

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: 21 March 2017

Appeal Ref: APP/Y3940/W/16/3162466

Pen-y-Brook, Corsham Road Lacock North Through Notton to by Junction of A350, Notton, Lacock SN15 2NF

- 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 Ellerdine Developments Ltd against the decision of Wiltshire Council.
 - The application Ref 16/05843/FUL, dated 1 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is new first time buyer housing to include 2 no. 2 bed homes and 1 no. one bed apartment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would result in a sustainable pattern of development, having regard to its accessibility to facilities and services;
 - the effect on the character and appearance of the area;
 - whether the proposed development would afford adequate living conditions for future occupants of Plot 3, with particular regard to noise and disturbance and privacy; and
 - the effect on highway safety.

Preliminary Matter

3. Representations from the appellant indicate the site to be located within the Green Belt. The Council has though confirmed that this is not correct, and I deal with the appeal on that basis.

Reasons

Sustainable pattern of development

4. Core Policies 1, 2, 60 and 61 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 appellant has cited case law indicating that as a garden plot outside of the built up area, the appeal site would constitute brownfield land, and asserts that the development would read as part of the built up environment. Nonetheless, the appeal site lies outside the nearest

- development boundary and so within the 'open countryside', for the purposes of this settlement strategy.
5. 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. Core Policy 44 is one such policy and sets out the Council's rural exceptions sites policy related solely to the provision of affordable housing. However, on the basis that the proposal is essentially for open market housing, albeit described as 'first time buyer housing', and in the absence of evidence of a genuine local need or of community support, the proposal would not conform to this policy.
 6. 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 and as such, the proposal is contrary in principle to the Council's settlement strategy.
 7. As to the accessibility of the site, there is a bus stop very close to the site, affording transport to larger settlements and potentially connections on to cities further distant. However, this offers only limited services and it would not provide a sufficient number of stops in this location so as to enable transport to the larger nearby settlements in accordance with usual working hours.
 8. A bus stop with some additional stopping times is located along the busy A350 road and a reasonably long walk from the appeal site. The distance, nature of the route and high levels of fast moving traffic along the A350 would not encourage use of this bus stop route as a realistic alternative to the private car. Detailed evidence such as to indicate that the 234 service operating would offer a realistic alternative to the private car is not provided either.
 9. There is a fairly large garden centre offering a café and shop within around ten minutes' walk of the site but the luxury nature of the groceries offered would mean that future occupants of the proposed development would be more likely to travel by car to shops offering less costly groceries. Notton House Community Special School and some local employers are located within walking distance, but these offer only limited variety of employment opportunities. Other services and facilities cited, including those in Lacock, Corsham and Chippenham generally would not be sufficiently proximate to encourage access by means other than by private car.
 10. Whilst I note that the Council's cycling plan indicates distances of up to 8km to be acceptable for access to employment, this does not overcome my concerns as to the accessibility of local services and facilities which would in the main rely on private car use. The National Planning Policy Framework (the Framework) also indicates that considerations of accessibility to local services and facilities will necessarily not be comparable in rural and urban areas. This does not though mean that rural developments with very few accessible services will be in line with policy aims.
 11. As to the first main issue, the proposal would not therefore result in a sustainable pattern of development, having regard to its accessibility to facilities and services. It would conflict with the aims of Core Policies 1, 2, 60

and 61 of the CS and with saved Policy H4 of LP as outlined above. It would also conflict with similar aims contained within the Framework.

Character and appearance

12. The appeal site forms part of the side garden to the dwelling at Pen-y-Brook. The proposal would introduce onto the plot two houses and adjoining garages, with a flat located above the garages. The development has been designed to have the appearance of being a single, substantial dwelling, in line with other houses in the immediate vicinity.
13. There would be adequate separation from the side elevation of Pen-y-brook in line with spacing of other properties nearby. The dwelling would be set back from the road by a similar distance to other properties. Although the garden spaces afforded to the proposed properties would be smaller than others along this road, this would not be readily apparent in public views.
14. The majority of domestic paraphernalia and boundary treatments would be likely to be to the rear of the dwellings and so out of primary public views. Car parking to the front would not be dissimilar to the level that could be accommodated by other front driveways in the vicinity. As such, the development would not have the appearance of being cramped or cluttered.
15. In respect of the second main issue then, the proposal would not have a harmful effect on the character and appearance of the area. It would accord with Core Policy 57 of the CS which seeks, amongst other things, a high standard of design in new development, which is complementary to the locality. There would be no conflict either with Section 7 of the Framework, which includes similar aims.

Living conditions

16. The flat proposed and labelled as Plot 3 would be located above garaging for the two houses proposed and close to the parking area for the properties. No doubt there would be a degree of noise and disturbance attributable to the location of Flat 3 close to garages and parking areas.
17. However, bearing in mind the small scale of development and likely extent of use of these areas, together with the fairly high ambient noise level attributable to the adjacent A350 road, no material harm would result. Given that Plot 3's accommodation would be above ground floor level where the comings and goings related to the garage use would take place, no loss of privacy would result.
18. As regards the third main issue, the proposed development would afford adequate living conditions for future occupants of Plot 3, with particular regard to noise and disturbance and privacy. It would comply with Core Policy 57 of the CS which seeks to ensure appropriate levels of amenity for occupiers of the development, and with the similar aims contained within the Framework.

Highway safety

19. The appeal site is located on a road with a 30mph per hour speed limit and which appears to see relatively low traffic levels. Although there is some parking available within the immediate area, this is limited by the relatively narrow width of the road which prevents parking on both sides of the road.

20. However, the large size of the plot at the appeal site enables a sizeable area to the front of the site to be given over to off street parking. Although the plans submitted do not demonstrate the allocation of the parking as between the three plots, there would be adequate space on site to enable proper parking provision and turning facilities, and specific arrangements could therefore be finalised by condition. Visibility at the access would be very similar to that for the existing dwelling at Pen-y-Brook and could be conditioned at least to some extent. Given the relatively slow traffic speeds and low traffic levels, the proposal would therefore be unlikely to result in highway safety issues.
21. In respect of the fourth main issue, I find that the proposal would not result in any harm as regards highway safety. It would comply in this regard with Core Policies 57 and 61 of the CS which include in their aims ensuring that development is capable of being served by a safe access to the highway network.

Other Matters

22. The appeal proposal would offer three units of residential accommodation in line with local and national policy aims to significant boost the supply of housing and support rural life. As modest sized homes, they would potentially be available to first time buyers, with a stated aim of preference for local applicants. The effect would be intended to add social diversity to the area and there is a degree of local support. These matters offer moderate support for the proposal.
23. The development would seek to incorporate sustainable construction techniques and crime prevention measures. The proposal would offer some limited support of local services also. These aspects weigh modestly in favour of the proposal. The absence of harm in relation to other factors, including as regards flood risk are only neutral matters. Other concerns from third parties have not, in view of the harm found above, led me to any different overall conclusion.

Conclusion

24. The proposal would not result in harm as regards the character and appearance of the area or highway safety and would afford adequate living conditions for future occupiers. This does not outweigh though the development plan conflict and harm found related to the proposal failing to represent a sustainable pattern of development. Indeed, the adverse effects would significantly and demonstrably outweigh the benefits stated. Given the tri-partite definition of sustainable development contained within the Framework, I do not consider that the proposal represents the sustainable development in respect of which there is a presumption in favour. For the above reasons above, the appeal should fail.

Veronica Bond

INSPECTOR