

Appeal Decision

Site visit made on 22 November 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/Y3940/W/16/3156940

Land at Newtown Road, Ramsbury, Wiltshire

- 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 Rectory Homes Limited against the decision of Wiltshire Council.
 - The application Ref 15/07232/OUT, dated 21 July 2015, was refused by notice dated 23 February 2016.
 - The development proposed is described as 'Outline residential development for 25 dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The planning application to which the appeal relates was submitted in outline form with all matters reserved except for access and layout.
3. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990. I deal with the content of this below.

Main issues

4. The main issues in the appeal are:
 - whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on the character and appearance of the open countryside, with particular regard to the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - whether the archaeological site evaluation would ensure appropriate protection for any archaeological remains within the site.

Reasons

5. The appeal site is part of an agricultural field on the eastern side of Ramsbury, outside, but adjoining the development boundary of the village. The site, adjoining countryside and the settlement of Ramsbury, are all located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
 6. The agricultural field is roughly 'T' shaped and the field has an existing vehicular access from Newtown Road. The area which is the subject of this
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application is a much smaller, broadly rectangular parcel of land to the north of the field, with access proposed off Whittonditch Road. The site slopes fairly consistently in a north to south direction.

7. The northern boundary of the site adjoins existing single depth residential ribbon development fronting onto Whittonditch Road. The rear garden boundaries associated with these existing properties form the northern boundary of the appeal site. An existing linear tree belt/tall hedgerow defines the field's existing southern boundary with Newtown Road. The southern boundary of the development area is currently open as it is within the centre of the field. The site's eastern and western boundaries adjoin some residential properties and a small section of further agricultural land.

Location

8. Core Policies 1 and 2 of the Wiltshire Core Strategy (WCS) seek amongst other things to direct development to the Principal Settlements, Market Towns, Local Service Centres and Large Villages and that development should be restricted to within the limits of development boundaries of the identified settlements. Core Policy 14 WCS identifies Ramsbury as a Large Village, and seeks amongst other things to ensure that development takes the form of small housing and employment sites within the settlement boundary. The settlement boundary is defined by Inset Map 32 of the former Kennet Local Plan. Furthermore, it is common ground that the settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations and Chippenham Site Allocations DPDs or through the preparation of a Neighbourhood Plan, as set out in the Council's Local Development Scheme; this has not been completed. Core Policies 60 and 61 seek to ensure amongst other things that development is planned in accessible locations.
9. The appellant has argued that despite being outside the development boundary, the appeal site is in a sustainable location and would provide housing to meet local needs. Further they have argued that in the absence of a review of the development boundaries, there exists a policy vacuum and this could lead to housing delivery being placed at risk¹.
10. However, based on the most recent housing supply evidence before me I conclude for the purposes of this appeal that there is 8.21 years supply of deliverable sites in the East Wiltshire². In that context, concerns about delay in the preparation of the site allocation DPDs or Neighbourhood Plan are unfounded since the quantified need for this HMA can be met beyond five years. Consequently, there is no justification for reducing the weight that should be given to Core Policy 2 and releasing the appeal site for residential development. To do so would allow residential development in the countryside without regard to the quantified need for it and would be in direct conflict with the core planning principle of the Framework that planning should genuinely be plan-led (paragraph 17). Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant including housing need from outside of the HMA.

¹ APP/Q3115/A/14/2229389, APP/Y3940/A/14/2222641, APP/Y3940/A/14/2218437 and Money Hill

² Housing Land Supply Statement published November 2016 and APP/Y3940/A/13/2206963

11. Having come to the conclusions above, the proposed development would be in conflict with Core Policies 1, 2, 14, 60 and 61 of the WCS and paragraph 17 of the Framework.

Character and appearance

12. Based on the evidence before me and my observations, I accept that the general visibility of the site is minimised by the vegetated landscape features that exist in the wider setting that form visual barriers to views. Further I agree with the appellant's statement that there are two viewpoints (Newtown Road and Whittonditch Road) which have a residual significant effect on the North Wessex Downs AONB; they are however close to the sites boundary and would be unlikely to affect the wider landscape. Moreover I have no reason to disagree that in time as the proposed mitigation landscaping (Landscape Strategy Plan) matures in the medium to long term; such effects will be softened and lessened. However, even with the implementation of structural landscaping and the use of high quality design and materials, the introduction of the proposed development at the appeal site would result in a limited degree of incremental erosion of the rural openness and landscape of the area that is a component part of the North Wessex Downs AONB particularly when viewed from Newtown Road and Whittonditch Road.
13. As such the proposal would result in minor harm to the scenic quality of the North Wessex Downs AONB and would therefore be in conflict with Core Policies 51 and 57 of the WCS. These seek amongst other things to ensure that the natural beauty of the North Wessex Downs AONB is protected, conserved and where possible enhanced. In reaching this conclusion I have taken into account paragraphs 115 and 116 of the Framework.

Archaeology

14. There was dispute between the parties in relation to the level of detail required in relation to archaeological site evaluation. The appellant has submitted a desk-based assessment, subsequently supported by a supplementary geophysical survey. Moreover, based on the submitted geophysical survey, the site does not appear to contain archaeological remains of national importance, such that planning consent would be refused on heritage grounds. Whilst I have carefully considered the Council's concerns, based on the evidence before me, I conclude that this is a proportionate approach consistent with paragraph 128 of the Framework. Furthermore, had I been minded to allow the appeal I would have applied a condition ensuring appropriate protection for archaeological remains within the site.
15. Having reached the conclusion above, subject to the imposition of the above condition any archaeological remains within the site would be adequately protected. Consequently, there would be no conflict with Core Policy 58 of the WCS that seeks amongst other things to protect, conserve and where possible enhance the historic environment or paragraph 128 of the Framework.

Unilateral undertaking

16. The appellant as part of their appeal submitted a unilateral undertaking pursuant to Section 106 of the Act, which includes provision for 40% affordable housing, recreation and education. I have afforded the provision of 40% affordable housing a degree of weight in favour of the proposal. In relation to the provision of contributions toward recreation and education these matters

are neutral. The Council have drawn my attention to the wording/absence of a number of clauses in relation to the agreement. Had I been minded to allow the appeal I would have sought the views of both parties prior to issuing a decision, however the wording/absence of a number of clauses have not affected the overall outcome of the appeal and the decision does not turn on this matter.

Other considerations

17. Local residents have raised a number of additional issues in relation to this appeal including but not exclusively traffic/highway safety, access to services including capacity at schools and flooding. However as I am dismissing the appeal for other reasons, the decision does not turn on these matters.

Conclusion

18. For the above reasons and having carefully considered all other matters raised I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR