

Appeal Decision

Site visit made on 17 November 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/Y3940/W/16/3150661

Land at Station House & Station Yard, Station Approach, Collingbourne Ducis, Wiltshire SN8 3EB

- 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 Acorn Construction (Newbury) Ltd against the decision of Wiltshire Council.
 - The application ref: 15/11397/FUL, dated 16 November 2015, was refused by notice dated 16 February 2016.
 - The development proposed is removal of existing builders' compound and outdoor storage area; and the erection of 15 no. dwellings, with associated parking, turning, landscaping, and highway improvement works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appellant's final written comments the Council made two further submissions. The first comprises a recent appeal decision¹ for another site in the same Housing Market Area (the September 2016 decision) and the Council's comments in the light of that decision. The second is a copy of the Council's 'Housing Land Supply Statement, Base Date: April 2016' (HLSS 2016) published in November 2016. Given the nature of the matters at issue arising from the Council's first refusal reason in this case I have taken those submissions into account together with the appellant's written responses to them.
3. Applications for costs, made by the Council against the appellant and by the appellant against the Council, will be the subject of separate decisions. However, as those applications and the responses to them also relate in large part to matters arising from the Council's first refusal reason, I have taken them into account in determining the appeal.
4. The Council's third refusal reason relates to the absence of provisions for contributions towards affordable housing, waste and recycling, public recreational open space and highway safety/pedestrian improvement works. However provision would be made for most of those contributions² through

¹ Appeal ref: APP/Y3940/A/13/2206963, decision dated 21 September 2016

² The exception is a contribution towards highway safety/pedestrian improvement works: the Council's appeal statement indicates this is not being pursued

Section 106 planning obligations in a unilateral undertaking, amended during the appeal process. It was amended in response to queries raised by the Council and I have no reason to doubt it addresses the third refusal reason. I refer to the undertaking again at the end of this decision.

5. The appeal site is mainly a linear strip of land which was once the route of a railway running roughly north-south and along the eastern side of the village. The site also includes two areas projecting westwards which wrap around Station House, one of the few remaining physical manifestations of the railway. Those two areas are inside both the defined village boundary and the boundary of the village's Conservation Area (CA), and there is an extant permission for one dwelling on the area north of Station House. I have borne these facts in mind in determining the appeal, but mention them here to avoid repetition later in the decision.

Reasons

6. Further to the above paragraphs the **first main issue** in this appeal is whether the site is an appropriate location for the proposed dwellings, having regard to development plan policy, the *National Planning Policy Framework* and other planning considerations, most notably housing land supply. The **second main issue** is the effect of the proposed development on the character and appearance of its surroundings, primarily in relation to the setting of the Collingbourne Ducis Conservation Area (CA) (a designated heritage asset).

Policy context and site location

7. The development plan is the starting point in this respect. In particular, Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy) of the Wiltshire Core Strategy (CS) (2015) comprise the over-arching strategy for the location of new development. This follows a hierarchical approach, providing for most development in larger settlements with good accessibility, services and facilities. Core Policy 26 is concerned with development in the Tidworth Community Area (TCA). In this policy Collingbourne Ducis is designated a 'large village' in which, as set out in Core Policy 1, development will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.
8. Core Policy 2 establishes, amongst other things, that development will not be permitted outside the limits of development which may only be altered through subsequent Site Allocations Development Plan Documents (DPDs) and neighbourhood plans. This reflects the explanatory text to Core Policy 1³, which also advises that development in large villages should be predominantly small in scale (less than 10 dwellings) and that retained settlement boundaries (in this case from the Kennet Local Plan 2004) will apply until they are reviewed in subsequent plans. As I understand it work is well underway on the Council's emerging Site Allocations DPD but it has not yet progressed to submission for examination and no start has been made on any neighbourhood plan for Collingbourne Ducis.
9. Land outside the settlement boundary of Collingbourne Ducis is therefore to be treated as countryside where development will be strictly controlled and will not normally be permitted other than in the circumstances specified in other

³ Albeit that refers to settlement boundaries rather than limits of development, and for convenience I shall use 'settlement boundaries' hereafter

CS policies, none of which apply in this case. The majority of the appeal site, accommodating 14 of the proposed 15 dwellings, is outside the settlement boundary. Thus the appeal scheme would not be a 'small' development as defined in the CS and it would be mainly in the countryside outside the settlement boundary. It would therefore conflict with CS Core Policies 1 and 2 and also with Core Policy 26 which specifies that development in the TCA should be in accordance with the Settlement Strategy set out in Core Policy 1.

Housing land supply

10. Having regard to the appellant's case, it is also necessary to consider the housing land supply position and whether or not relevant policies for the supply of housing are up-to date. For this purpose Wiltshire is subdivided into three market housing areas (HMAs): North & West, East and South Wiltshire. Collingbourne Ducis is in the East Wiltshire HMA where HLSS 2016 indicates supply currently equates to 8.27 years⁴. Significantly, it is clear from Core Policy 2 and its explanatory text⁵ that HMAs are the basis for assessing the housing land supply situation, against the distribution set out in that policy. On such a basis, with the supply figure for East Wiltshire HMA significantly exceeding the requisite 5 years, relevant CS policies for the supply of housing in this HMA would be considered up-to-date.
11. The appellant however promotes a different approach, relying on the figures for just part of the smaller TCA (the TCA 'Remainder', outside its two towns⁶, which includes Collingbourne Ducis). The most up-to-date information in the HLSS 2016 indicates that sites for 75 dwellings are yet to be identified in the TCA Remainder, which is a high proportion of a total indicative requirement of 170 dwellings. Even so, neither the CS, the *Framework* or the national *Planning Practice Guidance* requires or advocates calculating a five-year housing land supply for just part of an area that is smaller than an HMA in order to determine whether policies for the supply of housing are up-to-date.
12. Moreover the text to Core Policy 2 refers to the figures for the Community Areas as being indicative so as to allow for a flexible approach during preparation of the Site Allocations DPD and/or neighbourhood plans. Whilst the designation of Collingbourne Ducis as a 'large' village indicates it is a reasonably sustainable location for some new housing there is little of substance before me to demonstrate any specific, identified need for further housing in this village. In addition and not least given the emphasis in the *Framework* on a plan-led system, the Site Allocations DPD and/or a neighbourhood plan is the more appropriate mechanism for assessing the relative merits of different settlements and sites in and around them for additional housing.
13. I have taken account of the appellant's points about a slippage in the timetable of the Site Allocations DPD, other delays and also references to the CS Inspector's Report which acknowledged the need for 'a timely review' of settlement boundaries. Such matters of delay and timeliness were addressed in the Inspector's report attached to the September 2016 (Secretary of State) appeal decision, relating to another site in the East Wiltshire HMA. That Inspector's findings refer to the relatively recent adoption of the CS and an

⁴ A marginal improvement on the figure of 8.21 years in the 2015 statement

⁵ Most notably at paragraphs 4.27 and 4.28

⁶ Tidworth and Ludgershall

agreed housing land supply of 8.21 years. Whilst some further time has now passed, the housing land supply situation for this HMA has improved, albeit marginally, rather than deteriorated.

14. Consequently I find that none of the appellant's arguments provide compelling reasons to conclude relevant policies for the supply of housing are not up-to-date. Nor do two other appeal decisions⁷ submitted by the appellant lead me to any different conclusion in this regard. It was not an issue in the earlier of those two decisions, in which there is reference to a made Neighbourhood Plan. Giving weight to the findings of a made Neighbourhood Plan accords with the *Framework*, but the circumstances are different in Collingbourne Ducis because there is no such plan.
15. In the later decision the lack of a five year housing land supply is said to be common ground but there is no mention of whether that was the situation in the relevant HMA or just in the Community Area. The absence of any reference at all to the HMA suggests the latter but, as I do not know what information was before that Inspector, I cannot tell why such an approach might have been taken. In any event, I rely to a greater extent on the more recent September 2016 decision which followed a public inquiry and consideration and acceptance of the Inspector's findings by the Secretary of State.
16. On this issue therefore I am satisfied the Council can demonstrate a five-year supply of deliverable housing sites for the HMA in which the appeal site is located and thus that, for the purposes of determining this appeal, CS Core Policies 1, 2 and 26 are up-to-date. Thus paragraph 49 of the *Framework* is not engaged and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
17. One consideration relating to the suitability of the appeal site location is its position partly inside but mainly directly abutting the village boundary, where the proposed dwellings would be no less sustainable in terms of access to facilities and services than some other dwellings inside that boundary. Moreover as former railway land the appeal site appears to constitute previously developed rather than greenfield land and Core Policy 2 refers to delivering housing in a sustainable pattern in a way that prioritises, amongst other things, the re-use of such land. I note also the appellant's point that other potential development sites around the village are also outside the settlement boundary, but whether any or all of those are actively being considered in the emerging Site Allocations DPD is not made clear.
18. I have taken account of the other considerations in the light of: the overall CS strategy as expressed in Core Policies 1 and 2; the East Wiltshire HMA's healthy housing land supply position; the ongoing preparation of a Site Allocations DPD, albeit this is not progressing as quickly as originally intended. Whilst I give some weight to the re-use of previously developed land in a reasonably accessible location I find it insufficient to outweigh the conflict with CS Core Policies 1, 2 and 26. Due to the location of the great majority of the appeal site outside the current settlement boundary the proposed development would conflict with those policies and thus with the overall development plan strategy for the location of new housing development.

⁷ Appeal ref: APP/Y3940/W/15/3134153, decision dated 10 March 2016; appeal ref: APP/Y3940/W/15/3141340, decision dated 24 March 2016; both submitted as appendices to a rebuttal of the Council's costs application

Character, appearance and the CA

19. The mainly linear settlement of Collingbourne Ducis spreads north-south along a valley floor, with some development extending up the valley slopes. The appeal site is elevated above the village, between the village/CA boundaries to the west and the boundary of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) to the east⁸. Tall trees and other vegetation are prominent features along significant lengths of these two boundaries, especially when in leaf⁹. Given also that many of the trees down the eastern boundary grow on an upward slope, little can be seen of the AONB countryside to the east in upward views from older parts of the village in the valley floor. Having noted the findings of the appellant's LVIA and the Council's lack of objection on landscape grounds I find the development would not result in adverse impacts on the character or natural beauty of the rural landscape beyond the village.
20. Most of the site abuts the CA boundary¹⁰ and the more significant concerns relate to the appeal scheme's effects on the CA's setting. Like the village as a whole the CA is broadly linear in form and there are brief accounts of its history and key features in the Collingbourne Ducis CA Statement (CAS) (September 2002). The CAS also includes some description of the railway's history even though its line is outside the CA boundary. The heritage significance of the CA appears to stem mainly from the insights it offers into the historic development of the village and from the characteristics of individual buildings, including listed buildings, which vary in age, form and style.
21. It is notable that there are no buildings of particular historic or architectural interest in the immediate vicinity of the appeal site other than Station House, which is identified in the CAS as a significant unlisted building. The proposed site layout includes a dwelling to the north of Station House, reflecting the extant permission, whilst the proposed alignment of the access road would provide separation between Station House and the other new dwellings. Given that separation I find the appeal scheme would not detract to any appreciable degree from the setting of Station House.
22. With regard to the CA as a whole, the setting of the village in the valley contributes positively to the CA's attractive character and appearance, but I have found little to indicate the setting of the CA is of any notable significance in heritage terms. Moreover, despite concern in the CAS that insensitive developments along the former railway line 'strongly detract from its rural character', it is not suggested that the line has historic/heritage interest sufficient to preclude redevelopment in principle.
23. In views from within the CA it is mainly the two lines of trees and greenery along the east and west site boundaries which currently define the skyline and contribute most to the CA's 'green' setting. It is not unreasonable to assume that contribution is greater now than it would have been at the time of a previous appeal in 2002¹¹, the same year that the CAS was prepared. The tree lines, and Station House, are however visible in some views from higher levels on the opposite side of the valley, including from the recreation ground mentioned in the 2002 decision and from the grounds of the school built more

⁸ On the basis of the map extract at Appendix 2 of the Council's statement of case

⁹ Although I visited the site in November 2016, photographs of the site in the appellant's Landscape and Visual Impact Assessment (LVIA) were taken in May (2014)

¹⁰ Apart from those parts wrapping around Station House

¹¹ Appeal ref: APP/E3905/A/01/1075728, decision dated 22 March 2002 concerning a single dwelling

recently. In those views the tree lines form a backdrop to the CA which contributes positively to its setting, character and appearance (rather than its significance as a heritage asset).

24. It is therefore relevant to consider the effect of the proposed development on existing trees and vegetation along the site boundaries. Responses to the application from village residents include reference to loss of trees and the submitted Arboricultural Impact Assessment indicates 57 in total would be removed. Many of those are of relatively low quality as individual trees but even so they include some of substantial height and together they contribute to the overall and positive visual impact of the boundary vegetation.
25. Although planting of replacement trees would help to offset the loss of existing trees and soften the impact of new buildings in views towards the site, it would be many years before new trees provided effective screening. Moreover space for new planting along the western side of the access road, at the southern end of the development, is quite narrow and would also have to accommodate the proposed 3m high acoustic fence¹², which would be constraints on new planting. Bearing in mind also that the houses here would be the tallest (at two storeys) and the most closely spaced of the proposed dwellings, there would be an adverse urbanising impact on the green backdrop to the CA. I find that to be the case despite the lower heights and greater spacing of the dwellings in the northern portion of the site.
26. In summary therefore, whilst the proposed development would not harm the heritage significance of the CA or its setting to any material degree, it would detract from the attractive, 'green' and largely undeveloped character of the backdrop which contributes positively to the CA's character and appearance. To that limited extent the development would detract from the CA's character and appearance, thereby conflicting with CS Core Policies 57 and 58 relating to high quality design and the historic environment respectively.

Other considerations and conclusions

27. A wide range of other concerns has been raised by local residents in response to the application and appeal, most of which have been addressed in this decision and/or in the Council officers' report at the application stage. Many of those concerns are understandable, particularly those relating to living conditions in dwellings adjacent to the access from Cadley Road, to access and highway safety and to surface water drainage. Even so there is scope to address and resolve such matters, including by planning conditions, such that they do not weigh against the proposal in the overall balance.
28. The appeal scheme would result in social and economic benefits through the creation of 15 dwellings and it would also contribute to the supply of housing. In re-using previously developed land it would also result in some environmental benefit. These benefits weigh in favour of the scheme and accord with the three dimensions of sustainable development in the *Framework*, such that I give them moderate weight.
29. However, due to the number of dwellings proposed and the site's location outside the current settlement boundary the scheme would conflict with CS Core Policies 1, 2 and 26 and with the overall CS strategy which seeks to

¹² Required to minimise noise from the adjacent industrial/commercial units below the site

achieve sustainable development. I have found no sufficiently compelling reasons to consider these policies out-of-date. There would also be some conflict with CS Core Policies 57 and 58. Having considered all other matters raised, including the submitted unilateral undertaking, I conclude overall that neither the scheme's moderate benefits nor any other considerations are sufficient to outweigh the harmful conflicts with the development plan. That being the case it follows that the proposals would not amount to sustainable development, the appeal must fail and there is no need to consider whether the planning obligations in the unilateral undertaking meet the statutory tests.

Jane Miles

INSPECTOR