

Wiltshire Council Planning Consultation Response

Officer name: Mark Goodwin CMLI (Senior Landscape Officer)
Date: 28 October 2025

Application No: PL/2025/02257
Proposal: Outline planning application (with all matters reserved except access) for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure.

Site Address: Land north of Whychurch Farm and west of Crudwell Road, Malmesbury, Wiltshire.
Case Officer: Gen Collins

Matters Considered:

Landscape and visual matters, landscape designations, Landscape Character, landscape fabric/features, Public visual amenity, outline development parameters & outline design intent.

The following submitted primary information was reviewed to inform this response:

- Design & Access Statement. 27 Feb 2025. Thrive Architects Ltd. Ref: GLEE240917. Rev:B.
- Planning Supporting Statement. Rev: B. Feb 2025. Tor & Co. Ref. 227612.
- Illustrative Masterplan. 24 Feb 2025. Thrive Architects Ltd. Ref: GLEE240917- IMP.02. Rev:A.
- Land Use Parameter Plan. 24 Feb 2025. Thrive Architects Ltd. Ref: GLEE240917-LUPP.01.Rev:A
- Landscape and Visual Appraisal. Feb 2025. Tor & Co. Ref: 227612 & accompanying LVA Figures1-28.
- Arboricultural Baseline Note. Feb 2025. EDP Ltd. Report Ref. edp8255_r02b;
- Arboricultural impact Assessment (Incorporating Tree Protection Measures). Feb 2025. EDP Ltd. Ref. edp8255_r003a.

Relevant Policy / Guidance & Legislation:

National Planning Policy Framework (2024) & Planning Practice Guidance

- **NPPF, Para. 8**, Achieving sustainable development.
- **NPPF, Section 12**, Achieving well-designed places.
- **NPPF Section 15**, Conserving and enhancing the natural environment.

- **PPG, Paragraph: 036 Reference ID: 8-036-20190721** - Revision date: 21 07 2019.

'The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally designated landscapes but also the wider countryside.'

'Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as

appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.'

Development Plan

Wiltshire Core Strategy (2015)

- **Core Policy 51:** Landscape.
- **Core Policy 52:** Green Infrastructure (Including Wiltshire Green Blue Infrastructure Strategy)
- **Core Policy 57:** Ensuring high quality design and place shaping (including Wiltshire Design Guide)

North Wiltshire District Plan (2011) – (saved policies)

- **Core Policy NE14:** Trees, Site Features and Control of new development.

Malmesbury Neighbourhood Plan 2017-2026 (Made - 2015)

- Volume I – Main Body
- Volume II – Design Guide

Malmesbury Conservation Area Appraisal (2007)

Malmesbury Conservation Area Management Plan (2010)

Wiltshire Local Plan Review 2020-2038 (WLPR)– (Emerging Plan Policies)

- **Policy 16:** Malmesbury Market Town.
- **Policy 84:** Public open space and play facilities.
- **Policy 90:** Woodland, hedgerows and trees.
- **Policy 91:** Conserving and enhancing Wiltshire's landscapes.
- **Policy 93:** Green and Blue Infrastructure.

Landscape Designations

The site and immediate context do not fall within any local or national landscape designation/s.

- **The Cotswold National Landscape** (AONB) lies circa. 1km to the southwest, and 1.3km to the west of the site at its closest points.
- **Long Wood Ancient Woodland** and the western edge of **Charlton Park** lie circa. 800m to the east.
- **Malmesbury Conservation Area** lies circa. 400-450m to the south and southeast of the site at its closest point.

Legislation

Section 245 (protected landscapes) of the **Levelling Up and Regeneration Act 2023 (LURA)** introduced a statutory duty on relevant authorities to seek to further the statutory purposes of protected landscapes (the 'seek to further' duty). With regards to **National Landscapes** (AONB's), this requirement has strengthened the former established duty under **Section 85** of the **Countryside and Rights of Way (CROW) Act 2000**, which now states: '*In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' This strengthens and replaces the previous Section 85 of the CROW Act, which required relevant authorities to have regard to the statutory purpose of national landscape designations (the 'duty of regard').

Background:

This latest outline planning application in effect seeks to extend the site area of an existing extant outline planning consent granted on appeal (APP/Y3940/W/22/3290305), planning application reference PL/2021/08453 granting outline planning permission (with all matters reserved except for means of access) for residential development, including the construction of up to 71 dwellings, the creation of a

new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, allotments, landscape planting, surface water attenuation and associated infrastructure). I understand this application was subsequently varied by a Non-Material Amendment application PL/2023/03934 in relation to its subsequent phased delivery.

The extant outline planning approval (the western area of this enlarged application site) is also subject to a separate tandemly running live 'Reserved Matters' planning application reference PL/2023/08687 pursuant to outline planning permission PL/2021/08453, for 71 dwellings, new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, landscape planting, surface water attenuation, and associated infrastructure (Matters relating to Appearance, Landscaping, Layout and Scale for determination).

Therefore the primary consideration for this consultation response pertaining to this latest outline planning application is whether the additional site area and proposed residential urban land use expansion into the adjoining eastern larger field area, (served off the same point of access from Filand's Rd.) would lead to additional landscape and visual effects from those found to be acceptable by the Planning Inspector for outline planning application PL/2021/08453 so as to deem the proposed development unacceptable on landscape and visual grounds.

Landscape Character

National Character Area - NCA 117 Avon Vales.

Summary Description

This is an undulating, low-lying landscape of mixed, predominantly pastoral agriculture and small limestone-built towns, cut by the (Bristol) River Avon and its tributaries, and surrounded to the west, south and east by higher land. Woodlands lie on the steeper slopes and by watercourses, and in a few other areas within a structured farmland of medium to large fields and now straggly hedgerows. It is more than 80 per cent agricultural (both arable and pasture, with some localised nurseries and market gardening) and less than 10 per cent urban, but from the late 20th century onwards it has been subject to much development. There is evidence of Saxon occupation in the many '-ham' place names, and there are prehistoric hill forts, with extensive areas of ridge and furrow that indicate medieval arable cultivation. This area still reveals its past role in broadcloth production and trade in its fine late medieval churches and merchants' houses in market towns and in its many stream-side mills. Smaller settlements and farmsteads are clustered along streams and lesser rivers, linked by narrow winding lanes. Ancient patterns of flood meadows and drainage ditches dominate these valley floors, with their wet grasslands and woodlands. Flooding affects many communities in this National Character Area (NCA), and the opportunities to restore wetland habitats within river corridors to alleviate problems with water flow and to aid climate change mitigation will be important ecosystem services here, to add to food provision and cultural services. Large historic parks and mansions, such as Bowood and Lacock, which often still feature major woodlands, enrich the landscape and historical context and provide much local recreational resource, to the benefit of the local economy. The same can be said of the towns such as Malmesbury and Frome, with their historic and attractive town centres. Less than 5 per cent of the land here is designated for any purpose. This 5 percent is mostly accounted for by the Cotswolds National Landscape (AONB) in the north-west and the 17 Sites of Special Scientific Interest, a slight majority of which are of geological interest. The NCA is crossed by a wide communications corridor running broadly from east to west; most of the major settlements are clustered along this corridor. This was initially reliant on water routes, namely the (Bristol) River Avon and the Kennet and Avon Canal, as well as the Great West Road, now the A4. Now the M4 motorway and Isambard Kingdom Brunel's Great Western Railway, link London and the West Country and have spread wide the travel-to-work net. This area can be easily overlooked, surrounded as it is by the high-quality designated landscapes of Cotswolds National Landscape (AONB) and North Wessex Downs National Landscape (AONB), but it has a restful and undramatic charm of its own.

Key Characteristics

- An undulating clay vale with a mix of arable and pasture.
- Small- and medium-sized fields with mostly hedgerow boundaries with few hedgerow trees, varying in shape from irregular piecemeal enclosure to rectilinear planned enclosure.
- Numerous low ridges with local views over towns and villages.
- Wide River Avon corridor, with an ancient pattern of flood meadows and closely associated settlements and more recent development.
- Transport corridors along roads and watercourses, heavily influential on all development in the NCA.
- Large historic parks and mansions, often established from former monastic establishments.
- Attractive stone-built centres to market towns that reflect the former agricultural productivity and wealth of the area.
- Wide views across whole area from higher areas of surrounding chalk downs.

Regional/County Landscape Character

Wiltshire Landscape Character Assessment - **Type 16: Limestone Lowlands.**

Wiltshire Landscape Character Area: **16A Malmesbury-Corsham Limestone Lowland.**

Key Characteristics

- Rolling or lowland hills on mudstone and limestone, Cornbrash with some pockets of clay;
- Numerous rivers forming shallow valleys (e.g. Upper Avon Valley), with the watercourses sometimes lined with willows;
- Locally steeper and more enclosed valley forms;
- Mix of permanent pasture and arable farmland;
- Strong network of hedgerows with hedgerow trees; Continuity of hedgerows and veteran oak trees;
- Dry stone walls field boundaries in some areas and around settlements;
- Variation in woodland cover, with some areas devoid of woodland cover, and other areas with small/medium sized woodlands and deciduous/coniferous copses. Some ancient woodland present;
- Field pattern predominantly large geometric field typical of eighteenth and nineteenth century enclosure with small scale irregular fields of medieval pattern close to close to settlement. Distinct pattern of small to medium sized irregular shaped fields in the south, enclosed by mostly intact hedgerows with mature trees;
- Settlements in the form of historic market towns, fine stone villages with muted colours and scattered farmsteads distributed throughout the type linked by network of rural roads;
- Rich heritage of human settlement and richness of archaeological sites;
- Presence of historic parkland and estates marked by stone estate walls, grand entrances and parkland trees and avenues (e.g. historic Corsham Park);
- A generally peaceful and rural landscape with subtle variations in character relating to the varied geology, topography and water courses. Strong sense of tranquillity in the south;
- More open areas of higher ground to the west offer broad panoramas and distant views over the type.

Landscape Sensitivity

This landscape is united by the strong character of its traditional stone-built settlements, although other elements such as land use, topography and field boundaries vary subtly across the type making it less distinctive and cohesive. Overall landscape character sensitivity is therefore considered to be moderate. There is a relatively strong sense of openness on the higher land in the west with panoramic and distant views over the farmland as it falls away gently to the east. In many places there are wide views over the area, where agriculture is the dominant land use. Shallow valleys have a more intimate and enclosed feeling. Visual sensitivity is therefore assessed as moderate to high.

Landscape Planning Guidelines

- Conserve the traditional pattern of hedgerows enclosing arable and pastoral fields, hedgerow trees and woodland copses and take opportunities for new planting where this will strengthen local character (for instance avoiding planting that will affect the open views in the high ground at the west of the area). • Maintain the subtle variations that occur throughout the landscape, encouraging local distinctiveness for

- instance in the variation in field boundaries from hedgerows to stone walls;
- Encourage conservation and restoration of the historic parkland landscapes that are characteristic of the area;
- Retain the distinctive character of the villages; ensuring new developments in and around the villages is in line with the traditional vernacular character. The use of traditional building materials including limestone are important in this area;
- Discourage development in the rural hinterland;
- Resist urbanisation of the country lanes through addition of road markings and concrete kerbs or lamp posts or excessive signage that detracts from the rural character of the area;
- Conserve the extensive views by avoiding any planting or developments that would have an adverse effect.

Site Landscape Character

The site lies to the northeast of Malmesbury, to the south of the B4014 and west of the A429 Crudwell road. Land to the northwest of the site is consented for residential development that is under construction/nearing completion.

The landform within the site is gently undulating. It rises gently from the River Avon (Tetbury Branch) south of the site at approximately 75m AOD, to a high area of approximately 90m AOD across the centre of the site. It slopes down to the west, forming a distinctive bank to the edge of the established lower elevated residential area at Reeds Farm/Webbs Way. Landform is generally flatter through the north of the site, with some local undulation.

The site comprises 3 pastoral fields that are bound by low hedgerows with occasional hedgerow trees including a few category 'A' Oak trees. Trees around the base of the slopes contain the established settlement edge to the southwest of the site. Some taller hedge/treed boundaries and small copses and groups of trees around informal public green space extend up to the southwestern corner of the site. Tree cover is less in the north of the site.

Roadside hedgerows are absent fronting onto Crudwell Road sharing the southern part of the eastern boundary of the site allowing open views into parts of the site. Some taller unmanaged hedgerows and trees extend north along Crudwell Road within and bordering the confines of a small urban encroachment into the southern field comprising Redcliff (a single residential property), Wessex Water's covered reservoir / Wychurch Water Tower, and QTS Group Ltd (small employment/storage site) before reverting back to a more open fenced roadside boundary and lower hedgerow extending north towards Inglenook (a single residential property) largely enclosed by garden trees and hedgerows. Malmesbury Garden Centre and Aldi supermarket are located beyond the island junction of Finland's Road and Crudwell Road further to the northeast.

Whychurch Farm abuts the site along its southern boundary and currently shares an open boundary with the southern field within the site. This is a distinctive stone farmhouse with a mix of associated stone vernacular barns & outbuildings grouped alongside some more modern farm buildings. Further south beyond Whychurch Farm the local cricket ground and pavilion contribute to the northern rural settlement edge to the market town.

The site has a predominantly rural character that is generally separated from the adjoining established suburban settlement by landform and substantial tree boundary vegetation. The site is more open and exposed to the new housing areas (Finland's developments).

There are some locally intrusive elements including the new settlement edge to the northwest of the site, Malmesbury Garden Centre site and storage to the northeast, the Water Tower and the Whychurch A429 /A4040 roundabout inc. associated lighting, Texaco garage to the southeast, traffic using Crudwell Road along the eastern edge of the site.

The site currently contributes to the landscape transition from the eastern and northern edges of the market town to countryside and the outlying rural settlement at Filand's and Milbourne. However, this rural transition has been incrementally eroded over recent years with each new speculative housing development granted on appeal, in combination with planning approvals for supermarkets and other commercial uses accessed from and fronting Crudwell Road/A429.

Public Visual amenity

Several public rights of way border and cross the site (MALM 6,7 & 8), linking Malmesbury to outlying rural settlements and link areas of more recent housing development to the northwest and Charlton Park to the northeast. Also noted is the footpath connection south of the site (MALM 3 & 5) to Lover's Lane/Worthies Lane and Mill Lane that connects across the river through to Malmesbury Abbey. Malmesbury Abbey is a distinctive and highly valued historic building and placemaking landmark feature that strongly imposes upon the skyline of Malmesbury.

Comments and Observations

Principle of development

This greenfield application site lies in countryside outside, but adjacent to the town's identified settlement framework boundary. The application site is not identified within the Development Plan (Wiltshire Core Strategy, Wiltshire Housing Sites Allocation Plan or the Malmesbury Neighbourhood Plan) for future housing or employment to meet the town's essential growth needs, and neither is it identified as a preferred housing / employment site allocation within '**Policy 16:Malmesbury Market Town**' of the emerging new Wiltshire Local Plan covering the plan period up to 2038 or the Malmesbury Neighbourhood Plan Review.

While the draft new Wiltshire Local Plan is still to undergo its final stages of examination in public, the potential allocation of this site (MAL1) for new urban residential / mixed use development has been considered on a plan making basis, and evaluated in landscape terms within supporting LPR evidence prepared by Chris Blandford Associates within '*Wiltshire Local Plan Review – Sites landscape Appraisals*' document (dated 11/09/2023).

While this site appraisal is a high level, desk-based landscape appraisal, proportionate to the relevant stage of the plan making process to inform site selection for sustainable planned growth of Wiltshire's existing settlements, it does identify landscape constraints and sensitivities and sets out in conceptual terms suggested strategic landscape mitigation approaches associated with the potential development of all sites, individually and cumulatively within supporting tables and illustrative figures (Plans) on a settlement basis. These plans, while not prescriptive, provide a framework for more detailed appraisal work, typically included within accompanying LVIA's / LVA's for any defined scheme/s which come forward to planning.

The application site subject of this outline planning application aligns with the site identified as '**MAL1**' (corresponding with SHELAA land parcels 649, 3432) within the strategic '**Sites Landscape Appraisals**' document.

The appraisal summarises its findings for MAL 1 as follows (blue italics);

"Site Landscape Sensitivity & Capacity

The site is within an undesignated landscape. It is part of a relatively simple landscape that contains some distinctive landscape elements and features of cultural and heritage value in proximity to the site, including public green space, the cricket ground to the south of the site and iconic abbey forming the skyline to the south. The landscape is considered to be in generally moderate condition. The generally intact field boundary features, woodland edge all contribute to the local settlement character and sense of place, with occasional intrusions from the new settlement edge to the northwest and commercial land use to the northeast. Overall, it is considered that the site is of generally medium to high landscape

sensitivity to housing development, with higher sensitivity in the south of the site where it contributes to the setting of the abbey and wooded edge to the market town. The site has generally medium to limited capacity to accommodate housing development, with more limited capacity through the south.

Potential Significant Adverse Effects

Potential for built form to be slightly intrusive in the rural landscape that contributes to the approach to and setting of the abbey and market town on the River Avon and separation from outlying rural settlements;

- Potential for new development to form a new urban backdrop that screens and impedes existing outlying views and alter historic placemaking associations with the town's distinctive landmark Abbey;*
- Potential loss of rural settlement pattern and coalescence with outlying rural settlements resulting in urban sprawl of the historic market town;*
- Potential loss of hedgerows and mature trees that contribute to soft, well-integrated settlement edges and the wooded river corridor;*

Scope for Mitigation and Opportunities for Beneficial Effects

Mitigation:

- Protect important outlying views and historic placemaking character associations with Malmesbury Abbey.*
- Retain and enhance hedgerows and trees as part of a mature landscape framework that contributes to transitional settlement edges and maintains green links through the landscape;*
- Retain public rights of way and green space as part of the development to contribute to placemaking quality and provide multifunctional spaces/corridors as part of a local green infrastructure network.*

Opportunities:

- Seek opportunities to retain and create biodiverse, accessible and connected greenspaces throughout the development that conserve and augment existing vegetation, public space and public rights of way as part of the landscape strategy for the site, in order to contribute to placemaking quality, to appropriately integrate important landscape features (such as woodland/tree boundaries) within development and to provide effective landscape transitions between settlement edges, outlying rural settlements and countryside;*
- Seek opportunities for new visual associations within development areas, towards Malmesbury Abbey and the elevated historic town core to support place making character;*
- Seek opportunities to conserve and enhance hedgerows and trees where appropriate as part of the landscape strategy for the site, in order to retain green links that contribute to the wooded riverside landscape setting of Malmesbury;*
- Seek opportunities to enhance the sense of place through use of locally traditional building materials in respect of new development including use of characteristic natural stone boundary treatments.*

Overall Significance of Effects:

*Residential development with the proposed landscape mitigation on this site would have a **moderate adverse effect** on the SA objective to conserve and enhance the character and quality of rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place."*

The supporting 'figure 1.11 Malmesbury Constraints and Mitigation Plan' identifies the northern, southern and eastern boundaries of this land parcel (MAL 1) as sensitive 'Settlement/Countryside edge transitions' and recommends the creation of strong landscape buffers to screen and soften built development as experienced in approaches to settlement edges from surrounding countryside, in order to provide appropriate mitigation for the illustrated areas of higher landscape sensitivity located in the south of the site where it contributes to the setting of the abbey, listed buildings at Whychurch Farm and wooded character edge to the market town.

Landscape and Visual Appraisal (LVA)

The application is accompanied by a Landscape and Visual Appraisal, prepared by Tor & Co Ltd. In my opinion the report fairly and proportionately assesses the Landscape and visual change effects likely to arise from the proposed development, based on the outline Building Heights (figure 25) and Land Use (Figure 26) parameters plans and with consideration of the future baseline scenario incorporating the extant planning consent (i.e. with the two western fields changed to residential use).

The LVA summarises its assessment of resulting landscape effects at section 7.1 to 7.7 and visual effects at section 7.8 to 7.12.

In summary the assessment concludes, the effects on both landscape character and views are predominantly restricted to the site itself and its immediate context. Views from the wider landscape, particularly from the Cotswolds National Landscape and Malmesbury Abbey, are important considerations, but these can be successfully mitigated.

In relation to the Cotswolds National Landscape, I do not consider that the site comprises or contributes to the visual setting of the Cotswold National Landscape which is located circa. 1km to the southwest, and 1.3km to the west of the site at its closest points. Views looking from the site towards the CNL, and views from the CNL towards the site are screened by existing intervening landform, vegetation and urban settlement.

Locally framed view/s towards the elevated Abbey (to support place shaping) could be achieved with detailed design alignment of new street/s and/or location of POS viewing areas / corridors at subsequent detailed reserved matters stage.

Views towards the site from the Abbey direction and gained from PRoW located south of the site and across the Worthies recreation field area looking north towards the proposed development would be heavily filtered / visually screened by the proposed new tree, copse, and woodland planting included within the southern landscape buffer (as illustrated within the Landscape strategy).

The land use parameter plan illustrates a stepped slightly disaggregated development block arrangement punctuated and/or framed by retained field boundary vegetation, areas for surface water attenuation ponds, open/recreational spaces, southern landscape buffer, and other stated community uses (allotments/orchard), all of which could incorporate tree planting. Substantial tree planting within the southern part of the site is a specific necessary mitigation measure in my view to reduce and break up the visual effects of urban massing and to avoid the creation of harsh new urban edge directly fronting open countryside to the south.

I do not identify any specific issues in relation to the scope, methodology, representative receptors included for assessment, or conclusions in relation to the predicted landscape and visual effects assessed to arise from this development proposal. There will obviously be a change to the character of the site itself from existing agricultural fields abutting the town's settlement boundary, changed to a new area of housing with open space and landscaping.

Landscape Strategy

The outline landscape strategy illustrates that all existing trees and hedgerows are proposed to be retained, except for small sections of existing hedgerow to allow internal access connectivity. That landscape buffers and countryside transitions, tree lined streets, multi-functional SuDS, informal open space/recreation and connections to the existing public right of way network are proposed, and in my view achievable. The only issue I highlight is that there is likely to be some potential conflict between the existing underground water mains and the proposed woodland tree planting within the southern landscape buffer where these link to the underground reservoir/water tower. It would be helpful to include the route/s of water main pipeline and restrictive tree planting easement corridor/s on the land use parameter plan. Despite this, I believe the landscape buffer is sufficiently wide enough to

accommodate sufficient planting to provide this intended screening/filtering function. It will also be important that the detail design footprints of surface water attenuation ponds and associated connecting infrastructure do not reduce tree planting expectations in this regard within any subsequent reserved matters submissions. A multifunctional (4 design pillars approach) SuDS hierarchy is anticipated to contribute to place shaping and amenity interests as part of any reserved matters submissions, e.g. use of swales, rain gardens where clear opportunities exist etc.

Outline proposal

The submitted outline 'development heights' and 'land use' parameter plans in combination with the flexibility of the 'up to 149 dwellings' number in my opinion illustrate that the amount of proposed development, alongside appropriate land to facilitate the implementation of the landscape strategy and mitigation planting outlined within the submitted Design and Access Statement are considered capable of delivery.

Given that the application seeks outline planning for the principle of development of up to 149 dwellings alongside supporting infrastructure, I do not offer any further detailed comments on the submitted outline scheme design at this stage as these matters are expressly reserved for detailed planning consideration/s as part of subsequent Reserved Matters.

Conclusion:

Cotswold National Landscape (AONB)

Intervisibility between the site and the Cotswolds NL is restricted/screened by the presence of existing intervening-built form and settlement of Malmesbury alongside further intervening tree cover, woodland and river valley topography. The proposed outline development parameter of 2-2.5 storey residential development with proposed maximum 11 metres above ground levels to roof ridge lines on this proposed site, will not impact upon the visual setting of the Cotswolds National Landscape Designation.

In this regard it is my view that there is no conflict with the Council's statutory duty as a 'relevant authority' under Section 85 of the CRoW Act 2000, as strengthened by Section 245 of LURA 2023, should the LPA decide to grant outline planning consent (subject to conditions).

Principle of development

The correct planning and landscape and visual baseline from which to consider the resulting additional effects arising from this outline development proposal, is with the extant planning consent for up to 71 new dwellings in the two western fields comprising part of this application site.

While I do not support this further speculative incremental urban development at Malmesbury, which is clearly contrary to the Development Plan, departs in principle from positive plan led development and undermines neighbourhood planning and the local communities faith in the planning system, I am unable to identify or offer any strong reason/s (other than limited and localised harm) to substantiate a sound evidence led, policy based, landscape objection on landscape and visual grounds.

The LPA should in my opinion have regard to the Planning Inspectors Decision in relation to the location of the site, landscape value, and character and appearance matters, for the previous appeal (APP/Y3940/W/22/3290305 / PL/2021/08453) on the western part of this site overlapping with this current outline planning application boundary, in particular paras 15, 16 and 17 as follows...

"Location having regard to development plan policy"

"15. Of considerable significance in this appeal is that the adjacent site, known as 'Land South of Filands' to the north-west already has outline permission for up to 71 dwellings, granted by the Council in September 2020. Further to the immediate west, another site known as 'Filands View' was granted following an appeal in March 2013 for residential development comprising some 180 homes and a primary school. The residential element is now built and occupied. In January 2022, an appeal was

allowed for further residential development and a nursery on the area originally intended for a primary school. Therefore, the principle of residential development has been firmly established in the immediate locality. This proposal would, in effect, consolidate the area of already established residential development. This appeal must be considered in that context, notwithstanding any conflict with CS Policies CP2, CP13 and LP Policy H4.”

“Character and Appearance”

“16. The appeal site is not within a designated landscape, nor is it a ‘valued landscape’ as referred to within the Framework. It comprises a relatively featureless area of gently undulating pastureland with boundary hedgerows and occasional mature hedgerow trees. The site’s western boundary follows the alignment of a Public Footpath. The planning application was supported by a Landscape and Visual Impact Assessment (LVIA). In relation to virtually all the assessed receptors, the impact after mitigation was assessed as ‘minor adverse’ to ‘negligible’. The LVIA concluded the development could be accommodated without giving rise to important material landscape and visual effects.”

“17. The development would clearly result in the loss of open agricultural land and urbanisation of the countryside. However, whilst pleasant enough, the land has a rather nondescript character and makes little contribution to the wider landscape. The Council itself acknowledges that the impacts would be ‘limited and localised’. This is particularly so given the extensive housing already built and permitted on adjacent sites. The proposed appeal development would very much be perceived in that increasingly urbanised context. In my judgement, the site would be an obvious and logical location for housing, and the overall impact on the character and appearance of the area, including the landscape, would be minimal.”

Recommendation:

I don't highlight any specific landscape or visual reason/s which would support a strong landscape and visual policy-based argument to substantiate a reason for refusal for this outline application, subject to satisfactory use of planning conditions to protect important landscape elements and features within and bordering the site, securing high quality design and placemaking principles through subsequent detailed reserved matters submissions, including appropriate landscaping measures to help characteristically mitigate and integrate new development into its adjoining context.

For all the above reasons I do not object to this outline planning application, subject to the use of necessary planning conditions and legal agreement/s.

Conditions:

- Requirement to submit details of all tree protection measures for all retained trees and hedgerows located within, and/or bordering the application site during course of development for the LPA's written approval. Such measures to be implemented prior to commencement of development and in accordance with 'BS5837 (2012)-Trees in relation to design, demolition and construction recommendations'.
- Requirement for the submission of a detailed hard and soft Landscape scheme including details of play areas, allotments, community orchard and multifunctional surface water attenuation features for the LPA's written approval as part of wider subsequent detailed Reserved Matters submissions.
- Implementation of any finally approved hard and soft landscaping scheme to an agreed timeframe/s or trigger point/s. This should include the standard 5-year planting replacement clause, requiring annual replacement of any dead/dying, missing, damaged plants each year for the first 5 years following completion of the approved soft landscaping scheme.

- Requirement for submission of a Landscape Management Plan for the LPA's written approval (which might be combined with an Ecological or habitat Management Plan? In order to avoid repetition and/or conflict with BNG/ecology/habitat management proposals and objectives).
- Ensure the future long-term maintenance and management provision and legal responsibility/management body is secured in perpetuity for all strategic landscaping and publicly accessible open space and community facilities such as orchards/allotments through appropriate legal agreement/s.

END.