 57 - Ensuring High Quality Design and Place Shaping
 - Core Policy 61 - Transport and development
- 4.4 The following policies of the West Wiltshire District Plan 1st Alteration are relevant to the determination of this application:
- Policy U5 - Sewage Treatment Works

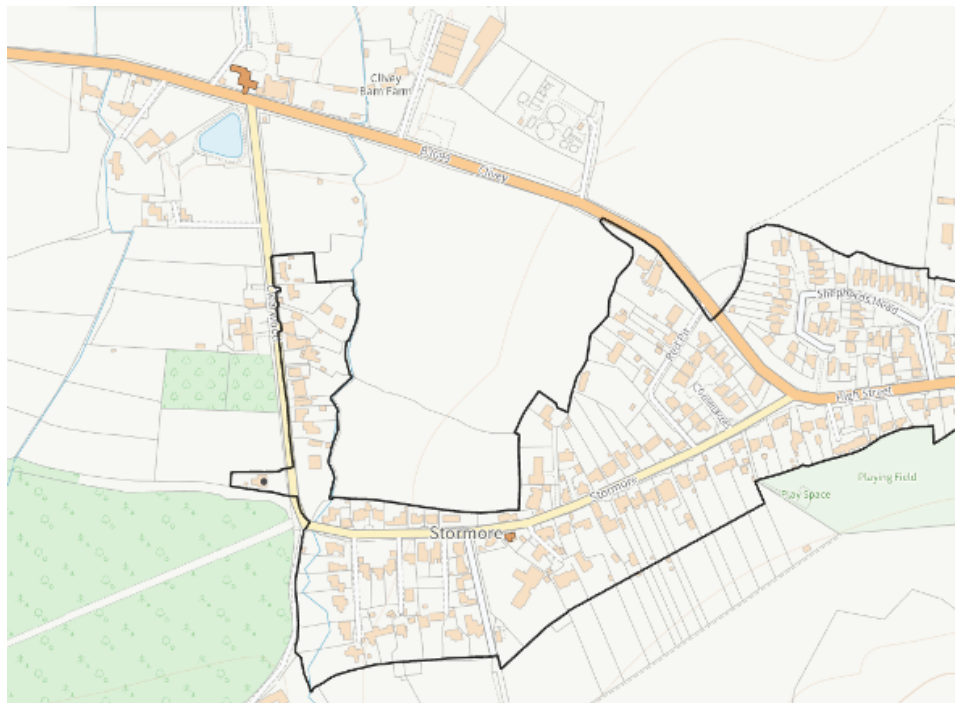
National Policy

- 4.5 Other possible Relevant Considerations (without limitation):
- National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance

5.0 PLANNING ANALYSIS

Principle of the Development

- 5.1 Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the County of Wiltshire and uses a hierarchical approach with most development being directed for delivery within the principal settlements, market towns, local service centres and large and small villages. In this case Dilton Marsh is listed as a large village within the Westbury Community Area.
- 5.2 Core Policy 2 then sets out the delivery strategy for development within the County, seeking to promote development that is delivered in a sustainable pattern, prioritising the release of employment land and previously developed land to limit the need for greenfield development.
- 5.3 The policy also states that within the defined limits of development, shown on the policies map accompanying the core strategy, there is a presumption in favour of sustainable development at the principal settlements.
- 5.4 The defined settlement limits for Dilton Marsh are shown in the following insert:



5.5 The application site is shown below:



5.6 Core Policy 32 also sets out the specific spatial strategy for the Westbury Community Area stating that a total 1,615 new homes will be provided within the area, 115 of which should be provided outside of.

5.7 The site of 19 Red Pit is located within the defined settlement boundary for Dilton Marsh and complies with Core Policies 1, 2 and 32 and is therefore acceptable in principle.

Wiltshire's Housing Land Supply

5.8 In December 2024 a revised National Planning Policy Framework (NPPF) was published along with revisions to the Planning Practice Guidance (PPG) which resulted in the housing delivery requirements for Wiltshire significantly increasing by 84% from 1,917 to 3,525 per year.

5.9 As a result, Wiltshire does not have a five-year housing supply and can only demonstrate 2.03 years' supply.

5.10 The National Planning Policy Framework therefore advises that where a Council

cannot demonstrate a five-year supply, the presumption in favour of Sustainable Development, the 'tilted balance', as set out in paragraph 11(d) applies.

5.11 Paragraph 11(d) of the NPPF, sets out a decision-taking framework that states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-design places and providing affordable homes, individually or in combination.*

5.12 For clarification, the site does not fall within any of the designations listed in Footnote 7 of the NPPF.

5.13 As confirmed within the 'The Gladman case' (Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin)) Mr Justice Holgate stated that "LPAs and Planning Inspectors may continue to weigh development plan policies in the tilted balance in paragraph 11(d)(ii)."

5.14 Mr Justice Holgate also said that where paragraph 11(d)(ii) is triggered because of a housing land supply shortage, it is for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d).

5.15 While this is acknowledged, the Council has already confirmed in numerous planning reports that, as they cannot demonstrate a five-year housing supply when tested against the NPPF requirement, Core Policies 1, 2 and 32 cannot be given full weight.

5.16 As a result, the presumption in favour of sustainable development (the 'tilted

balance') set out in paragraph 11d) ii. is engaged and permission should therefore be granted for new housing unless any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits".

5.17 As explained above, the site is within the development boundary of Dilton Marsh, meaning that it is in a sustainable location and the proposal is therefore acceptable in principle. The proposal is therefore also in accordance with Core Policy 1 of the Wiltshire Core Strategy.

5.18 Nevertheless, the application still needs to be considered in terms of the tilted balance and planning permission should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.19 The proposal would provide five dwellings in a sustainable location with good access to services and facilities. A planning balance is therefore provided below taking into account all of issues to be considered in respect of this application.

Impact on the Character and Appearance of the Area

5.20 The application has been accompanied by a Design and Access Statement that sets out the character of the surrounding area and the proposed indicative design and layout of the development.

5.21 While the proposal is in outline the indicative information submitted demonstrate that a high-quality detailed scheme of five dwellings can come forward at reserved matters that would not have a harmful impact on the character and appearance of the site itself or the surrounding area. The proposal is therefore considered to comply with Policy 57 of the Wiltshire Core Strategy.

Sewage Treatment Works Buffer

5.22 The site is partly within the sewage treatment works buffer zone under saved Policy U5 of the West Wiltshire District Plan 1st Alteration (dated 2004) which forms part of the adopted WCS (dated 2015). Saved policy U5 states the following:

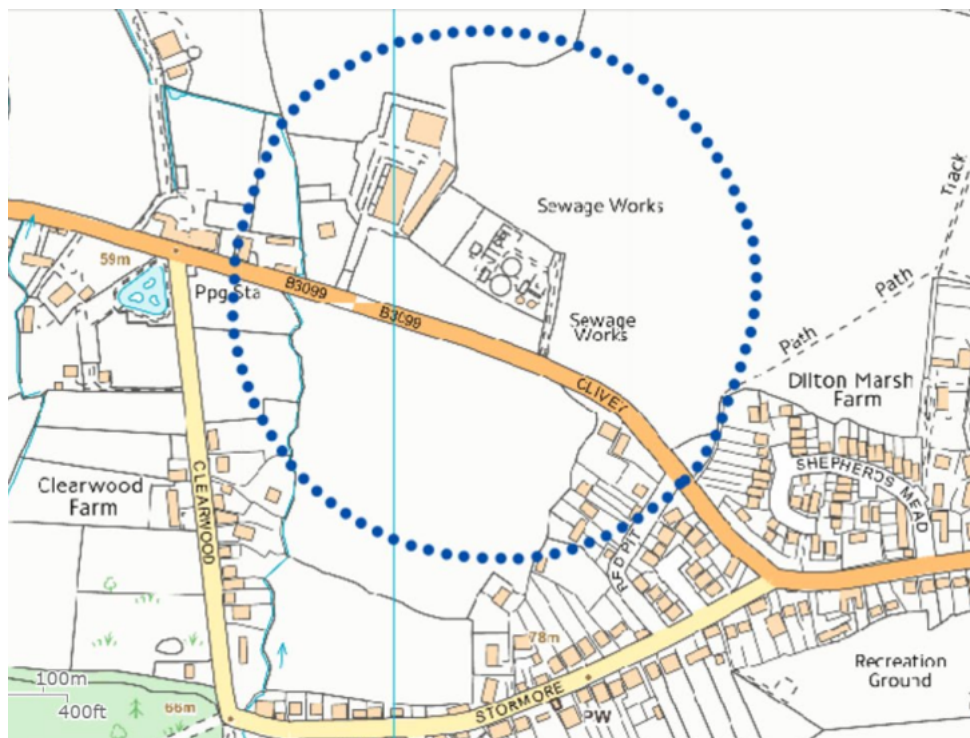
'proposals for housing or other development which is sensitive to odour pollution will not be permitted within the sewage treatment works buffer zones,

as defined on the proposals maps where the proposed development cannot reasonably co-exist in proximity to a sewage treatment works'.

5.23 At present the buffer zone covers the north-western corner of the site along with part of the existing dwelling.

5.24 In order to comply with Policy U5, the indicative site layout shows that the area of the site within the buffer zone excludes any dwellings although it would include part of Plot 4's garden, Plot 5's garage and part of the shared amenity space. Plot 4 would still retain a sufficient area of garden outside of the buffer zone to provide an area unaffected by any odour pollution from the sewage works.

5.25 The buffer zone is shown below:



5.26 However, notwithstanding the above, the area of site within the buffer zone is at the very edge of the zone, the farthest away from the sewage works, where the odour would be at an absolute minimum in any case.

5.27 As the buffer zone would only include gardens, garaging and shared amenity space, this is similar to the existing situation meaning there is little to no material difference when compared with the existing situation.

5.28 The proposal is therefore considered to comply with Policy U5 of the West



Wiltshire District Plan and would not have a harmful impact on residential amenity by way of odour from the sewage works.

Impact on Trees

- 5.29 The application is accompanied by a comprehensive Arboricultural Method Statement that sets out the impact of the development on the trees on the site.
- 5.30 The indicative site layout plans will result in the loss of a number of trees however due to past management, disease and overcrowding, most of the mature trees and shrubs are in a poor condition with only 5 trees achieving a moderate category.
- 5.31 Where the retained trees are likely to be potentially impacted by the development as shown indicatively on the site layout plans , mitigation measures are set out although they will be confirmed at reserved matters stage.
- 5.32 Overall it is considered that the proposal would comply with Policy 57 of the Wiltshire Core Strategy.

Impact on Ecology and Biodiversity Net Gain

- 5.33 The application is accompanied by a Preliminary Ecology Assessment that sets out a number of recommendations during both the construction and post construction phase including a number of biodiversity enhancements.
- 5.34 Two bat emergence surveys have been carried out along with a Great Crested Newt (GCN) eDNA survey which have confirm that the site has the following:
- Habitats; buildings and sealed surfaces, artificial unvegetated & unsealed surface, individual trees, vegetated garden, non-native & ornamental hedgerow and ornamental pond;
 - An invasive non-native species (cotoneaster);
 - A crevice summer roost for an individual soprano pipistrelle bat;
 - Breeding smooth newts and the likely absence of GCN;
 - Suitable habitat for nesting birds, reptiles and hedgehog;
 - Low potential for badger; and
 - The likely absence of other protected / notable species and habitats within the Zone of Influence of the proposed works.

- 5.35 An ecological method statement will be required for the construction phase.
- 5.36 In light of the bat roost found, a Protected Species Licence from Natural England will be required prior to the commencement of development.
- 5.37 With specific regard to lighting, the potential impact of lighting is acknowledged, and we are happy that a condition securing the submission of a detailed sensitive lighting design strategy either at reserved matters stage or as a pre-commencement condition is attached to the outline permission.
- 5.38 The proposed development is not exempt from mandatory Biodiversity Net Gain (BNG) and a separate BNG report and metric have been submitted with this application.
- 5.39 If Wiltshire Council approves this application, a suitably worded compliance condition for section 6 of this report along with the drawings in appendix A can secure the implementation of the proposed biodiversity strategy.
- 5.40 The proposals therefore comply with Core Policy 50 of the Core Strategy.

Residential Amenity

- 5.41 The application site is surrounded by residential dwellings on three sides with agricultural land to the rear.
- 5.42 The surrounding dwellings all have large gardens and are positioned some distance from their boundary with 19 Red Pit. This is with the exception of Nos 11 and 17 Red Pit which are located closer to the boundary with 19 Red Pit.
- 5.43 Nevertheless, the indicative site layout has been careful to ensure that the proposed dwellings would not have a harmful impact on the residential amenity of any neighbouring dwellings.
- 5.44 Plot 1 is indicatively shown close to the boundary of the site with Nos 3 and 3a Storemore however, as explained above, they are positioned at the end of their gardens and 26m from the rear elevation of No 3a and 48m from the rear elevation of No 3. This is considered to be of sufficient distance to avoid any impact from the proposed dwellings by reason of overbearing impact.

- 5.45 While the application is in outline with all matters reserved, the indicative layout submitted demonstrates that there is sufficient distance between the site and the neighbouring dwellings to allow a development to come forward that would not have an impact on the residential amenity of the occupiers of the neighbouring dwellings.
- 5.46 With regard to the future occupiers of the proposed development, the indicative layout demonstrates that each dwelling would benefit from a rear garden to provide an area of outdoor private amenity space.
- 5.47 Overall, it is considered that the indicative plans show that a development could be accommodated on the site that would not have a harmful impact on residential amenity and therefore complies with Core Policy 57 of the Wiltshire Core Strategy.

Impact on Highways and Parking

- 5.48 The application has been accompanied by a Transport Note which provides an assessment of the impact of the proposal on highway safety.
- 5.49 The proposed development will retain its existing access from Red Pit, and all movements by pedestrians, cyclists, and vehicles will use the current arrangement. An analysis of road safety data indicates no existing issues that would be worsened by the development.
- 5.50 The proposal is in outline form and includes a net increase of four dwellings however, as the application is in outline, the detailed design elements, such as internal layout, road geometry, and parking provisions, will be addressed during the Reserved Matters stage although they are shown indicatively on the submitted plans.
- 5.51 The waste collection strategy for the new dwellings will follow the existing arrangement, with on-street collection by refuse operatives.
- 5.52 Overall, it is considered that the development would not result in a severe or unacceptable impact on the local highway network or road safety, in line with paragraph 116 of the National Planning Policy Framework (NPPF) and in compliance with Core Policy 61 of the Wiltshire Core Strategy.

5.53 There are therefore no transport or highways-related reasons to refuse the application.

Planning Balance

5.54 There are no in principle reasons why the proposal is unacceptable as it would not directly conflict with any policies within the Council's Core Strategy or the NPPF as the proposal would provide five dwellings in this sustainable location within the development boundary of Dilton Marsh.

5.55 Furthermore, the provision of 4 dwellings would contribute towards addressing the Council's housing land supply shortfall, and substantial unmet housing need, which merits significant weight even though the volume of housing would comprise a small contribution.

5.56 The scheme will also give rise to economic benefits as a result of jobs during the construction phase albeit on a short-term basis. Longer term there will be local expenditure by the future residents, who would also support local facilities and contribute towards the community. These are positive aspects of the scheme which should be given significant weight.

5.57 The loss of trees is regrettable however the majority of those due to be felled are in poor condition due to disease, poor management and overcrowding and have a limited life span. Nevertheless, it is acknowledged that this will result in a level of harm that is considered to be minimal.

5.58 The assessment of the proposal set out above demonstrates that there are no adverse impacts arising from the development and no conflict with the above-mentioned policies.

5.59 In comparison, and set against the Council's substantial shortfall in housing supply, the proposal would provide five much needed dwellings within a sustainable location alongside the economic benefits outlined above. These benefits attract significant weight.

5.60 Therefore, the adverse impact of granting permission for the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in

favour of sustainable development applies and this indicates that planning permission should be granted.

6.0 CONCLUSIONS

- 6.1 Overall, this is a well-conceived, high quality development proposal that is fully responsive to the site's characteristics and constraints, and the local context. It is therefore hoped that there will be support for the scheme and planning permission will be granted.