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Our Ref: AEJ/M25-1115

Your Ref: PL/2025/08695

By email only: Samantha.stockley@wiltshire.gov.uk and
developmentmanagement@wiltshire.gov.uk

Dear Samantha

RE: Application PL/2025/08695 – Permission in Principle for the proposed erection of up to five dwellings on land at Praters Farm, Sherston, Malmesbury, SN16 0PS

We write on behalf of Gweneth Perraton Russell, to lodge an objection towards the above Permission in Principle (PiP) application.

It is understood that the above application relates to the first stage of the PiP process and is seeking to establish whether the site is suitable in-principle to accommodate up to five residential dwellings. Therefore, in accordance with Government guidance (PPG, ID: 58-012-20180615) the scope of the first stage of PiP is limited to location, land use and amount of development.

We set out below objections to the location, amount of development and land use proposed. We demonstrate why PiP should not be granted due to the location being unsuitable, the site not being able to suitably accommodate the amount of development proposed and land use also being unsuitable given the site constraints.

Objection 1 - Unsuitable Location

Landscape

The site is washed over by the Cotswold National Landscape. The National Planning Policy Framework (NPPF) defines National Landscapes as “*areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000*” (Annex 2). The NPPF goes on to state, “*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues*” (paragraph 189).

Furthermore, the NPPF also notes National Landscapes as one of the designations (footnote 7) which can disengage the tilted balance (presumption in favour of sustainable development) as it is one of the areas that the NPPF seeks to protect and can provide a strong reason for refusing applications.

It is, therefore, clear that the area within which the site is located is to be given a significant level of protection.

Core Policy 51 of the adopted Wiltshire Core Strategy 'Landscape', states that *"development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character"*. In terms of proposals within / affecting Areas of Outstanding Natural Beauty (AONBs), now known as National Landscapes, Core Policy 51 requires development proposals in such areas to demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plan for these areas.

The Planning Statement accompanying the PiP submission, refers to the fact that the Cotswold National Landscape Management Plan does acknowledge that the National Landscape is a living and working landscape and that provision of housing and services that meet local needs plays an important role in achieving these aspirations. This is not disputed; however, the Management Plan also goes on to state:

"development should not be at such scale that either individually or cumulatively, it erodes the natural beauty of the CNL [Cotswold National Landscape]. This would undermine the reason for the Cotswolds being designated as a National Landscape in the first place" (page 66-67).

With regards to planning decisions, the Management Plan requires that in line with national planning policy *"great weight should be given to conserving and enhancing the natural beauty of the CNL"* (page 67).

The PiP submission does not include any detailed assessment of how the proposal conserves and enhances the natural beauty of the National Landscape. Instead, the Planning Statement concludes that *"the site is not seen as part of the wider open landscape beyond the village which contributes towards the special quality of the National Landscape. The site is not therefore 'valuable' in terms of its contribution to the National Landscape"* (paragraph 5.15). There is limited assessment in the PiP submission of the contribution of the site to the National Landscape and just to say because it can't be seen and is screened by trees it is not valuable is not a thorough or robust assessment or justification. There is no assessment as to whether the proposals individually or cumulatively (with the existing development) will erode the natural beauty of the National Landscape, as required by the Management Plan.

The Sherston Neighbourhood Plan also notes on page 16 that there is concern that development pressures could lead to a loss of open spaces in and around Sherston and damage the AONB and that there is an acknowledgment of the need to protect the landscape of the Cotswold AONB. Paragraph 8.4.4 goes on to state:

"There is a strong feeling that the village should be doing all that it possibly can to safeguard those parts of the settlement that have been identified as being worthy of protection from development by reasons of their landscape quality, ecological importance or local significance".

Given the level of protection that National Landscapes are afforded at both the local and national levels, in order to ensure that in-principle, developing a site that would involve the loss of land covered by a National Landscape designation is justifiable, then this should surely be based on a thorough assessment, by a qualified Landscape Architect, to determine the value and then impacts of the loss of the land. No such assessment has been carried out on this site.

It has not been suitably demonstrated that developing this site for housing won't adversely impact the character of the National Landscape and, therefore, cannot be said to accord with policies which seek to protect this high value landscape area.

Heritage and Trees

The site is located within 30m-50m of two Listed Buildings, Prater's Farmhouse (Grade II) and Barn to the South West of Prater's Farmhouse (Grade II).

The NPPF sets out at paragraph 207 that in determining applications, Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to note that as a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Whilst paragraph 207 also highlights that any assessments should be proportionate to the assets' importance and the detail provided no more than is sufficient to understand the potential impact of the proposal on their significance, there is no Heritage Assessment at all forming part of the PiP application submission.

The NPPF is clear that any harm, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.

The Planning Statement accompanying the PiP application just notes that the site can be developed without unacceptable harm to the historic environment. However, no supporting evidence has been submitted with the PiP application to substantiate this claim. There is no confirmation that the Historic Environment Record has been consulted and no explanation as to the historical significance of the two Listed Buildings and indeed their setting as required by the NPPF. Without understanding the significance of the Listed Buildings and their associated settings, it is not possible to state that development only 30m – 50m away won't have any impacts on these heritage assets or their setting.

It is appreciated that there is a band of mature trees/vegetation that separates the site from the Listed Buildings, however, it is likely that the presence of such mature trees/vegetation around the two Listed Buildings contributes to its setting, and no information has been provided with the PiP application to the contrary.

The existing trees are shown on the Indicative Layout Plan, however, the plan does not appear to show the Root Protection Zones associated with each of these trees and given the mature nature of the trees and associated vegetation, it is likely that each will have substantial roots. This is important, because although the case is being made that the trees can be retained as part of developing the site for housing, no assessment has been made to the impacts on these trees as a result. It is acknowledged that this is straying into technical matters which are reserved for Stage Two of the PiP process, however, it is felt that this is a matter that needs considering at this initial stage as it does raise the question over the suitability of this location for the proposed houses. It is particularly important in this instance given that the trees are likely to contribute to the setting of the Listed Buildings, and therefore, have a heritage as well as ecological/landscape value.

In the absence of any assessment to demonstrate that the heritage, ecological or landscape value of the trees won't be negatively impacted means the location can't be confirmed as suitable for the proposed development.

Highways/Accessibility

The Planning Statement submitted with the PiP sets out at paragraph 3.3 that the site has good visibility splays due to the straight alignment of the road and typical road speeds. However, there are no plans accompanying the PiP application which actually demonstrate the visibility splays and nothing to confirm that the road users are adhering to the speed limit along the B4040 (Easton Town). It is acknowledged the more technical details of access arrangements is a matter for the second stage of the PiP process, however, in the absence of this information it is not possible to confirm that there is a suitable and importantly safe access arrangement for the site to support the proposed development.

Furthermore, the northern boundary of the site along Easton Town is heavily vegetated, with the large tree in the north-eastern corner being protected by a TPO (N/TPO125). The PiP submission does not refer to the need for any tree/vegetation removal, however, what has not been demonstrated is whether or not it is possible to achieve the visibility splays without tree/vegetation removal. As above, it is appreciated this is a technical matter, but if a site can't achieve a safe access, then in-principle it is not a suitable location for development.

It also appears that on the grass verge where the access point is proposed there is currently a street light located there. This would need removing to enable the access point to be delivered and would need agreement from the Council's Highways Team that it is acceptable for this street light to be removed.

If the site cannot be accessed safely, then it is not a suitable location for the proposed development.

Objection 2 – Unable to Accommodate Amount of Development Proposed

The PiP application is proposing that the site is developed for five large, detached properties. An Indicative Layout Plan has been included with the submission to show how the site, which is linear and narrow in nature, could accommodate the five large properties. As set above, there is concern that consideration has not been given to the proximity of the mature vegetation and TPO tree and their associated Root Protection Zones. In particular, the proposed dwelling located in the southern part of the site is shown to be very close and in some instances overlapping what appear to be the tree canopies. Given the size and nature of the trees within and bordering the site, it is likely that the Root Protection Zones will spread out much further than the canopies. Therefore, it is likely that the property in the south of the site is shown to be built on a number of tree Root Protection Zones.

It is appreciated that the layout is only indicative at this stage, but the site is small in size and narrow in shape, meaning there are limited options as to how a scheme for five dwellings could be laid out across the site.

This raises questions as to the suitability and capabilities of the site to accommodate the proposed level of development. Without further details on how the trees, and their associated roots, will be protected, and any harm/adverse impacts mitigated, based on the current layout, the site is unable to suitably accommodate the amount of development proposed.

Objection 3 – The Site is Unsuitable for the Proposed Use

It is acknowledged that the Council cannot currently demonstrate a five year supply of housing and that this means the NPPF tilted balance and presumption in favour of sustainable development is engaged. However, as set out above, due to the site's location in the Cotswold National Landscape, this can disengage the tilted balance. In this instance, as previously explained, we do not feel that sufficient information has been submitted with the PiP to demonstrate and suitably concluded that developing the site won't have any adverse impacts upon the Cotswold National Landscape. Therefore, it is not possible to conclude that the use of the site for housing accords with policies that seek to protect areas of particular importance (National Landscapes), such as the site, and in accordance with NPPF paragraph 11d(i) and footnote 7, provides a strong reason for refusing the development proposed.

Furthermore, Policy E15 of the Cotswold National Landscape Management Plan notes the balance of needing to meet housing needs and protecting the National Landscape, with point c stating that the National Landscape areas is unlikely to be a suitable area for accommodating unmet needs from adjoining, non-designated areas and that includes unmet need relating to adjacent settlements. Paragraph CE15.6 is also of relevance and clearly states:

“Within the CNL, windfall housing proposals on undeveloped land adjoining, or outside of, built up area boundaries (or equivalent) should only be supported where there is robust evidence of a specific local

housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement”.

The Sherston Neighbourhood Plan area includes the site and in setting out the specific housing needs for Sherston does not include or allocate the site as being required to meet these housing needs. Furthermore, there is no evidence presented in the PiP submission identifying a specific housing need for Sherston as is required by the Policy E15 of the Management Plan. As set out above, Core Policy 51 of the Core Strategy requires proposals in National Landscapes to demonstrate they have taken account of the objectives, policies and actions in the relevant Management Plan. The PiP submission does not accord with the Management Plan and therefore also does not accord with the Core Strategy.

It has not been suitably demonstrated that the use of this site for housing is appropriate.

Conclusion

The objections raised in this letter demonstrate why PiP should not be granted for the five dwellings at this site. It is an unsuitable location, and the amount of development and proposed use are inappropriate for this site.

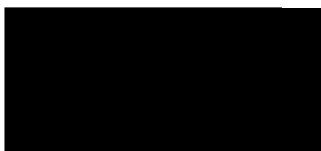
Whilst the NPPF (paragraph 11) does set out a presumption in favour of sustainable development and tilted balance towards development when an Authority cannot demonstrate a five year supply of housing (which is the case in Wiltshire), this all only applies unless policies that protect areas or assets of particular importance (such as National Landscapes) provide a strong reason for refusing the development proposals.

As set out above, the proposals do not accord with National Landscape policies and there is extremely limited information submitted with the PiP to show an assessment of potential impacts have been fully considered. On this basis, and in accordance, with NPPF paragraph 11, and footnote 7, this does represent a strong reason to the refuse the PiP.

It is requested that these objections are taken into account as the PiP is considered.

If there are any queries or you should wish to discuss any points raised, then please do not hesitate to get in touch.

Yours sincerely



Amy James BA(Hons) MPlan MRTPI
ASSOCIATE DIRECTOR

For and On Behalf Of
TETLOW KING PLANNING

