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## Appeal Decision

Site visit made on 7 February 2017

**by R C Kirby BA(Hons) DipTP MRTPI**

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

**Decision date: 24 March 2017**

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**Appeal Ref: APP/Y3940/W/16/3160950**  
**Bury House, Green Lane, Codford BA12 0NY**

- 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 Mr and Mrs Martyr against the decision of Wiltshire Council.
  - The application Ref 16/06505/OUT, dated 4 July 2016, was refused by notice dated 29 September 2016.
  - The development proposed is outline application for the erection of one detached dwelling.
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### Decision

1. The appeal is allowed and outline planning permission is granted for an outline application for the erection of one detached dwelling, in accordance with the terms of application Ref 16/06505/OUT, dated 4 July 2016 and the 4 conditions in the attached Schedule.

### Procedural Matter

2. The application was submitted in outline and the application form makes it clear that at this stage all matters are reserved for future consideration. I have treated the proposed site plan and street elevation as illustrative only. It is on this basis that I have considered the appeal proposal.

### Main Issues

3. The main issues in this case are whether or not a new dwelling in this location is acceptable, having regard to the settlement strategy for the area and the effect of the proposal on the character and appearance of the area which is designated as an Area of Outstanding Natural Beauty (AONB).

### Reasons

#### *Settlement Strategy*

4. The appeal site is situated in the garden of Bury House, a 19th century detached dwelling located on the eastern side of Green Lane, from where the host property takes its access. The village of Codford is classified as a Large Village in the Wiltshire Core Strategy (WCS).
  5. The settlement strategy of the WCS, set out in Core Policy 1 seeks to deliver sustainable development across Wiltshire, focussing new housing development on settlements that have direct access to employment, services, community facilities and infrastructure. Codford is one such settlement and Core Policy 2 makes it clear that development in large villages will not be permitted outside
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of the limits of development of settlements unless there are exceptional circumstances. The appeal site and Bury House are located outside of the limits of development for Codford; the boundary of which runs along the western side of Green Lane. The appeal proposal does not fall within any of the exceptional circumstances set out by this policy. The site has not been identified through a Neighbourhood Plan or Housing Sites Allocation Development Plan Document, and consequently, the appeal proposal would be in conflict with CP2.

6. However, the Council has indicated that it cannot demonstrate a 5 year supply of deliverable housing sites. Whilst the shortfall is not significant, the National Planning Policy Framework (the Framework) makes it clear at paragraph 49 that in such circumstances relevant policies for the supply of housing (in this case WCS Core Policies 1 and 2) should not be considered up-to-date. Paragraph 14 of the Framework advises that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would 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. Footnote 9 of this paragraph includes examples of restrictive policies, including where land is designated as an AONB.
7. Paragraph 49 also advises that housing applications should be considered in the context of sustainable development. Sustainable development is identified as having 3 roles in paragraph 7 of the Framework: economic, social and environmental. There would clearly be economic benefits associated with the appeal proposal and jobs would be likely to be created during the construction phase of the new dwelling. The intended future occupiers of the dwelling would be likely to support local shops and services.
8. The social role of sustainability includes providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services. The proposal would make a contribution, albeit small, to addressing the shortfall of housing sites in the area. Furthermore, the site is located close to the services and facilities within the village. Mention is made to a primary school, post office, small supermarket, petrol station, theatre, village hall, bar, doctors' surgery with pharmacy and a veterinary surgery. It is located a short walk from the High Street that is served by public transport. Such matters weigh in favour of the proposal.
9. Amongst other matters, the environmental role of sustainability requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. This is considered further below.

#### *Character and Appearance*

10. Codford and the surrounding area, including the appeal site are located within the Cranborne Chase and West Wiltshire Downs AONB. The appeal site and development on the eastern side of Green Lane, is more rural in character than the western side of the road which comprises denser development.
11. WCS Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. Within the AONB, the policy states that great weight will be afforded to conserving and enhancing landscapes and scenic

- beauty. Proposals for development within or affecting the AONB should demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for the area; development should demonstrate how it provides a transition between man-made and natural landscapes at the urban fringe.
12. The Framework attaches great weight to conserving landscape and scenic beauty in, amongst other areas, AONB. Such areas have the highest status of protection in relation to these matters. A core planning principle of the Framework is to take account of the different roles and character of different areas, including recognising the intrinsic character of the countryside and supporting thriving rural communities within it.
  13. Objective PT B of the Cranborne Chase and West Wiltshire Downs AONB Management Plan 2009-2014 (AONB MP) requires that full account is taken of the purposes of the AONB designation and that decisions result in no net detriment to the special qualities of the AONB. Policy PT13 of this plan requires new development to compliment the special qualities of the AONB and take full account of the area's setting and context through appropriate Landscape Character Assessments and sensitivity and design studies.
  14. I note the concerns raised that the proposal was not accompanied by a statement demonstrating how the objectives and policies of the AONB MP had been taken into account. However, the wording of the WCS Core Policy 51 and Policy PT13 of the AONB MP do not specifically preclude development where this has not occurred.
  15. The Council and AONB Officer have expressed concern that the outline nature of the application included insufficient detail for a proper assessment to be made about the impact of the scheme on the AONB. Whilst noting this matter, the Council could have requested further information from the appellant as part of its consideration of the planning application. It chose not to do this and therefore it is reasonable to assume that it had sufficient detail before it to consider the proposal. There is nothing to suggest in the Committee report that the application was lacking a level of detail to make a full assessment of the proposal.
  16. The AONB includes built development as well as open, undeveloped countryside. In that the appeal site is located outside of the development limit for the village, it is within the open countryside. However, it forms part of the formal garden of Bury House. It is visually and physically related to the built form of the village and its development limits, rather than the land to the north and east which is largely open and undeveloped countryside. The proposal would not encroach into this area of undeveloped countryside. Indeed the position of the appeal site, some distance from the eastern boundary of Bury House, would ensure that the proposal would provide a suitable transition between the man-made and natural landscape in this area in accordance with WCS Core Policy 51.
  17. I consider that a new dwelling on the site would be viewed in the context of the existing development of the village, including the recently approved dwellings at Bury Farm from both Green Lane and the surrounding area. The existing landscaping within the site and along the eastern boundary would provide a level of screening to the proposal. The new dwelling would not, subject to an appropriate design and scale and landscaping, result in a development that

would be unduly prominent in either the streetscene or the wider landscape. The Council would be able to control such matters in the first instance, as part of a subsequent application for planning permission on the site.

18. In light of the foregoing and in the absence of convincing evidence to demonstrate otherwise, I am satisfied that the proposal would conserve the landscape and scenic beauty of the AONB. It would not intrude into the natural landscape beyond the appeal site. Harm would not be caused to the character and appearance of the area. The proposal would not conflict with the objectives of WCS Core Policy 51, or the AONB MP. Given my findings, there would also be no conflict with the environmental role of sustainability.

### **Other Matters**

19. The planning application attracted both letters of support and objection. In terms of the objections raised, a number of local residents consider that the village does not need any more dwellings. This concern is supported by the Parish Council, who also consider that the house may not be built quickly. Whilst noting these representations, it is clear from the submitted evidence that there is a requirement within the area to increase the number of new dwellings to address the shortfall in the supply of deliverable sites. It is likely that the market will determine when the new house is constructed, however on the basis of the evidence before me I have no reason to find that its development would be unreasonably delayed. At this stage there is no detail about the size of the proposed dwelling and I am therefore unable to attach weight to the concerns raised about the likely size of it, as this matter is not before me.
20. The Parish Council has stated that in considering a revised boundary for the village, sites such as Bury House with large gardens were specifically excluded. Whilst this may be so, I understand that a revised development limit for the village has not been adopted. Indeed the evidence before me suggests that the timetable for revising the development limits of settlements is not imminent. I have determined the appeal on its merits, and for the reasons given I have found that the proposal is acceptable.
21. I note the concerns relating to highway safety. Access is not a matter before me at this stage and this is something that will be considered as part of a future application on the site.
22. It is asserted that Bury House is a historic building. I have not been provided with evidence to demonstrate this and I attach limited weight to this matter in my overall Decision.
23. I have considered the argument that the grant of planning permission would set a precedent for similar development outside of the development limit for the village. However, no sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits and a generalised concern of this nature does not justify withholding planning permission in this case.

### **Conditions**

24. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered these

against the advice on conditions set out in the Planning Practice Guidance (PPG) and the Framework at paragraph 206.

25. A condition is necessary identifying the approved drawings. The Council has suggested a condition requiring that the dwelling is constructed to Level 4 of the Code for Sustainable Homes. However, given that all matters are reserved at this stage, I consider that such a condition does not relate to the development being permitted. It is therefore neither reasonable nor necessary. Such a condition would not comply with the tests relating to conditions set out in the Framework or the PPG. Accordingly I have not imposed the suggested condition.

### **Conclusion**

26. I have found that the proposal would conflict with the settlement strategy for the area. However, this settlement strategy is not considered up-to-date because the Council is unable to demonstrate a 5 year supply of deliverable housing sites. I have also found that the proposal would have economic and social benefits, and that having regard to the relationship of the site to the built form of the village, a new dwelling upon it could be designed to ensure that harm would not result to the character and appearance of the area or the landscape and scenic beauty of the AONB. In this regard there would be no conflict with the environmental role of sustainability.
27. Footnote 9 of paragraph 14 of the Framework does not preclude development in the AONB; it merely seeks to ensure that development conserves the landscape and scenic beauty of such areas. The appeal proposal would achieve this. In light of my findings, I conclude that the proposal would comprise sustainable development, which in this case outweighs the conflict with the settlement strategy for the area.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions in the attached Schedule.

*R C Kirby*

INSPECTOR

## **SCHEDULE**

### **CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: BHC PL-01.
- 2) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.