
Appeal Decision

Site visit made on 27 February 2017

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

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

Decision date: 20 March 2017

Appeal Ref: APP/Y3940/W/16/3158355

1 The Firs, Kemble, Glos GL7 6AZ

- 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 Mr and Mrs Tovey against the decision of Wiltshire Council.
 - The application Ref 16/03930/FUL, dated 21 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in a sustainable pattern of development, having regard to its accessibility to facilities and services.

Reasons

Policy background

3. Core Policies 1, 2 and 60 of the Wiltshire Core Strategy (adopted January 2015) (CS) set out a hierarchical approach which aims to direct new development to settlements with adequate access to services, facilities and employment opportunities, with the intended effect of reducing the need to travel by private car. The appeal site lies outside of any framework boundary and so within the 'open countryside', for the purposes of the Council's settlement strategy.
4. Core Policy 2 indicates that development will not be permitted outside of settlement boundaries, other than as specifically permitted by other policies within the CS. These are specified within paragraph 4.25 of the CS and there is nothing to suggest that the proposal would fall within any of these exceptions.
5. Saved Policy H4 of the North Wiltshire Local Plan 2011 (adopted June 2006) (LP) relates to residential development in the countryside and states that this will, exceptionally, be permitted, where in connection with agriculture or forestry, or as a replacement dwelling. Neither of these circumstances applies here. Paragraph 55 of the National Planning Policy Framework (the Framework) also states that new isolated homes in the countryside should be avoided in the absence of special circumstances, none of which again appear

applicable in this case. The proposal is therefore contrary in principle to the Council's settlement strategy, and to the related national policy objectives.

6. The Council has indicated that it has a very small shortfall in its five year supply of housing land. In accordance with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up to date. The relevant development plan policies cited above are for the supply of housing in that they relate to and constrain housing supply. However, given the very small deficit identified, I consider that these continue to be due significant weight. The effect though of the operation of paragraph 49 is that the balance in paragraph 14 of the Framework is triggered. As such, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

Accessibility

7. Turning then to the accessibility of the site, there are some services available in Kemble and Crudwell but these would be very likely to require use of a private car for access for most sorts of trips in view of the distance involved and nature of the route. A bus service appears to operate along the nearby A429 providing links with the larger settlements of Malmesbury and Cirencester. This would seem to offer a higher number of services than some villages are provided with. However, there does not appear to be a bus stop within reasonable walking distance of the appeal site and the appellant provides no substantive evidence of a 'hail and ride' service operating with any certainty along this route.
8. Rail services are available from the station in Kemble, offering direct links to London with a journey time set to be reduced to under an hour. However, whilst some trips to the station might be possible by bicycle, given the practical issues including those related to the speed and volume of traffic on the road, future occupants would be unlikely to use this means of travel for school transport or shopping trips. Walking would be an unlikely option in view of the distance and nature of the route alongside a busy road and without the benefit of a footpath for at least part of the distance. I have no substantive information indicating that impending road alterations would improve the situation. As such, access to the train station itself would be likely to frequently involve the use of a private car.
9. The appeal site is located a fairly short walk from Kemble Airfield Enterprise Park where a number of employment opportunities would potentially be available. However, this does not alter the fact that very few, if any, services and facilities would be realistically accessible on foot, with no certainty either as to the ability to use public transport to access larger settlements.
10. Although no doubt some other villages lack services and facilities close at hand, this does not alter the settlement strategy as outlined. No detailed evidence has been produced to confirm that services and facilities could be readily accessed via public footpaths. The area is apparently well served by supermarket deliveries and 'ring and ride' services, which could potentially reduce some car trips but this does not compensate for the lack of services and facilities readily accessible by means other than a private car.

11. It appears that the appellants' daughter works from home much of the time and car shares with her parents for shopping and other trips. As the appellant's daughter already lives on the site, the appellant contends that there would be no increase in cars in the area. This is due only very limited weight though as the planning permission for the proposed dwelling is not intended to be personal to the appellants' daughter.
12. The fact that former residents have moved from the area, resulting in a net reduction in cars does not alter the fact that permitting the proposed development would allow for additional car movements from the new dwelling. The absence of highway safety issues and anecdotal references to demand for housing in the area does not alter the adverse effects relating to an unsustainable pattern of development.
13. Planning permission has apparently been granted, including on garden land, for larger numbers of homes within fairly close proximity to the appeal site. I do not have full details of the planning circumstances related to those other developments in order to form a detailed comparison with the appeal proposal, which I have considered on its merits. It appears though that at least some of these developments were determined in a different policy context, or are located closer to services and facilities than the proposed dwelling would be. It appears that planning permission has been sought for some two thousand homes on the airfield by the station, but again, I have very few details as to the development proposed.
14. As such, the proposal would not result in a sustainable pattern of development, having regard to its accessibility to facilities and services. It would conflict with Core Policies 1, 2 and 60 of the CS and with Saved Policy H4 of the LP as outlined above. It would also fail to accord with the similar aims contained within paragraphs 29, 30, 37 and 55 of the Framework.

Other Matters

15. The dwelling proposed would be intended for occupation by the appellants' daughter and her young children, enabling her to continue her local charity work and assisting her disabled parents in a location close to the school attended by the children and in a location where the family have lived for generations. The development would no doubt result in a myriad of benefits for the family. Costs of purchasing a house in the area would, I understand, be prohibitive and social housing available would not be feasible for a variety of reasons. I have considerable sympathy for both the appellants and their daughter in this regard.
16. The proposal aims to use surplus land, with the proposed development being of a sensitive design and intended to use sustainable construction techniques. The proposal would also contribute one unit of relatively energy efficient residential accommodation. This is in the context of the Council having a small deficit in its five year supply of housing land, and in line with the Government's aims to significantly boost the supply of housing and to encourage small developments, particularly in recognition of the reference to the 'broken' housing system. This offers modest weight in favour of the proposal.
17. It is apparent that the appeal site is with an existing residential garden and is not prime agricultural land, national park or green belt. There would be no harm either as regards the character and appearance of the area, with respect

to living conditions of neighbouring occupants, nor as regards protected species. These are though only neutral matters. Equally, concerns as to the Council's handling of the application are not for me in dealing with this appeal; which I consider on its merits.

Conclusion

18. Submissions were made relating to Article 8 of the ECHR and that dismissal of the appeal would interfere with the appellants' daughter's home and family life. However this must be weighed against the wider public interest. For the reasons given above, I have found that this proposal would be harmful to the interests of creating sustainable patterns of development and I am satisfied that this legitimate aim can only be adequately safeguarded by the refusal of permission. On balance, I consider that the dismissal of the appeal would not have a disproportionate effect on the appellants' daughter.
19. The proposal would offer some modest benefits as outlined. The proposal would though result in development plan conflict and harm related to the proposal failing to represent a sustainable pattern of development. As regards paragraph 14 of the Framework, this harm would significantly and demonstrably outweigh the limited benefits related to the provision of one additional unit of residential accommodation. The proposal would not thus represent sustainable development. For the above reasons above, the appeal should fail.

Veronica Bond
INSPECTOR