



Planning Statement

Proposal: Erection of 2no. 3-bed dwellings (Class C3) and associated works
Site: Land adjacent to Chivers, Winterbourne Bassett, SN4 9QD
Our Reference: PS_2242C_v1

Land Development and Planning Consultants Ltd. is a Rural Planning Practice based in Corsham, Wiltshire. The Practice was established in 1989 to provide advice and representation on the range of town and country planning issues relating primarily to the countryside, villages and the market towns of Wessex. Clients include individuals, developers, legal and land agencies, commercial and residential developers, local authorities and amenity groups.

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Appendix 1; Appeal decision APP/Y3940/W/22/3303198

1.0 Introduction

1.1 Land Development and Planning Consultants Ltd. have been instructed by Ms Catherine Pullan, the freehold owner of the application site, to prepare and present an application for the erection of 2no. 3-bed dwellings (Class C3) together with associated works.

1.2 The application should be read in conjunction with the following plans and reports;

- P100; Location plan
- P101; Block plan and photos
- P102; Existing site plan
- P103; Proposed site plan
- P104; Plot 1 Floor Plan
- P105; Plot 2 Floor Plan
- P106; Roof plan and visibility splays
- P200; Plot 1 Proposed elevations
- P201; Plot 2 Proposed elevations
- P202; Front street elevation
- P203; Rear street elevation
- P500; Aerial perspective views
- P501; Local vernacular and design precedent
- Preliminary Ecological Appraisal Report (December 2025) by Smart Ecology
- Biodiversity Net Gain Report (January 2026) by Smart Ecology
- BNG Statutory Metric (Live Spreadsheet) by Smart Ecology
- Arboricultural Report (January 2026) by Wootton Tree Consultancy
- Archaeological Desk-based Assessment (December 2025) by Heritage Planning Services
- Flood Risk Assessment, Surface Water & Foul Water Drainage Strategy (December 2025) by Aegaea

2.0 Context

- 2.1 The application site is 1332m² and broadly rectangular in shape orientated in a northwest to southeast alignment, with the northeast boundary being shared with the High Street, along which the village of Winterbourne Bassett is located. The pasture to the southwest of the site is in the Applicant's ownership and was formerly the village cricket pitch. Adjacent to the southeast boundary is a small watercourse, known as the Winter Bourne, and to the northwest is the dwelling known as Chivers, granted consent at appeal¹.
- 2.2 The Wiltshire Core Strategy defines Winterbourne Bassett as a small village within the Marlborough Community Area. The village lies within the North Wessex Downs National Landscape. The nearest heritage asset are the Grade II Listed dwellings No.19 & 20 Cliffe Pypard Road, some 80.0m to the east of the application site. The site is not within or adjacent to a Conservation Area.
- 2.3 Relevant planning history comprises;
- K/47269/O; erection of 12no. dwellings (on a larger site); REFUSED
 - 15/02669/FUL; erection of 3-bed, 2-storey dwelling (Boundary House); APPROVED
 - 16/08140/FUL; equestrian arena and stables (on the former cricket pitch); APPROVED
 - 21/00584/FUL; Erection of three dwellings and associated access; REFUSED
 - PL/2021/09801; Change of use of land and erection of a detached dwelling with associated access and landscaping (Resubmission of 21/00584/FUL); APPEAL ALLOWED

¹ Appeal Reference APP/Y3940/W/22/3303198

- 2.4 Following the refusal of 21/00584/FUL, an updated planning application for 3no. dwellings was presented to the LPA supported by a Landscape and Visual Assessment and an updated Flood Risk Assessment and Drainage Strategy and considered under reference PL/2021/09801. At the time that these two applications were made and were being assessed by the LPA the Environment Agency flood maps showed that the two plots closest to the Winter Bourne ('Plots 2 & 3') were within Flood Zones 2 & 3. Despite the mitigation and a drainage strategy proposed to address the potential for flooding the LPA maintained an objection on the basis of flood risk to Plots 2 & 3, and therefore in March 2022 the application was revised to a scheme for a single dwelling on Plot 1, completely within Flood Zone 1.
- 2.5 While the LPA agreed that the flooding objection had been appropriately addressed, the application was refused for three reasons, namely; site location outside of the limits of development; harm to character of the settlement and landscape; and remoteness from services and facilities. An appeal was lodged against the decision.
- 2.6 In allowing the appeal the Inspector found that the *'only real conflict with this Policy [Core Policy 2] was the lack of the development providing for local housing needs'* and a general conflict with the settlement strategy.
- 2.7 She gave significant weight in favour of the development to the lack of a 5 year housing land supply; at the time the LPA could only demonstrate 4.72 years supply, noting the Council's reliance of the contribution of windfall sites to meeting their housing need. The decision also highlighted the fact that under CP2 that small infill sites would necessarily *'be situated in less accessible locations, such as the appeal site, where there would be a greater reliance on the private motor car'*; a point recognised within the National Planning Policy Framework in its support for rural development.
- 2.8 Modest weight in favour was given to the economic contribution of the development through both construction and occupation of the single dwelling, and she found that the development *'would preserve the character and appearance of the area and the landscape and scenic beauty of the landscape within the North Wessex Downs AONB'*

(now 'National Landscape'). The appeal decision is reproduced as Appendix 1 of this statement.

- 2.9 In December 2024 the Environment Agency published a major update to the National Flood and Coastal Erosion Risk Assessment which included revisions to the flood maps. At the application site the extent of Flood Zones 2 & 3 associated with the Winter Bourne have been reduced largely to the watercourse itself, and therefore Plots 2 & 3 of applications 21/00584/FUL and PL2021/09801/F are now completely within Flood Zone 1.
- 2.10 The application, subject of this statement therefore represents a proposal for the erection of the two dwellings excluded from application PL2021/09801/F, in the absence of any flood risk, as infill development within the built form of Winterbourne Bassett.

3.0 Proposed development

- 3.1 The application, subject of this statement, requests consent for the change of use of agricultural land to a residential use; the erection of 2no. 3-bed dwellings, each served by an independent access onto the highway. Within both proposed properties, a permeable surface will be provided for the parking and turning of vehicles allowing entry and exit in a forward gear.
- 3.2 A new hedge boundary will be formed between the dwellings, while the front and eastern boundary hedge will be retained, as will the post and rail fence to the rear of the proposed dwellings.
- 3.3 Surface water will be directed to the watercourse to east of the development via attenuation systems for each dwelling, restricting the discharge rate to 1.2L/sec. In the absence of mains drainage, foul water will be directed to package treatment plants within each residential curtilage to be treated before being discharged to the watercourse to the east of the application site.
- 3.4 The development is subject to Biodiversity Net Gain. The entirety of the site and its habitats will be impacted through the development proposals resulting in a loss of 0.18 habitat units and 0.30 hedgerow units which will be mitigated through the purchase of 0.21 habitat and 0.33 off-site hedgerow units, or statutory credits (as a last resort option).

4.0 Policy Context

- 4.1 The starting point for the determination of this application is the provisions of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the Plan unless material consideration indicates otherwise. The relevant Development Plan for this form and scale of proposal comprises Wiltshire Core Strategy 2015 (WCS) together with the National Planning Policy Framework (December 2024) ('the NPPF').
- 4.2 The WCS policies most relevant to the consideration of this scale and form of development are;
- CP1; Settlement strategy
 - CP2; Delivery strategy
 - CP14; Marlborough Community Area
 - CP50; Biodiversity
 - CP51; Landscape
 - CP57; Ensuring high quality design and place shaping
 - CP64; (Transport) Demand management
 - CP67; Flood risk
- 4.3 Available data² shows that Wiltshire Council can only demonstrate 2.42 years of housing land supply and therefore the 'tilted balance' of paragraph 11(d) of the NPPF is engaged, as such the policies most important to the determination of the application are out-of-date. Thus, the LPA are required to grant planning consent '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*'.

² www.planningresource.co.uk/planningdatadashboard

- 4.4 The Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Development Plan (2025 – 2038) (BHWBUF NDP) is currently undergoing Regulation 16 Consultation, due to close on 16th February 2026. The document remains in a formative stage and has not been subject to independent examination and therefore can only be allocated extremely limited weight as a ‘direction of travel’ at the present time.

5.0 Planning Assessment

Principle of development

- 5.1 CP14 identifies Winterbourne Bassett as a small village within the Marlborough Community Area. Although rendered out-of-date by the lack of a 5 year housing land supply, CP2 of the WCS supports the limited infill within the existing built form of small villages; para.4.34 of the WCS defines 'infill' as *'the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling'*. The application site represents just such a gap within the built form of the village, in keeping with the prevailing linear pattern of development.
- 5.2 It is noted that the appeal decision refers to a *'more sporadic nature of the built form to the west of the Bourne'*. However, the element of the linear form of the village commences from west of St Katherines stopping at the terrace of dwellings, known as 'New Buildings', beyond which the regularity of development is replaced by 4no. individual dwellings in irregular plots, where true 'sporadic development is evident.
- 5.3 The proposed development of the application site represents the infill of a modest gap within the built form of the village, which respects the character of the settlement and will not elongate the village or consolidate a loose knit area of development. The conclusion is supported by the findings of the LVA presented in support of application PL2021/09801/F³ and prior to the completion of the dwelling, known as Chivers, to the west of the application site which has reduced the gap in development.
- 5.4 CP2 also requires that new [housing] development at small villages seeks to meet the housing needs of the settlement. While the BHWBUF NDP is currently only in consultation stage, it is noted that Policy BHWB4; 'Housing type and size' gives support in principle to *'1, 2 & 3-bedroom homes, including accessible single storey homes'*. The proposed development complies with the direction of this policy, providing two, 3-bedroom dwellings, one of which, with primary living and sleeping accommodation on the ground floor.

³ Summary Landscape and Visual Assessment by Enderby Associates (September 2021)

- 5.5 As such, the development subject of this statement, is considered to be compliant with the Council's spatial strategy, which was examined under a previous iteration of the NPPF and met the tests of soundness, and is thereby sustainable development, and acceptable in principle.

Character of the area

- 5.6 As discussed above, the application site lies firmly within the built form of the village a finding confirmed by the previous LVA and within the appeal decision, and thereby the development will not impact on the wider National Landscape and be naturally assimilated within the village setting.
- 5.7 The sensitive design approach to the two dwellings compliments the surrounding development, and is largely unchanged from the scheme originally submitted and assessed under reference PL2021/09801/F. While the Officer's Delegated Report fails to specifically address the design of the proposed dwellings, the proposals did not give rise to a design-led reason for refusal.
- 5.8 Given that the design approach reflects that approved on the appeal site to the west and responds positively to the setting of the site and the local vernacular, it is submitted that the scheme is clearly appropriate and in accord with CP57 which promotes high quality design and place shaping.

Flood risk and drainage strategy

- 5.9 Presented in support of this application is a Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy prepared by Aegaea, which is commended to the LPA.
- 5.10 In summary, the report confirms that the development will be located on land at the lowest risk of flooding, and thereby compliant with the Sequential Test for the location of new development.
- 5.11 Infiltration assessment of the site was undertaken to inform the surface and foul water drainage strategies which confirmed that discharge to soakaways would not be viable on this site. The surface water strategy therefore recommends installation of water butts to collect and re-use surface water from roofs, and directing ground surface water via permeable surfaces to sub-surface storage before discharge to the

Bourne at 1.2L/s, equivalent to the greenfield run-off rate. The approach is compliant with the drainage hierarchy and CP67 of the WCS.

- 5.12 In the absence of mains sewers in the vicinity, private package treatment plants are proposed for each dwelling discharging to the Bourne.
- 5.13 Should further details be considered necessary prior to the implementation of development, these could be secured through a suitability worded pre-commencement condition which the Applicant would be content to agree.

Heritage

- 5.14 Previous applications have highlighted the potential for archaeology in the area and therefore the application, subject of this statement, is supported by an Archaeological Desk Based Assessment by Heritage Planning Services, which is commended to the LPA.
- 5.15 As previously concluded, the archaeological potential of the site is low, supported by negative results of trench evaluations on the site undertaken 2004. Should further investigations prior to implementation of development be considered necessary these could be secured by a suitably worded pre-commencement condition which the Applicant would be content to agree.

Residential amenity

- 5.16 The careful and sensitive approach to design and layout of the development will ensure that the residential amenity of existing residents surrounding the site, and future occupiers of the development, will be preserved. It is trusted that the scheme of development, set out in the supporting plans, will be referenced in a decision notice to ensure that the development, as approved, will be implemented in accordance with the consent.

Ecology

- 5.17 Presented in support of the application, subject of this statement, is a Preliminary Ecological Appraisal (PEA) Report by Smart Ecology which concludes that the proposed development would not harm any statutory or non-statutory designated sites, or ecologically important or protected habitats or species, subject to the

recommendations of the report, which could be secured by a suitably worded condition.

- 5.18 Also presented with the application is a Biodiversity Net Gain (BNG) Report and Statutory Metric as required by the scale of the application site, being greater than 25m². The nature of the application site means that, for the purposes of BNG it will all be considered 'lost' to biodiversity. The PEA informed the baseline assessment which found a 58.48% (0.18 units) decrease in habitat units and a 100% (0.30 units) loss of hedgerow units (as the hedges will be retained but redesignated part of the residential curtilage). The BNG requirement to increase the biodiversity value through the development by at least 10% will therefore be met through the off-site purchase 0.21 habitat units and 0.33 hedgerow units in the locality which have been confirmed as available by appropriate providers.
- 5.19 It is trusted that an informative to a planning consent will confirm the need to meet this requirement prior to implementation of the development.

6.0 Concluding notes and planning balance

- 6.1 The application site is located within the built form of Winterbourne Bassett between two residential properties. The scheme represents infill development within a small village and is thereby compliant with spatial strategy of the WCS; **this point holds significant weight in support of the development.**
- 6.2 By the nature of the proposals, the development will occupy a gap in the existing linear form of this area of village; **this point carries limited weight against the development.** Equally, it is noted that residents of the development will be mainly reliant on private transport to access to services and facilities; **the weight this holds against development it is limited**, given that the WCS provides for, and needs, windfall development in named settlements such as Winterbourne Bassett.
- 6.3 However, in conformity with the recent appeal decision, the lack of a 5 year housing land supply (indeed, significantly lower than in the context of that decision) is a matter that **carries substantial weight in favour of development** through its contribution to housing supply. It follows that **modest weight in favour** is also conferred through the economic benefit of construction and occupation of the development.
- 6.4 Again, in conformity with the appeal decision, there is no conflict with the development plan in terms of the natural beauty of the North Wessex Downs NL through the development proposals.
- 6.5 In conclusion, the limited adverse impacts of development would not significantly and demonstrably outweigh the benefits of the development, and therefore permission should be granted, in accordance with para. 11 of the NPPF, without delay.
- 6.6 It is trusted that the local planning authority will be able to support the application in its submitted form. The Applicant would welcome the opportunity to discuss in detail the proposals and to provide further information as required to enable a comprehensive assessment to be undertaken. Please contact the Agent at the earliest opportunity should such details be necessary.



Appendix 1

Appeal Decision APP/Y3940/W/22/3303198



Appeal Decision

Site visit made on 6 December 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/Y3940/W/22/3303198

Land at High Street, Winterbourne Bassett, Swindon, SN4 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Catherine Pullan against the decision of Wiltshire Council.
 - The application Ref PL/2021/09801, dated 14 October 2021, was refused by notice dated 19 May 2022.
 - The development proposed is change of use of land and erection of a detached dwelling with associated access & landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land and erection of a detached dwelling with associated access & landscaping at Land at High Street, Winterbourne Bassett, Swindon SN4 9QB in accordance with the terms of the application, Ref PL/2021/09801, dated 14 October 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as the proposal was amended during the course of the application.

Main Issues

3. There are 2 main issues. These are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

Suitable Location

4. The appeal site consists of a parcel of land situated in the village of Winterbourne Bassett, which has been identified in the Wiltshire Core Strategy (Core Strategy) (2015) as a 'small village'. Whilst there is no defined settlement limit associated with the village, Core Policy 2 of the Core Strategy sets out an exception at small villages. Within small villages, amongst other criteria, development will be limited to infill within the existing built area and

will be supported where they seek to meet housing needs of settlements or provide employment.

5. Existing residential dwellings are situated to both the east and west of the appeal site. However, the dwellings to the east would be separated from the proposal by a small gap as this land, which is within the appellants ownership, lies within Flood Zone 2 and 3. Therefore, whilst the size of the site may be large enough for more dwellings, other site constraints would restrict this number to the sole house proposed. I am therefore satisfied that the appeal site would represent the filling of a small gap within the existing built area of the village.
6. In terms of housing needs of the settlement, the most recent housing needs survey for the area was carried out in 2015. I note that this survey found that there was more demand for smaller affordable houses, and whilst the Council considers the survey to be out of date, the appellants agree that this is unlikely to have changed in that time. Therefore, despite the age of the latest housing needs survey, I have been provided with no evidence to suggest that the development would go towards meeting any identified local housing needs. The proposal would fail to satisfy all the criteria required for infill development.
7. Furthermore, the village has few day-to-day facilities, comprising only a public house and church. Therefore, future occupants would still need to travel further afield to access day to day services, including schools and employment opportunities. Therefore, future occupants of the proposal would remain largely reliant on the private motor car to carry out day-to-day activities.
8. Therefore, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities. Consequently, the proposal would conflict with Core Policies 1, 2, 60 and 61 of the Core Strategy. Amongst other things, these policies, in combination, direct growth and new housing to defined settlements and resist new homes in the countryside except in certain circumstances. They also encourage planning developments in accessible locations and promote sustainable transport alternatives to the use of the private car.

North Wessex Downs Area of Outstanding Natural Beauty

9. The appeal site lies to the south of High Street which runs through Winterbourne Bassett. The village is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Apart from a row of stables, the northern side of the road is devoid of dwellings beyond the Bourne, which runs north to south under High Street. However, to the south of the road, there are a handful of dwellings beyond the Bourne, which are seen as part of the village, rather than as a separate group of dwellings. Consequently, whilst the site is currently undeveloped, the site is read as a gap in the built-up area of the village, rather than as a distinct end point.
10. Whilst the siting of dwellings to the east of the Bourne is more regular and closer together, and those to the west more sporadic, the built form along the length of High Street is arranged in a predominately linear arrangement. This contributes positively to the character and appearance of the area, and the natural beauty of the AONB.

11. Given that there is further sporadic housing to the north west of the appeal site, the proposal would not elongate the village. The siting of the proposed dwelling would also be in keeping with the prevailing linear pattern of development. The spatial relationship with The Old Chapel would be acceptable by virtue of the proposal being set back slightly from the road further than The Old Chapel and given the distance between them. This would retain the more sporadic nature of the built form to the west of the Bourne, which would respect the existing character and form of the settlement.
12. By virtue of its appropriate siting, it would be seen in the context of the wider built form of the village within the wider landscape, relating positively to its landscape setting. Furthermore, the siting of the proposed dwelling would leave the eastern part of the appeal site undeveloped. This would ensure that the proposal would not consolidate the development to the western side of the village with that of the built form on the eastern side of the Bourne.
13. I also note that the scale, design and appearance of the dwellings has not been raised as a concern by the Council. Based on the evidence before me, and as confirmed by my site visit, I have no reason to come to a different conclusion on the matter.
14. I therefore conclude that the proposal would conserve the character and appearance of the area and the landscape and scenic beauty of the landscape within the North Wessex Downs AONB. The proposal would be in accordance with Policy 57 of the Core Strategy which requires development to enhance local distinctiveness by responding to the value of the natural environment, relating positively to its landscape setting and the existing pattern of development.
15. The proposal would also be in accordance with the principles within Chapter 15 of the Framework in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.

Other Matters

16. The appeal site currently accommodates the septic tank and outfall soakaway for The Old Chapel, the neighbouring property to the west. I am satisfied that further details of foul drainage disposal for both the appeal proposal and that of The Old Chapel could be secured by a suitably worded planning condition.
17. Local residents have expressed a wide range of concerns including flooding, drainage, and highway safety. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions.

Planning Balance

18. Paragraph 11 of the Framework 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or specific policies in the Framework indicate development should be restricted. Footnote 8 of paragraph 11 confirms that this includes, for

applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

19. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. The Council states that developable commitments and completions for the Marlborough Community Area already exceeds the housing requirement figure for the area. Nevertheless, they acknowledge that they are currently unable to demonstrate a 5-year supply of housing land, with the current level at 4.72 years. The proposal would make a modest contribution of one dwelling to the supply of housing. I have given this significant weight which I take forward to the overall planning balance below.
20. There would be economic investment from both its construction and subsequent occupation. These benefits are tempered by the small amount of development, but nevertheless carry modest weight in favour of the development.
21. I have also found no conflict with the development plan in terms of the natural beauty of the landscape within the North Wessex Downs AONB. Therefore, due to the preservation of the landscape and scenic beauty of the landscape within the AONB, there is not a clear reason to refuse the development under Framework paragraph 11 d)(i). Consequently, Framework paragraph 11 d)(ii) is engaged.
22. I have found conflict with Core Policies 1, 2, 60 and 61 of the Core Strategy, having regard to the development strategy for the area and accessibility to services and facilities. Therefore, the proposal would conflict with the development plan as a whole. While the proposal would conflict with the settlement strategy, the Council rely on windfall sites, such as this site, in the absence of a housing land supply. Whilst the proposal would not meet the criteria of Core Policy 2 in regard to infill development, the only real conflict with this Policy is the lack of the development providing for local housing needs, for which I have no up-to-date evidence.
23. Furthermore, there is clearly an acceptance in Core Policy 2 that small infill sites would be situated in less accessible locations like the appeal site, where there would be a greater reliance on the private motor car. In addition, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, the harm caused by conflict with the overriding strategy outlined in the Core Strategy would be limited.
24. Consequently, in the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies. In this case, it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.

Conditions

25. The Council have suggested 11 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.

26. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
27. In order to minimise disruption to surrounding residents, to safeguard highway safety and to protect the character and appearance of the area, a condition to require a Construction Management Statement to be submitted and approved is considered both reasonable and necessary. I have amended it slightly for clarity purposes.
28. In the interests of highway safety, a condition is considered necessary to ensure that the required visibility splays have been provided on site. The condition has been amended slightly for clarity purposes.
29. A condition to ensure measures for the management and control of surface water and silt during the construction are submitted and approved is considered necessary in the interests of flood risk and biodiversity. A further condition to ensure appropriate disposal of surface water is considered reasonable and necessary to ensure the proposal is provided with a satisfactory means of disposal on both, in the interests of flood risk and highway safety. The condition has been amended slightly for clarity purposes.
30. To ensure adequate foul water treatment is provided for both the proposal and the Old Chapel, full details of a scheme of foul water disposal should be submitted and approved by the local planning authority.
31. A condition regarding details of all materials and finishes to be used externally is both reasonable and necessary to safeguard the character and appearance of the area. A condition to ensure that the first five metres of the access is consolidated and surfaced is considered necessary in the interests of highway safety.
32. The Council have also suggested the removal of permitted development rights in relation to extensions, outbuildings and first floor windows/doors/balconies on the west elevation. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in order to protect both the character and appearance of the area and the living conditions of The Old Chapel, it would be both reasonable and necessary to ensure that the dwellings do not extend in size or have additional openings on the west elevation at first floor level. I have amended both of the conditions to omit reference to Class B as this class would not be applicable to the appeal site due to its location within the AONB.

Conclusion

33. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan P100
 - Block Plan & Photos P101
 - Existing Site Plan P102
 - Proposed Site Plan P103
 - Proposed Ground and First Floor Plans P104
 - Roof Plan and Visibility Splays P106
 - Proposed Elevations P200
 - Proposed Front (Street) Elevation and Associated Perspective Views P202
 - Proposed Rear Elevation and Associated Perspective Views P203
 - Aerial Perspective Views P500
 - Local vernacular and Design Precedent P501
 - Flood Risk Assessment and Drainage Strategy P2726J2107 v. 8.0
 - Summary Landscape & Visual Assessment
 - Archaeological Desk Based Assessment (14/10/2021) HPS356/20
 - Arboricultural Report (14/10/2021) WTC_630.01
 - Preliminary Ecological Assessment (14/10/2021) v. 1.0
- 3) i) No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, have been submitted to and approved in writing by the local planning authority. The details shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. loading and unloading of plant and materials;
 3. storage of plant and materials used in constructing the development;
 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. site layout drawing noting location of areas such as storage, staff parking, loading and unloading etc has been submitted to, and approved in writing by, the local planning authority.
- ii) The so-approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

- 4) No development shall commence on site until visibility splays have been provided for the access between the edge of the carriageway and a line extending from a point 2m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north west and 90 metres to the south east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.
- 5)
 - i) Prior to the commencement of any excavation for the new development, there shall have been submitted to and approved in writing by the local planning authority, details of measures to be taken for the management and control of surface water run off and silt during the construction phase.
 - ii) The development shall not be carried out other than in accordance with the so-approved measures.
 - iii) The development shall be carried out in accordance with the submitted flood risk assessment and drainage strategy (dated December 2020, ref: P2726J2107), in particular the pollution prevention measures detailed in section "7 Drainage During Construction".
 - iv) These measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development
- 6) Prior to the commencement of development of the new dwelling details of a surface water drainage scheme based upon sustainable drainage principles, to dispose of all rainwater falling on the dwelling and new or replacement areas of hardstanding, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details and shall be implemented in full prior to first occupation of the dwelling. The drainage measures as approved shall thereafter be maintained in perpetuity so as to control surface water run-off from the site.
- 7) No development shall commence until a scheme of foul water disposal has been submitted to and approved in writing by the local planning authority. The details to be submitted under this condition shall include details of a suitable scheme, including the timing and phasing, to ensure uninterrupted foul water disposal for The Old Chapel throughout and after the construction phases, and to provide for completion of the foul drainage arrangements for the new dwelling prior to its occupation. The development shall not be carried out other than in strict accordance with the approved scheme and shall be maintained in accordance with the approved details thereafter.
- 8) No building work as hereby approved shall commence above ground floor slab level until full details of all materials and finishes to be used for the external walls and roofing of the dwelling have been submitted to and

approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details.

- 9) The development hereby permitted shall not be first brought into until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 10) Notwithstanding the provisions of the Article 3 and Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellinghouse hereby permitted, and there shall be no provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool.
- 11) Notwithstanding the provisions of the Article 3 and Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), No windows, doors, balconies or other openings shall be constructed or otherwise formed above ground floor ceiling level in the west elevation of the dwelling hereby permitted.