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## Appeal Decision

Site visit made on 30 January 2017

**by Veronica Bond LLB (Hons), Solicitor (non-practising)**

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

**Decision date: 17 February 2017**

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**Appeal Ref: APP/Y3940/W/16/3161089**

**Land at Poplar Farm, Dunch Lane, Melksham SN12 8DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs M Webb against the decision of Wiltshire Council.
  - The application Ref 16/06149/OUT, dated 23 June 2016, was refused by notice dated 7 October 2016.
  - The development proposed is outline application for residential development.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was made in outline with all matters reserved for future determination and I have dealt with the appeal on this basis.

### Main Issues

3. The main issues are:
  - whether the site would be a suitable and sustainable location for residential development, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
  - the effect of the proposal on the character and appearance of the area and surrounding landscape; and
  - whether any harm found is outweighed by other material considerations.

### Reasons

#### *Suitable and sustainable location?*

4. The appeal site lies outside of, although adjacent to, the defined limits of development for Melksham. As such, the site is in an area which Core Policy 2 of the Wiltshire Core Strategy (adopted January 2015) (CS) indicates to be unacceptable in principle for residential development. This aims, amongst other things, to achieve a sustainable pattern of development, reducing the need to travel.
5. However, the Council has accepted that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework therefore comes into operation. This states that where such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. Core Policy 2 seeks to limit housing outside of

settlement boundaries and thus constrains the supply of housing land. It is therefore, for the purposes of paragraph 49, a policy for the supply of housing.

6. However, although Core Policy 2 is out of date, this does not mean that it should be disregarded. Indeed, as the Council has indicated that its housing land supply is just below the five year requirement, and as the aims of Core Policy 2 are consistent with the Framework, I consider that it should be accorded significant weight. Although I acknowledge that an earlier appeal decision <sup>1</sup> referred to a lower housing land supply figure, the Inquiry in that appeal appeared to pre-date the latest evidence from the Council.
7. That said, the appellant points to the sustainability credentials of the appeal site including accessibility to nearby services. Further, what is apparent is that a development of some 261 houses has been permitted immediately adjacent to the appeal site. As such, any harm related to the accessibility of the site arising from a small number of additional dwellings would be far from significant in this particular context.
8. I therefore find that the site would be a suitable and sustainable location for residential development, having regard to relevant development plan policies and the Framework. The in principle conflict with Core Policy 2 is outweighed by the particular circumstances of this case.

#### *Character and appearance*

9. The site forms part of a field which is separated from the new housing development referred to above by the road at Dunch Lane. Linear development along Dunch Lane ends effectively at the edge of the new residential development site. The effect is that the section of Dunch Lane fronting the appeal site acts as a barrier to development between Melksham and the village of Shaw beyond.
10. The proposed development would therefore represent a significant erosion of the gap between Melksham and Shaw, which is already in close proximity to the Melksham settlement boundary, meaning that the intervening land is very sensitive to such new development. It would thus harmfully alter the development pattern at the edge of the settlement which currently sees built development end parallel to the dwelling at 104 Dunch Lane. It would be an intrusion into the open countryside, removing also part of the sense of a rural gateway into Melksham. This would be apparent in public views from the main road adjacent and from Dunch Lane itself.
11. It is apparent that the appeal site is close to the development boundary and the new housing development being constructed. Given though that the part of Dunch Lane fronting the appeal site acts as a natural barrier to further development, the proposal would not represent a logical competition of the linear development pattern along Dunch Lane. Rather, it would be an intrusion into the open countryside which would erode the gap between Melksham and Shaw. Although not a protected or important gap site, in view of the particular context identified, this would result in significant harm to the character and appearance of the area.
12. The application was made in outline with all matters reserved and, given the site area, there is thus scope for landscaping and for a linear form of

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<sup>1</sup> APP/Y3940/W/15/3139183

development in line with that seen along Dunch Lane. As regards precedent, each case is considered on its merits and development of the appeal site would not therefore necessarily lead to pressure for further development. This does not though alter the fundamental harm that would result from the proposal as outlined.

13. I therefore find on the second main issue that the proposal would result in significant harm to the character and appearance of the area and surrounding landscape. It would conflict with Core Policies 51 and 57 of the CS which include in their aims the conservation of the locally distinctive character of settlements and their landscape settings and high quality development which responds to the existing pattern of development.

*Other material considerations*

14. The effect of the operation of paragraph 49 of the Framework is also to trigger the balancing exercise in paragraph 14 of the Framework. This indicates that where relevant development plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole (or where specific policies in the Framework indicate development should be restricted).
15. The proposal would offer a limited number of additional residential units in line with the aims of the Framework to significantly boost the supply of housing and in the context of the Council not being able to demonstrate a five year supply of deliverable housing sites. Indeed, the housing figures referred to in Core Policy 2 of the CS are not ceiling figures. As a small site, it would potentially also have benefits in terms of swifter deliverability. The site is close to the development limits of Melksham where a range of services are available and is a sustainable location in this sense. This is bearing in mind also that the new development opposite also apparently originally was sanctioned to provide an additional nine housing units. The proposed development would reduce, to a degree, pressure for housing in less sustainable locations.
16. Paragraph 48 of the Framework indicates that local authorities may make an allowance for windfall sites in the five year supply in certain circumstances. It is correct that the small scale of the proposal does not render it irrelevant as a benefit in housing supply terms. Nonetheless, the scale of the development proposed necessarily impacts upon the weight given to it as a contribution to housing supply. The fact that the Council's housing supply is just below the five year requirement is also a relevant factor in this context. Based on these particular circumstances, the contribution which would be made by the proposal to the Council's housing supply represents a modest benefit.
17. The appellant identifies other economic benefits of the proposal including job opportunities during construction and increased local spend. Bearing in mind the small scale of the development, again these offer modest weight in favour of the proposal. The absence of issues regarding highway safety, living conditions and utilities represent only neutral effects. Environmental factors referred to include the absence of harm to a protected site or species, to heritage assets and as regards flooding. These are though again only neutral matters. Potential construction to a higher standard of energy efficiency as compared to historic housing stock is again a relatively small benefit.

18. Balanced against these benefits is the significant harm which would result to the character and appearance of the area and surrounding landscape. None of the benefits identified offer more than modest weight in favour of the proposal and, even taken together, weigh only moderately in favour of the proposed development.

### **Conclusion**

19. Taking everything into consideration, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Consequently, paragraph 14 of the Framework would not indicate that permission should be granted and the proposal would not represent sustainable development. For the above reasons, the appeal should fail.

*Veronica Bond*

INSPECTOR