

Appeal Decision

Site visit made on 19 January 2015

by Michael Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2015

Appeal Ref: APP/Y3940/A/14/2228844

Land to the East of Ball Road, Pewsey

- 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 The CRY King Trust against the decision of Wiltshire Council.
 - The application Ref 14/08324/FUL, dated 2 September 2014, was refused by notice dated 28 October 2014.
 - The development proposed is erection of 4 no. dwellings; with associated parking, turning, landscaping, the creation of a new vehicular access point, and an extension to the curtilage of No. 29 Ball Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Wiltshire Core Strategy January 2015 (CS) has been adopted. As a result of this, saved policy PD1 of the Kennet Local Plan has been replaced by policy 57 of the CS which contains broadly the same requirements in respect of achieving high quality design. Draft Core Policies 51 and 58 of the CS have not altered since adoption and I have therefore used the up to date policies in my determination of this appeal.
3. At the site visit I was unable to identify the location of the of Leylandii trees shown to be removed along Ball Road shown on Drawing No. 120707-28. I have therefore not taken the removal of these particular trees into consideration.

Main Issue

4. This is the effect of the proposed development on the character and appearance of the area with particular regard to the Pewsey Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

5. The site is located within the North Wessex Downs AONB, which is a large area of open downland, interspersed with ancient woodland and chalk streams. This designation is nationally significant and paragraph 115 of the National Planning Policy Framework (Framework) explains that great weight should be given to conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in this regard.

6. The site is also located within the Pewsey Conservation Area (CA) and in considering this appeal I am required by statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this conservation area. The Pewsey Conservation Area Character Appraisal and Management Proposals March 2007 document (CACAMP) describes the village as one of contrasting character and atmospheres and with part of its charm lying with the close juxtaposition of a bustling centre, tranquil landscape areas and quiet rural back lanes. It emphasises the strong unifying relationship of the village with the River Avon. It is these characteristics that provide the CA with its significance and which provide the context to the consideration of the appeal site and proposal.
7. The site is identified within the CACAMP as being within the Ball Road/King's Corner Character Area. It recognises that the former hamlet of Ball still retains a certain sense of separation from the main village and that between the two key junctions separating King's Corner from Ball, a number of important groups of historic road edge properties along Ball Road emphasise the enclosed nature of the route. The view along Ball Road outside of the site is identified as an important within Map 8 of the CACAMP. This supports the findings of my site visit where I found Ball Road to be a pleasant, intimate road with a distinctive semi-rural character.
8. Although the CACAMP does not provide sufficient historical evidence to conclude precisely on the evolutionary nature of the relationship between Ball and King's Corner, it is clear from the late nineteenth century Ordnance Survey plan contained within the CACAMP that in recent years at least, there has been little development along Ball Road and particularly on the eastern side of the road which appears to have been agricultural land for the majority of this time.
9. The proposed development proposes to remove a significant proportion of the hedgebank that currently lies opposite No 44 Ball Road. The CACAMP states that although the driveways of more recent developments have occasionally interrupted the bordering banks and hedges, the intimate atmosphere of this narrow sunken lane has survived for most of its length. A significant portion of this would be replaced with an access road and grassy banks which would be required in part to provide visibility splays to accompany the new access.
10. This would result in large, prominent incursion into the hedgebank and would directly contravene the advice within the CACAMP which also states that care should be taken to ensure that any further development along the lane provides for the retention of the remaining banks and hedges without interruption. Therefore the loss of hedgebank would be substantial, would represent the loss of an important landscape feature within the AONB and would appear starkly out of keeping with the more enclosed surroundings of Ball Road.
11. The new access would reveal a cul-de-sac development which would due to its layout and siting would have a contrasting appearance when viewed with the historic form of linear development along Ball Road. I recognise that there have been other cul-de-sac development within Pewsey, however these do not represent the same particular visual context as that before me and therefore do not act as a precedent that should be followed within the strong linear context of the appeal surroundings.

12. The appeal proposal would also introduce a significant amount of housing development into a hitherto undeveloped parcel of land, it would be prominent when viewed within the surrounding countryside and would have an urbanising effect on the green rural setting of the CA and AONB. Although in summer months there would be some screening of this through the proposed landscaping, harmful views of the proposed development would be obtained from Ball Road during winter months through the largely deciduous hedgebank, and also from in front of the site entrance. It would also be visible from the open land within the surrounding countryside above and to the east of Ball Road.
13. I recognise that there are positive aspects relating to the individual design of the houses and which also include semi-permeable materials for the driveways. However it is the loss of hedgebank and the introduction and form of significant housing development into a partially open landscape which results in the unacceptable harm within the appeal proposal. Therefore these modest positive aspects are substantially outweighed by this visual harm.
14. The proposal would therefore fail to preserve or enhance the character or appearance of the CA. Due to the overall size of the CA in comparison to the appeal site, the harm described would not amount to substantial within the context of the whole CA. However although providing additional housing, supporting local services and providing jobs in the short term particularly during the construction phase, represent public benefits arising from the appeal scheme, these are insufficient to override the harm to this heritage asset and therefore the appeal development remains unacceptable.
15. It would thereby also conflict with paragraphs 131, 132 and 135 of the Framework which emphasise the desirability of new development making a positive contribution to local character and distinctiveness and seek to protect the significance of heritage assets. It would also fail to comply with one of the core planning principles within the Framework which requires planning to contribute to conserving heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations.
16. The proposal would also thereby fail to comply with Core Policies 57 and 58 of the CS which seek a high standard of design in all new development which is sympathetic to its built and natural surroundings and protects, conserves and where possible enhances the historic environment and designated heritage assets. I have identified that the proposal would harm the landscape character of this part of the countryside and it would consequently also fail to conserve the landscape and scenic beauty of this part of the AONB. It would thereby conflict with Core Policy 51 of the CS which seeks to protect, conserve and where possible enhance landscape character and paragraph 115 of the Framework.

Other Matters

17. Although I acknowledge that the development displays some of the necessary attributes of sustainable development such as minimising the need to use the car for short journeys, my findings on the main issue represent a substantial degree of harm in respect of environmental issues. Moreover, the CS has only just been adopted, it cannot be regarded as out of date and therefore the

presumption in favour of sustainable development as set out in paragraph 14 of the Framework does not apply.

18. The replacement parking arrangements to serve No 29 Ball Road would certainly represent a significant improvement to highway safety and this therefore weighs in favour of the scheme. I also recognise that the Appellant has had two previous schemes¹ and has reduced the size of the proposed scheme from ten units down to seven, and now four. I also acknowledge that the scheme would incorporate features which would minimise energy consumption, however I would expect this to be the case with most forms of acceptable development. I also acknowledge that the principle of residential development on the site is acceptable due to the fact that the site is within the Development Limits in both of the CS and the emerging Pewsey Neighbourhood Development Plan however this designation is insufficient to overcome the more detailed objections to the scheme I have highlighted.
19. I also accept that there has been other recent development² within the CA which may share certain common characteristics with the appeal proposal. However, as I have outlined the site is especially sensitive on the boundaries of the settlement with the adjoining countryside and in this regard does not bear close comparison with other sites within the village. Furthermore, I am also required to focus my attention on the development before me. I also recognise that some of the land around the Coopers Arms PH has a variety of uses and that some of these have an effect on the surrounding countryside. Although these above factors all weigh to a modest degree in favour of the appeal development, they are substantially outweighed by the harm I have found upon the AONB and CA which must assume overriding weight in this case and therefore the appeal must fail.
20. For the above reasons, and having taken all matters before me into consideration, the appeal is dismissed.

Michael Lowe

INSPECTOR

¹ Refs: 13/03770/FUL withdrawn 4 September 2013 and 14/01661/FUL refused 24 April 2014

² Manor Court, entrance to the new supermarket, development relating to Whately engineering works, the Farriers Arms, the Old Phoenix Hotel, two new houses granted opposite the Coopers Arms and 54 Ball Road.

CASE OFFICER'S REPORT

Application Reference:	14/08324/FUL
Date site notice posted:	10/09/14
Date of inspection:	site well known
Date of press notice:	18/09/14

POLICIES

Kennet Local Plan 2011: The site is within the Pewsey Limits of Development (LOD). There is no specific housing policy for Pewsey in the local plan as the previous policy HC21 "housing on unallocated sites in Pewsey" was not saved. The key local plan policy is PD1 "Development and Design".

The Pewsey Conservation Area Character Appraisal and Management Proposals March 2007. This is adopted as supplementary planning guidance (SPG).

In due course the emerging Wiltshire Core Strategy will replace the Kennet Local Plan as the statutory local plan for the East Wiltshire area. The Wiltshire Core Strategy Pre-Submission Document went out to public consultation in February 2012 and the Wiltshire Core Strategy was presented for examination in July 2012. The hearing sessions took place between May and July 2013. Since then it has been subject to two further full public consultation exercises on proposed modifications and the Inspector has provided a number of procedural letters. The Council is currently awaiting receipt of the Inspector's report. It is hoped that the Core Strategy will be adopted by early 2015. Relevant policies are as follows:

Core Policy 1: 'Settlement Strategy'
Core Policy 2: 'Delivery Strategy'
Core Policy 18: 'Spatial Strategy: Pewsey Community Area'
Core Policy 51: 'Landscape'
Core Policy 57: 'Ensuring high quality design and place shaping'
Core Policy 58: 'Ensuring the conservation of the historic environment'

Central government planning policy:
National Planning Policy Framework (NPPF) 2012.
Planning for the Historic Environment Practice Guide 2010

ISSUES

Principle of development.
Impact on the character and setting of Pewsey Conservation Area and other heritage assets.
Impact on the scenic quality of the AONB.
Highway safety.
Ecology.
Flood risk.
Neighbour amenity.

REPRESENTATIONS

Parish Council: The outcome of the debate on the application was inconclusive and the Parish was unable to reach a conclusion. Hence it neither supports nor objects to the application.

North Wessex Downs AONB unit: No comments received on this application. However they noted when commenting on the previous application that the site is in the LOD. It is preferable that housing need be met through sites within the LOD than outside of it. Subject to great care over design, materials and landscaping, no comments are raised over the impact of the development on the wider AONB landscape.

Wessex Water: New water supply and waste water connections will be required from Wessex Water.

Highway Authority: About 30 additional vehicular movements per day would be generated. The internal layout is acceptable with adequate parking and turning being available on site. No objection subject to conditions regarding the provision of visibility splays, the provision of on-site parking and the surface details of the private drive.

Conservation Officer:

Objects. Her comments are set out in full below:

“From the point of view of the historic environment a primary consideration is the duty placed on the Council under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area.

There is also a duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 in considering an application which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Chapter 12 of the NPPF provides government policy in relation to the historic environment in considering planning applications.

As the proposal is for new development paragraph 131 is relevant which requires new development to make a positive contribution to local character and distinctiveness.

As the site next to the grade II listed Coopers Arms and it is within a conservation area which is a designated heritage asset then paragraph 132 is relevant. This states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

There are a number of properties adjacent to the site considered to be Heritage Assets. Paragraph 135 is also a material consideration. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Planning for the Historic Environment Practice Guide provides some further advice on issues to consider in assessing applications relating to the Historic Environment.

The Pewsey Conservation Area Character Appraisal and Management Plan provides supplementary planning guidance.

There is currently a shed on the proposed development site and we concur with the statements accompanying the application that this has no architectural or historic value and its removal is uncontroversial.

In providing pre-application advice and commenting on the previous application for the site we have consistently expressed an in principle objection to housing development in this location due to the adverse impact on the character and appearance of the Conservation Area. We note there have been some amendments to the design of the scheme namely a change to the boundary to No 29 and changes to the design of the houses. Whilst these changes may be a marginal improvement on the previous scheme some of our fundamental concerns have not been addressed.

The proposed development site is currently mainly an open field, with an area of scrubby garden containing a shed and a green boundary to Ball Road. The proposal to build four houses and a new access route will involve a substantial change in appearance of the site, from open fields to four new house with their associated gardens and access road. The key issue is the impact of this change on the character and appearance of the conservation area and the setting of the designated and non designated heritage assets.

The Adopted Conservation Area and Management Plan gives an analysis of this area of the Pewsey Conservation area:

Ball Road is an ancient narrow, sunken, lane linking the outlying settlements of Ball and Kings Corner.....

Between the two key junctions a number of important groups of historic road edge properties along Ball Road emphasise the enclosed nature of the route. Open agricultural land to the east of the land is largely hidden from view the within the lane. Although driveways of more recent developments have occasionally interrupted the bordering banks and hedges, the intimate atmosphere of this narrow sunken lane has survived for most of its length. Care should be taken to ensure that any further development along the land, including the land immediately beyond the conservation area boundary, provides for the retention of the remaining banks and hedges without interruption. The dismissal of a recent appeal endorsed this view.

The Design and Access statement accompanying the application recognises in paragraph 2.7 that the soft landscaping and grass banking creates a sense of verdancy along the road. The Conservation Area Appraisal identified that the retention of the bank and hedges enclosing the sunken lane to be an important element of Ball Road. In order to create an access to the new development a new road will need to be created. This will involve removal of the existing

vegetation. Whilst it is acknowledged that over time the native planting has been unfortunately replaced with some leylandii, this section of the lane retains a soft landscaped edge with glimpsed views to fields and sky beyond. This section of the conservation area is at the edge of the built up area adjacent to fields and therefore has a more rural character in contrast to the more densely built up centre of Pewsey. We are of the view that the introduction of a new access road will harm the character and appearance of the lane.

The new road will be as wide as Easterton Lane but will appear wider as it is to be bordered by green banks to provide visibility splays. No doubt these will need to be kept free of hedges and trees to meet the highway requirements. The plans show the removal of the leylandii but it is unclear how the rest of the planting along the lane will be treated. There is no indication if the remaining hedging will be retained and if there are any plans to enhance the roadside hedges with native species. The visual character will significantly change with a large section of the roadside informal hedge being replaced with a road and grass bank. This will be a visual change to the rural character of the road as identified in the Conservation Area Appraisal and Management Plan which clearly states there should be no interruption to the remaining banks and hedges along the lane. We note that in this plan the boundary treatment to No.29 has been changed to create a more permanent boundary with only a pedestrian rather than vehicular access but this change does not mitigate against the impact of the new road.

In addition, it is likely especially in winter that the new houses will be viewed through any retained hedge, further eroding the existing rural character. It could be that once built the landscaping to the road will be changed or even removed exposing the houses more to view. The impact of how this could change the character of the road is clearly seen by comparing the west and east sides of Ball Road. The introduction of new houses even set back from the road would visually impact on the character and appearance of the conservation area and reduce the rural character of the area.

In considering the design and form of the proposed development the advice in paragraph 178 of the Planning for the Historic Environment Practice Guide sets out the main principles:

The main issue to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

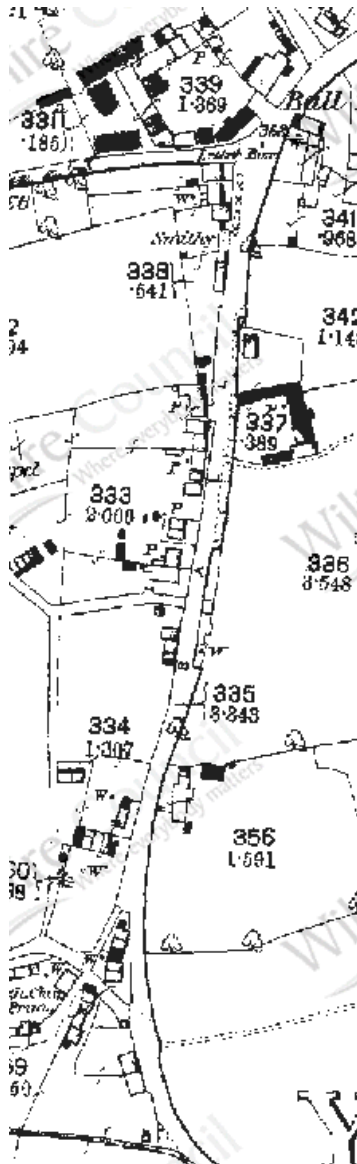
We do not consider the number of properties proposed and their layout and design to be appropriate in terms of the character and appearance of the conservation area. The majority of the historic houses along Ball Road are set close to and parallel with the road, in a linear pattern following the road. In the proposal the front two properties will be parallel to the road but set back, the siting of the other two houses creates a cul-de-sac type arrangement projecting into the existing fields beyond the main built up area of the village. The Conservation Area Appraisal identifies that cul-de-sac developments are out of character with the general historic development pattern. Where such proposals have taken place in the past, the developments have had a negative impact on the historic settlement pattern. For example the appraisal states::

At Ball, the modern developments off Hollybush Lane and at St John's Close clearly differ from the compact, linear grouping of the thatched cottages which typify this former hamlet and are excluded from the conservation area.

The new Design and Access Statement seeks to justify this layout as relating it to an old farmyard layout, such as Old Somerset Farm which was located to the north of the proposal site. However this is not a farmstead and the layout is clearly different to the usual farmstead plan. The Old Somerset Farm layout (as shown on maps) and many of the farmsteads in Wiltshire have a different layout and character than the proposal. These are usually enclosed courtyards with buildings in a more rectilinear form and joined or closely connected with a central open yard. The layout of the proposed houses is a more dispersed with an ad hoc layout and the individual buildings set within gardens.

We remain of the view that the siting and layout of the proposed houses is contrary to the pattern, alignment and character of the conservation area and will cause harm to the significance of the designated heritage asset.

In addition the historic plans show that historically there was a more physical separation between the nuclear settlements of Ball and Kings Corner with Ball Road forming a linear link. There has been subsequent development along Ball Road blurring this separation however on the east side Ball Road the built element is more sparse and combined with the fields retains some sense of the individual hamlets. Building on the fields will further erode the sense of separation especially combined with the departure in layout from the linear form of development which has occurred along Ball Road.



An extract from late 19th century OS showing the linear and relatively sparse development along Ball Road and the substantial lack of development on the eastern side of the road. This is a linear link with more concentrated development to the north in the hamlet of Ball and south at Kings Corner.

Nos 27, 29 and 44 Ball Road are all modest vernacular style cottages set on the roadside as a linear style development. To the rear of 27 and 29 the ground rises and is open fields. The location of the new houses and their associated gardens will significantly change the setting of the heritage assets from a rural one to a more urban built environment. The proposed houses will be set on a bank and although partially hidden by the front boundary will rise higher than adjacent properties Nos 27 and 29 Ball Road. Whilst the height of the stable block has been reduced it has a large footprint and is located closer to the rear of No.29. The outlook from the heritage assets will change from a view of fields to one more dominated by buildings. We are of the view that this will cause some harm to the setting of the heritage assets. Whereas we still maintain that the impact of the development on the grade II listed Coopers Arms will be less harmful due to the fact it is located on higher ground and there is already some development to the rear of the pub.

The design of the houses has been revised since the previous scheme and there are some design improvements especially in the design of the two cottages at the front of the site. However there is little information on the materials. For example, will the thatch be long straw? Long Straw is the predominant thatching material in the conservation area and contributes to its local distinctiveness. Building 4 has some timber boarding and some brick elevations but the material type is only marked on some of the elevations. The design of the houses 3 and 4 appears to be trying to be converted farm buildings but this is not particularly convincing, especially plot 4 which is called the stables but appears to look more like a bungalow. As pseudo barn conversions the design lacks a certain overall architectural quality and may be viewed by some as “pastiche”. The drawings also show a close boarded fence along the southern boundary which would give the development a more urban character as it replaces a post and wire fence and hedge which have more rural qualities.

No 44 Ball Road currently has an outlook to the parking area of No 29 Ball Road and the hedge. The proposed new access route will change the outlook from the property and result in an increase in vehicle movements opposite the end corner of the house. There will be a change to the rural outlook and setting of this heritage asset and the introduction of a new access route will result in some harm to its setting.

The impact of the loss of the green boundary to the road and the introduction of a new road and the siting and layout of the new houses on a green field would be harmful to character and appearance of the conservation area and the setting of a number of heritage assets. Therefore development will not preserve or enhance the character and appearance of the conservation area as required by the Act. It will harm the significance of the conservation area, a designated heritage asset, and the setting of heritage assets No27, 29 and 44 Ball Road. The proposals are therefore contrary to paragraphs 132, 134, 135, 137 and 138 of the NPPF and this harm is not offset by public benefit. So the application should be refused”.

Council Ecologist: No objection subject to a condition requiring the development to be constructed in strict accordance with the site plan drawing.

New Housing Team: There is no requirement to provide affordable housing on a scheme of just 4 dwellings.

Environment Services re. Public Open Space: There will be no requirement for public open space or an offsite contribution to be sought, as less than 5 dwellings are proposed.

Neighbours: Representations objecting to the development have been received from 48 different people. The majority are local, although some objections are from further afield e.g, the USA, London, Portland, Devizes and Westbury. The main points of concern can be summarised as follows:

- The site is a greenfield one within an AONB, not brownfield. Future development should be on brownfield land.
- The proposal would harm the scenic beauty of the AONB and the rural character of the area; verges and trees and ancient meadow would be lost.
- It is an anomaly that the site is within the Pewsey LOD; this does not mean it should be built on.

- It is premature to determine the application: there is a strong possibility that the site will be excluded from the Pewsey LOD when the boundaries are reviewed following the results of the current consultation exercise.
- The proposal would not be a “rounding off” of this part of the village as claimed by the applicant. The buildings behind the Coopers Arms are holiday chalets, not dwellings.
- The extension to the curtilage of no. 29 will in due course provide an additional site, so the proposal is in reality for 5 houses and not 4.
- A cul-de-sac is out of keeping: there are no other cul-de-sacs in the road. The proposal is for backland development: it is for development in depth, whereas Ball Road is characterised by frontage development.
- The proposed dwellings would be totally out of character with their surroundings. They are quasi-country builds made of brick and timber which do not match the materials of the adjacent houses. The claim that the proposed new properties are considered to draw on the architectural theme of other traditional properties in this part of Pewsey is nonsense. Giving them countrified names such as “The Barn” or “The Stables” to suggest they fit or were there before is crass and in no way will qualify them for inclusion in such a special site where they will blight and affect truly characterful properties such as 44 Ball Road; the setting of no. 44 would be harmed.
- There would be a loss of openness.
- The views of the site are not hidden as is claimed by the applicant; development would harm the views and experience of users of the road.
- Plots 1 and 2 would create a more cramped and unnatural feel to the structure of housing along the lane. Being situated at the top of a bank, they would also tower over the lane.
- The proposal would harm the character of the conservation area.
- Development of the site would erode the historic separation of Ball and Kings Corner.
- Ball Road, an ancient narrow sunken lane, is of great cultural and heritage significance which would be destroyed by the development.
- The proposal would harm the setting of the grade 2 listed Coopers Arms. Also, views of the back of the listed building would be obscured when viewed from the meadow.
- The site contains archaeological features. The site should be examined in detail to ensure the proper conservation of its archaeology.
- The loss of hedgerow and penetration of the bank to create the new access would harm the rural feel and special character of the lane, and the character of the wider AONB. The current green view looking up and down the lane would be lost.
- Ball Road is already at maximum capacity both for residents parking, through traffic and pedestrians. When added to other recent development permitted in Ball Road/Southcott Road, there will be an unacceptable cumulative traffic impact. It is only a matter of time until a serious injury occurs if the level of traffic on Ball Road is allowed unchecked.
- Ball Road is essentially a single track road with passing places, and is at its narrowest where the new development is proposed (less than 3m). It is too narrow to accommodate the additional traffic. Many existing properties have no off-road

parking. Large vehicles cannot pass without using private driveways as passing places. Refuse lorries and delivery vehicles experience problems.

- There are no pedestrian footpaths along Ball Road: there will be unacceptable additional traffic conflict with pedestrians and disability scooters.
- The traffic volume and speed survey undertaken by the applicant was seriously flawed and is untrustworthy.
- In 1992 and 2000 the Council refused planning permission elsewhere in the vicinity due to Ball Road being incapable of safely accommodating additional traffic. The characteristics of Ball Road have not changed since then, except that traffic has increased significantly and further pedestrian traffic uses the road from the new developments off Swan Meadow.
- The proposed access would create a dogleg junction with Easterton Lane, which would be dangerous both for vehicles and pedestrians.
- The fact the sight lines for the site access through a neighbouring garden can only be met when traffic is at a low speed is not satisfactory.
- The steep gradient of the new access would make its use lethal in icy conditions.
- Run off from the development will exacerbate existing flooding problems at the bottom of Ball Road (Southcott). Ball Road cannot take any more surface water run-off.
- The development would create overshadowing, loss of outlook and loss of privacy, in particular to nos. 27, 29 and 44 Ball Road.
- The proposal would harm the amenities of 27 Ball Road. The rear of the house and its decking would be overlooked by plot 4. The proposed boundary hedging would lead to loss of light.
- The proposal would harm the amenities of 29 Ball Road. Its garden would be bordered by car park on 3 sides, with resultant loss of privacy, whilst there would be a poor outlook from the upstairs windows. Noise from cars accessing the new houses would be harmful.
- There would be harm to the amenities of 44 Ball Road: pedestrians and headlights from cars using the new access road will look/shine directly into the windows.
- The proposed 'car park' would be highly visible.
- The proposed hedging would be out of character with the area. Furthermore, it may be removed by future householders if they do not want it.
- There is no precedent for the use of granite setts in the area.
- The proposed "The Stables" would be highly obtrusive to the road. The view from Ball Road would be a large expanse of new road and the end of that house and its garage.
- Wildlife habitats and biodiversity would be lost. A few bird boxes are no substitute.
- The measures suggested for mitigation for biodiversity and protected species would largely fall within what would be privately owned land. While new hedgerows and refugia may be welcome, how could this be monitored, who would be responsible for this and how could it be enforced?
- The meadow land is a community asset. The fields are used by ramblers, runners, dog walkers and children and should be protected.
- The proposed houses are not needed as there has been a lot of recent new development in Pewsey and many of the properties remain unsold.

- To allow the proposal would create a precedent for further development on the adjoining land to the side of it. Although no hammer head is shown on the plans, it would not be difficult to gain access to this land.
- Residents of the new development would be subjected to noise from live music events held by the Coopers Arms. If they submitted noise complaints, this could risk the livelihood of the pub.
- The site provides essential overspill parking for the Pewsey Music Festival.
- The proposal does not provide any affordable housing, for which there is strong local demand.

HISTORY

In February 2013 the Council gave adverse comments to a pre-application enquiry proposing 10 dwellings on a larger site.

In November 2013 a proposal for 7 dwellings on a larger site was withdrawn (ref. 13/03770/FUL) following the Council indicating to the applicant that it was likely to be refused.

In April 2014 a 4 dwelling scheme on the current site was refused (ref. 14/01661/FUL) for the following 4 reasons:

- 1) The open land to the east of Ball Road is an important element contributing to the rural character of this part of Pewsey Conservation Area. The increase in the built environment and associated loss of green space brought about by the proposed development would harm the green rural setting of the conservation area and would be detrimental to the scenic quality of this part of the AONB. The proposed development would also erode and undermine the physical separation of the historic hamlets of Ball and Kings Corner, which the Pewsey Conservation Area Appraisal identifies as a key feature of the conservation area. As such, the proposal is contrary to policy PD1 of the Kennet Local Plan, to policies 51 and 58 of the emerging Wiltshire Core Strategy and to central government planning policy set out in the National Planning Policy Framework.
- 2) Historic properties in this part of the conservation area are two storey cottage style dwellings with linear roofs running parallel to the road frontage, without large gables such as are proposed for the semi detached properties at the front of the site. The extension of development back from the road frontage in a cul-de-sac arrangement into the field beyond is contrary to the general historic development pattern found within Pewsey Conservation Area. Furthermore the proposed dwellings will rise higher than nos. 27 and 29 Ball Road, to the detriment of the setting of these heritage assets. As such, the proposal is contrary to policy PD1 of the Kennet Local Plan, to policies 57 and 58 of the emerging Wiltshire Core Strategy and to central government planning policy set out in the National Planning Policy Framework.
- 3) In order to gain vehicular access to the site a large opening in the hedge and bank is proposed. The Pewsey Conservation Area Appraisal identifies the retention of the bank and hedges enclosing the sunken lane to be an important element of Ball Road. The loss of a section of green bank and enclosure of the lane and the introduction of a wide access road and hard landscaping will have an adverse impact on the character and appearance of this part of the conservation area. It will be particularly harmful to the setting of the heritage asset that is no. 44 Ball Road. As such, the proposal is contrary to policy PD1 of the Kennet Local Plan, to policy

58 of the emerging Wiltshire Core Strategy and to central government planning policy set out in the National Planning Policy Framework.

- 4) The proposal does not include any mitigation or enhancement for species protected under European or domestic legislation. No targeted species surveys were carried out at this site, however the habitats are of low conservation value and not thought to be suitable to support species of great conservation concern. However, the consultant ecologists have identified some risks to protected species, namely reptiles, foraging bats and nesting birds, which will all be displaced by the proposal if built. The applicant needs to show how these species will be accommodated within the site during and after development or to create suitable adjacent areas to compensate these species for the loss of their habitat within the site. The National Planning Policy Framework requires that mitigation and enhancement for biodiversity is sought through the planning system. While the applicant has commissioned survey work, the results have not been considered and incorporated within the proposal.

ASSESSMENT

The application concerns an elevated greenfield site on the edge of Pewsey, currently open agricultural land and within the North Wessex Downs AONB. It is adjacent to Ball Road, which is an ancient narrow, sunken lane linking the outlying settlements of Ball and Kings Corner which are now part of Pewsey. Ball Road is essentially a single track road with passing places. The site is located between 27/29 Ball Road (considered to be undesignated heritage assets) and the grade II listed Coopers Arms. No. 44 Ball Road opposite the development site is also identified as a heritage asset. The site is situated within the Pewsey Conservation Area.

The proposal is a full application for 4 no. dwellings to be situated between 29 Ball Road and the Coopers Arms, accessed off a new private driveway to be created by breaching the bank. There would be 2 no. 2 bedroomed semi-detached properties set behind the bank, around 9m back from the line of Ball Road, and 2 no. detached dwellings set further back into the site, one being a 2 bedroomed bungalow in the style of a “stables” and one being a 3 bedroomed two storey dwelling in the style of a “barn”. 29 Ball Road would be provided with an enlarged garden and a dedicated parking area.

For some anomalous reason, the site lies within the Pewsey LOD, within which there is no “in principle” objection to residential development. However the site is an extremely sensitive one, being part of a field within the countryside which extends into the village and which is situated within both the AONB and the Conservation Area.

The Council’s Conservation Section has consistently expressed strong concerns about development in this part of Ball Road, in relation not only to an original pre-application enquiry for a 10 house scheme on a larger site, but to a subsequent 7 house scheme which was withdrawn prior to determination (ref. 13/03770/FUL) and to a 4 house scheme which was refused (ref. 14/01661/FUL). The current application proposes different designs to those in the previous scheme. However the Conservation Section continues to object to the proposal and I share their concerns.

The open land to the east of Ball Road is an important element contributing to the rural character of this part of the Conservation Area. The increase in the built environment and

associated loss of green space brought about by the proposed development would harm the green rural setting of the conservation area and would be detrimental to the scenic quality of this part of the AONB. The proposed development would also erode and undermine the physical separation of the historic hamlets of Ball and Kings Corner.

The Conservation Area Appraisal identifies that cul-de-sac developments are out of character with the general historic development pattern. The proposed development in terms of the number of houses, their siting and layout would have an adverse impact on the character and appearance of the conservation area and the setting of the adjacent heritage assets, for the reasons as set out in detail in the Conservation Officer's comments.

In order to gain vehicular access to the site a large opening in the hedge and bank is proposed. The Conservation Area Appraisal identifies that the retention of the bank and hedges enclosing the sunken lane to be an important element of Ball Road. The loss of a section of green bank and enclosure of the lane and the introduction of a wide access road and hard landscaping will have an adverse impact on the character and appearance of this part of the conservation area and the setting of the heritage asset that is no. 44 Ball Road.

The Council's ecologist raises no objection subject to a condition requiring the development to be constructed in strict accordance with the site plan drawing.

The many local objectors have virtually all raised concerns about the highway safety implications of the proposed development. Although the shortcomings of Ball Road are acknowledged, the likely traffic generation of the proposed four dwellings is unlikely to materially worsen the prevailing level of highway safety, such that a planning refusal on highway safety grounds would be justified. Furthermore, it is of note that the Highway Authority raises no objection to the proposal.

Contrary to the view expressed by some of the objectors, the site is not in a floodplain. Whilst the proneness of the southern end of Ball Road to flood is noted, there is no basis to believe that the proposed development will exacerbate the situation, particularly as surface water would be disposed of to soakaway and a planning condition could control the surface materials of the access driveway.

The proposal would not be materially detrimental to the amenity of any surrounding dwellings in terms of overshadowing or loss of light.

The proposal would not be materially harmful to the setting of the Coopers Arms.

RECOMMENDATION:

That planning permission be refused

Peter Horton

28/10/14