

APPLICATION FOR PERMISSION IN PRINCIPLE DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02798
APPLICATION TYPE:	Permission in Principle
SITE ADDRESS:	Land at Seagry Hill, Sutton Benger, Nr Chippenham, SN15 4SA
DEVELOPMENT DESCRIPTION:	Permission in principle for one dwelling (self build)
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

The application site comprises an agricultural field located off Seagry Hill, approximately 0.6km to the north of Sutton Benger and to the south of the M4 motorway. The site is situated within the open countryside. Sutton Benger is designated as a Large Village in the Wiltshire Core Strategy.

Seagry Hill is a no-through road, serving a small cluster of approximately 14 residential properties and a telephone exchange. The application site is situated to the south of the majority of these buildings, and one additional dwelling situated further south of the site.

The River Avon is situated approximately 400m to the east of the site, and is a County Wildlife Site. There is also a watercourse to the south, and part of this is located within 20m of the edge of the application site.

PROPOSAL

The application seeks Permission in Principle under the provisions of the Town and Country Planning Act 1990 (as amended).

The development proposed is for the erection of a single self-build dwelling.

No detailed matters of layout, scale, appearance, access, landscaping or drainage are submitted at this stage, as these are not required as part of a Permission in Principle application. The planning statement provides an indicative illustration of the proposed dwelling.

The application therefore seeks approval of the following Permission in Principle matters only:

- Use
- Amount of development
- Broad location

PLANNING HISTORY

There is no relevant planning history on the site.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Development Plan

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 10 Spatial Strategy [Chippenham Community Area]
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk

Sutton Benger Neighbourhood Plan

- Policy SB1: Landscape
- Policy SB5: Biodiversity and Net Gain
- Policy SB6: Flooding and Drainage
- Policy SB7: Design
- Policy SB13: New Development and Highway Implications

North Wilts Local Plan 2011

- Saved Policy H4 'Residential Development in the Open Countryside'

PERMISSION IN PRINCIPLE – PURPOSE AND SCOPE OF ASSESSMENT

Permission in Principle (PiP) is an alternative route to obtaining planning permission, introduced by the Housing and Planning Act 2016. It is intended to provide an early and proportionate decision on whether a site is suitable for development, before detailed design work is undertaken.

The PiP process operates as a two-stage planning permission route for housing-led development:

- *Stage 1 – Permission in Principle:*
Establishes whether the principle of development on a site is acceptable.
- *Stage 2 – Technical Details Consent:*
If PiP is granted, a subsequent application is required to consider the detailed proposals, including layout, scale, appearance, access, landscaping, drainage and infrastructure.

At the Permission in Principle stage, the assessment is deliberately high-level and limited in scope. The purpose of a PiP is not to approve detailed plans, but to provide certainty at an early stage about whether development of a particular type is acceptable in principle at a given location. This approach is intended to help streamline the planning process by allowing developers and communities to understand development potential before significant time and expense is committed to detailed designs.

Importantly, the grant of Permission in Principle does not authorise development to commence. Development can only proceed once Technical Details Consent has been granted.

Planning conditions cannot be imposed on the grant of PiP however conditions can be applied in the usual way at the technical details consent stage. Any PiP approved for residential development must be expressed indicating the minimum and maximum net number of dwellings which are, in principle, permitted. For a valid PiP application only a plan to identify the land to which the application relates is required.

Matters that Can Be Considered at the PiP Stage

Legislation restricts the assessment of a PiP application to the following matters only:

- The location of the development
- The proposed land use(s)
- The amount of development proposed

These are the only issues that can lawfully be taken into account when determining whether Permission in Principle should be granted or refused.

Matters Excluded from Consideration at the PiP Stage

Detailed matters, including (but not limited to) the following, are not considered as part of a PiP application:

- Detailed design and appearance
- Site layout and internal arrangements

- Access arrangements and parking
- Landscaping and boundary treatments
- Drainage and flood mitigation measures
- Utilities and other technical infrastructure

Such matters are reserved entirely for consideration at the Technical Details Consent stage, should Permission in Principle be granted.

KEY ISSUES FOR ASSESSMENT

In determining this application for Permission in Principle, the Local Planning Authority must consider the following key issues:

1. Whether the location of the site is suitable for the proposed form of development, having regard to the spatial strategy set out in the development plan and relevant national policy.
2. Whether the proposed land use is acceptable in principle at this location, taking into account the character and role of the settlement and surrounding area.
3. Whether the amount of development proposed is appropriate, assessed at a high-level and in broad terms only.
4. Whether there are any overriding constraints which would clearly and demonstrably prevent the site from being developed in principle, even allowing for detailed matters to be addressed at the Technical Details Consent stage.

A Permission in Principle application should therefore only be refused where it is clearly demonstrated that the principle of the proposed development is unacceptable, and that such concerns could not reasonably be addressed through a subsequent Technical Details Consent application.

CONSULTATION RESPONSES

Sutton Benger Parish Council: No objection:

Sutton Benger Parish Council wishes to comment that it has no objection in principle to a house on this site provided it is built to an appropriate scale and conforms to the current SBPC and Draycot Cerne Neighbourhood Development Plan.

Council Highway Engineer: No objection subject to conditions:

As this would lead to separate dwellings outside of identified development boundaries, the proposal would usually attract an adverse highway recommendation on sustainability grounds as follows:

The site is located outside of any settlement policy boundary, raising concerns with regards to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9 of the National Planning Policy Framework 2024, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, I shall be guided by you on this

sustainability issue and wish to advise with regard to highways in the instance that you would be minded to permit a dwelling in this location.

The site is located on Seagry Hill, an unclassified section of public highway subject to a speed limit of 60mph and a cul-de-sac. There is an existing access with the public highway to the south of the site, however it appears that there may be a proposal to provide a more central access point from the plans submitted. Any new access with the public highway will require a licence or permit to carry out the works for a single dwelling, it should also be noted that a new access will be required to be demonstrated as compliant with the required visibility standards commensurate with the speed on the road at technical detail stage. The access should be provided with geometries aligning with guidance from Manual for Streets.

The level of parking required is dependent on the number of bedrooms proposed and I attach standards for information:

Table 7.1 Minimum Residential Parking Standards (allocated parking)

Bedrooms Minimum spaces

1 1 space

2 to 3 2 spaces

4+ 3 spaces

Visitor parking 0.2 spaces per dwelling (unallocated)

Garages will only count as part of the allocated parking provision where they meet the minimum size requirement of 6m x 3m (internal dimensions). This is to ensure that there is sufficient room for an average sized family car, a cycle and some storage provision. Where these minimum size requirements are not met, the council will require design statements and/or transport assessments to demonstrate the need for such provision and/or to set-out the role of alternatives (e.g. car ports which are unlikely to be used for storage and could therefore count towards allocated parking provision).

where no garages are proposed an element of cycle storage is expected for each dwelling in accordance with Wiltshire Council's LTP3 Cycling Strategy, Appendix 4 of this document contains Cycle Parking Standards for which I attach an extract below for information:

Land Use Area Minimum Cycle Parking Standards

C3 Dwelling All areas 1 covered space per bedroom for up to 3-bedroom dwellings

3 covered spaces per unit for 4-bedroom dwellings

4 covered spaces per unit for 5-bedroom dwellings(etc)

+ 1 visitor space per 20 bedrooms

Additionally, any new dwelling with allocated parking should be provided with EV Charging in line with NPPF and Building Regulations Document S.

Therefore, other than the sustainability issues highlighted above, the principle of a single dwelling in this location would not be a concern in regard to highway capacity provided the proposals can demonstrate safe access and accord with the required vehicle and cycle parking standards and provisions.

Environment Agency: No comment received.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties; and
- A site notice displayed near the site.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

One representation received, set out below:

"We live in 1A and on the plans they have trees planted in front of our home which would block all the light into our property because we only have windows in the front and one side facing the new development and blocking any views we have can we suggest instead of trees a low hedge of no more than 4 foot high so that we can both benefit from the views"

Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of development and location

The development plan establishes a spatial strategy which seeks to direct new development towards defined settlements where residents have reasonable access to services, facilities and sustainable transport options. Development beyond these locations is generally more restricted in order to protect the countryside and promote sustainable patterns of growth.

The National Planning Policy Framework supports the delivery of sustainable development in appropriate locations and, where relevant, seeks to address identified housing needs through Policies HO1-HO13 and Policy S5, whilst ensuring development is directed to suitable and sustainable locations.

In respect of the development plan, new residential development in the open countryside outside of any defined settlement boundaries is strictly controlled so as to restrict homes being built in unsustainable locations remote from local services, facilities and transport routes. CP1 “Settlement Strategy” of the Wiltshire Core Strategy sets out where sustainable development will take place across the plan period. CP2 “Delivery Strategy” of the Wiltshire Core Strategy states that other than in circumstances permitted by other policies within the plan, development will not be permitted outside the limits of development. These exemption policies are:

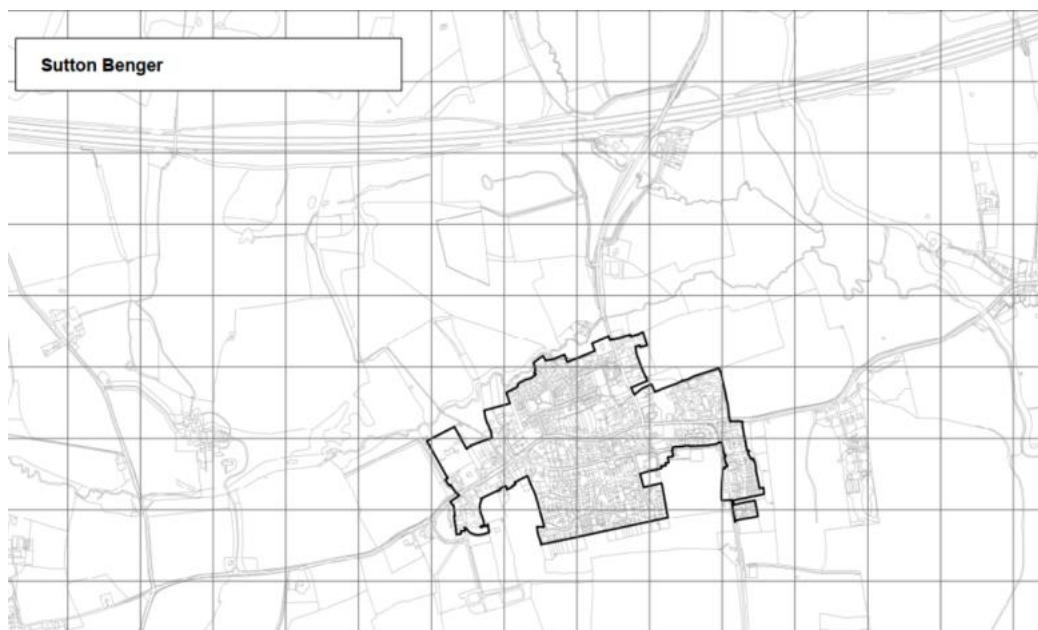
- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

No justification has been put forward in support of any of the above policies and none are relevant.

Saved Policy H4 of the Wiltshire Local Plan 2011 has been considered which permits new dwellings in the countryside where it would be in connection with the essential needs of agriculture, forestry or other rural based enterprise; or it would be a replacement for an existing dwelling subject to certain criteria. The proposal for new self-build dwellings does not accord with this policy.

The Sutton Benger Neighbourhood Plan has an infill policy, but the proposal would not constitute infill development as it is not within the defined village boundary of Sutton Benger as defined by the Wiltshire Core Strategy.

Extract of settlement framework boundary:



There are no policies that are supportive of the proposal in principle within the development plan. There are currently no development plan policies relating to self-build accommodation.

Policy S5 of the NPPF seeks to support housing development in suitable locations outside of settlements. However, it does not provide unrestricted support for residential development in these locations and identifies specific circumstances where such development may be acceptable.

Criterion E. of Policy S5 supports the limited infilling within groups of houses. Seagry Hill contains a cluster of dwellings to the north of the application site, and a further dwelling to the south. Whilst the site lies loosely between existing buildings, the gap is substantial, measuring approximately 40m in width, and forms part of an open agricultural field. Given the extent of the gap and the visual separation between the built form to the north and Brookside Cottage to the south, the proposal would not represent limited infilling within a group of houses. Criterion E is therefore not satisfied.

Criterion H. supports residential development within a reasonable walking distance to a well-connected station. The site is not located within reasonable walking distance of a railway station and therefore this criterion is not applicable.

Criterion J. supports development which would address an evidenced unmet need and where development would be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. The site is located approximately 0.6km from Sutton Benger, and it is separated by open countryside. Whilst relatively close in distance, the site lies beyond the settlement boundary and does not form a natural extension to the village.

Seagry Hill is a no-through road, serving a small cluster of approximately 14 residential properties and a telephone exchange. The application site is situated to the south of the majority of these buildings, and one additional dwelling situated further south of the site.

The application claims that there is pedestrian access to village facilities within comfortable walking distance. There is no footway along Seagry Hill. Along parts of Seagry Road, there is a narrow margin along the eastern side of the road, delineated by a white edge-of-carriageway line. However, there is no kerbed footway, and pedestrians would be required to walk within or immediately adjacent to the carriageway. This margin is present for some of the distance to Sutton Benger, but not the entirety of the route. Furthermore, there is no street lighting along this route. In these circumstances, it is not considered that a safe and convenient pedestrian route is available between the site and Sutton Benger.

In respect of bus services, the application states that there are bus services connecting Sutton Benger to Chippenham and Swindon. The nearest bus stop is located on Seagry Road approximately 300m from the site. There is no pavement on Seagry Hill and only a white edge-of-carriage line is present along parts of Seagry Road. The route is unlit and pedestrians would be required to walk within or immediately adjacent to the carriageway. It is not considered to be a safe or attractive walk to the bus stop, particularly during periods of darkness.

The bus stop is served by bus 91 which is a service Chippenham – Little Somerford. This bus appears to provide connection to Chippenham 3 times a day Monday – Friday, and 2 times a

day on Saturday, with no service on Sunday. This is not considered regular enough to represent a convenient alternative to the private car, and therefore there are limited sustainable transport options available.

The Council's Highway Engineer advises that due to the site's location, the future occupiers would be likely to be heavily reliant on the private car. Whilst there are no in-principle concerns regarding highway capacity or the ability to achieve an acceptable access arrangement (and therefore not conflicting with Policy SB13 of the Sutton Benger Neighbourhood Plan), the site's poor relationship to services, facilities and public transport means that it does not represent a sustainable location for residential development. Consequently, the proposal fails to satisfy Criterion J of Policy S5 of the NPPF.

Policy S5: 3 states that development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with Policy HO11. The site lies outside any defined settlement boundary, and comprises a substantially sized agricultural field, although it is also located in proximity to a cluster of existing dwellings on Seagry Hill. It is arguable whether the proposal would comprise an isolated home for the purposes of this policy. Nevertheless, if it were regarded as an isolated home, it would not fall within any of the circumstances supported by Policy HO11, which relate to rural workers dwellings, the conversion of existing buildings, heritage assets or dwellings of exceptional quality. Policy S5: 3 therefore does not indicate that the proposal would be acceptable in principle.

Overall, the proposal would not be supported by Policy S5 of the NPPF. It would not constitute limited infilling, nor occupy a sustainable location that is physically well-related to an existing settlement. The site's location, being insufficiently related to any settlement, and poorly served by sustainable transport modes, conflicts with the spatial strategy of the development plan. The proposal would represent an unsustainable form of residential development in the countryside and is therefore unacceptable in principle. The proposal would represent unsustainable development and would be contrary to CP1, CP2, CP10, CP60 and CP61 of the Wiltshire Core Strategy, and Policy S5 of the NPPF.

Land use

The proposed use is a single dwellinghouse (Use Class C3). Residential development is not an inherently incompatible land use within the wider area. The concerns arising from the proposal relate not to the nature of the use itself, but to the location of the site and its conflict with the development plan's spatial strategy. As such, no separate objection is raised in respect of land use.

Amount of development

The proposal seeks Permission in Principle for a single dwelling. In isolation, the amount of development proposed is limited and would not, of itself, give rise to any objection in principle. The reason for refusal relates to the site's location and conflict with the spatial strategy rather than the quantum of development proposed.

Constraints and infrastructure considerations (PiP context)

The development plan and national planning policy recognise that sites may be subject to environmental, physical or policy constraints. At the Permission in Principle stage, the key consideration is whether any such constraints are of a nature or severity that they would clearly and demonstrably prevent development from coming forward in principle, even allowing for detailed matters to be addressed at the Technical Details Consent stage.

The National Planning Policy Framework confirms that planning decisions should be proportionate, and that early-stage permissions should not seek to resolve detailed technical matters prematurely.

Consideration has been given to the presence of any known constraints affecting the application site that are capable of undermining the principle of development. These include:

- Flood risk designations
- Ecological designations

The existence of a constraint does not, in itself, justify refusal of a Permission in Principle application. The crucial question is whether the constraint is so severe that it could not reasonably be overcome or mitigated, even in principle, through the consideration of detailed proposals at the Technical Details Consent stage.

The River Avon County Wildlife Site is situated approximately 400m to the east of the application site. In addition, a watercourse is located to the south of the neighbouring property Brookside Cottage, with the edge of the application site appearing to fall within the 20m buffer associated with this section of the river. The Environment Agency was consulted on the proposal, but they had no comment to make.

Whilst the proximity of the site to ecological and watercourse features indicates that further assessment would be required at Technical Details Consent stage, there is no evidence at this stage to demonstrate that they represent an overriding barrier to development in principle.

In addition, the Highway Engineer has raised no objection in respect of access or highway capacity.

Having regard to the development plan and relevant national policy, no overriding environmental or infrastructure constraints have been identified that would clearly and demonstrably prevent development from coming forward in principle.

Whilst the site lies in proximity to ecological and watercourse features which would require further consideration at the Technical Details Consent stage, there is no evidence before the Local Planning Authority that these matters could not be satisfactorily addressed through detailed design, mitigation and supporting technical information.

Accordingly, the identified constraints would not justify refusal of Permission in Principle.

PLANNING BALANCE

The application seeks Permission in Principle for one self-build dwelling on the site.

In determining a Permission in Principle application, the Local Planning Authority is required to assess only the location of the development, the proposed land use, the amount of development, and whether there are any overriding constraints which would clearly and demonstrably prevent development from coming forward in principle.

Conflict with the Development Plan

Having considered the application against the development plan and the National Planning Policy Framework, it is concluded that the proposed development is not acceptable in principle. The concerns identified go to the fundamental suitability of the site for development, rather than to matters that could reasonably be resolved through the submission of detailed proposals at a later stage. The proposal gives rise to significant harm by reason of its conflict with the spatial strategy of the development plan.

Housing need and Policy S5

The Local Planning Authority is currently unable to demonstrate a deliverable five-year supply of housing land. The contribution that the proposal would make towards meeting identified housing needs is acknowledged and attracts moderate weight in favour of the development.

However, Policy S5 of the NPPF does not provide unrestricted support for housing development outside settlements. As set out above, the proposal would not constitute limited infilling, and would fail Criterion J due to the site's poor relationship and connectivity with Sutton Benger, and its limited accessibility by sustainable modes of transport. Accordingly, whilst the proposal would make a modest contribution towards housing supply, it would not fall within the forms of development supported by Policy S5, and this limits the weight that can be attached to the housing benefit.

Self and custom build housing

The proposal would provide a self build dwelling, which would contribute towards meeting demand for this form of housing. Policy HO5 1. c. (iii) of the NPPF seeks the identification and delivery of plots for self and custom build housing where there is an identified need.

There is a need for self and custom build housing within the district, and the proposal would make a small contribution towards meeting that need. This would attract moderate weight in favour of the development. However, neither the NPPF nor the development plan indicate that self-build housing should be supported irrespective of location.

Other benefits

The proposal would give rise to limited economic benefits associated with the construction of the dwelling and through future expenditure of the occupants. These benefits attract limited weight in favour of the proposal given this relates to a single dwelling.

CONCLUSION

In favour of the proposal, weight is attached to the delivery of one additional dwelling, the contribution towards housing supply, the provision of a self-build plot, and limited economic benefits associated with construction and future occupation.

The identified harm comprises significant conflict with the spatial strategy of the development plan arising from the site's unsustainable location. The proposal also fails to comply with any of the criterion set out in Policy S5 of the NPPF. This conflict attracts substantial weight in the planning balance.

Overall, the proposal conflicts with the development plan and NPPF when assessed against the statutory framework for Permission in Principle. Having considered these matters, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits. There are no material considerations that indicate a decision other than refusal should be made.

RECOMMENDATION: That Permission in Principle be REFUSED for the following reason:

The proposed development, by reason of its location, would be contrary to the settlement, delivery and community area strategies and is unacceptable in principle. The site is poorly related to services, facilities and public transport, such that future occupiers would be heavily reliant upon the private car. The proposal therefore represents an unsustainable form of development that conflicts with the spatial strategy of the development plan. Accordingly, the proposal fails to accord with Core Policies 1, 2, 10, 60 and 61 of the adopted Wiltshire Core Strategy (January 2015) and policy S5 of the NPPF

The harm identified relates to the principle of development and could not reasonably be addressed or overcome through the submission of a subsequent application for Technical Details Consent. Permission in Principle is therefore refused.