
Appeal Decision

Site visit made on 18 April 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/Y3940/W/17/3166769

Land east of Croft Barn, The Forge, Lower Stanton St Quintin SN14 6RN

- 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 Kingston and Mrs Gupwell against the decision of Wiltshire Council.
 - The application Ref 16/10177/OUT, dated 18 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is erection of 1No. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is made in outline with all matters reserved. I have had regard to the block plan submitted with the application that indicates the position of the proposed access to the appeal site.

Main Issues

3. The main issue in this case is whether the site is in an appropriate location for the proposed dwelling, having regard to national and local planning policy and any other planning considerations, including in particular, accessibility to services.

Reasons

4. The appeal site comprising part of a distinctive rectangular paddock is located between the unclassified Avils Lane and the Class C Seagry Road within a small cluster of dwellings and former agricultural buildings on the eastern edge of Lower Stanton St Quintin. Immediately to the north lies a building plot having been granted planning permission in recent months by the Council.
 5. Core Policies 1 and 2 of the Wiltshire Core Strategy (CS) (2015) set out a hierarchical settlement strategy, with provision for most new development in larger settlements with good accessibility, services and facilities. Such a strategy assists in seeking sustainable development, partly as it helps maximise the use of sustainable transport modes and minimise both journey lengths and the need to travel. As such, the CS strategy in this respect is consistent with the National Planning Policy Framework (the 'Framework'). That said, whilst the strategy diverts the majority of new housing development
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to the larger settlements, there is acknowledgment that Wiltshire is predominantly rural in character and thus a limited level of development is supported within villages to help retain the vitality of rural communities.

6. Core Policy 10 (relating to the Chippenham Community Area) identifies Lower Stanton St Quintin as a 'Small Village' where, according to Core Policy 1 and Core Policy 2, development will be limited to infill within the existing built area, where proposals should 'seek to meet housing needs of settlements'. Despite references to an appeal¹ in 2015 that took an opposite view, following further submissions by the Council as part of this appeal, there does not appear to be any disagreement between the parties that the Council cannot now demonstrate a five years' supply of deliverable housing sites and paragraphs 14 and 49 of the Framework are therefore not engaged.
7. The Council contends that the proposal would encroach on the open countryside and would effectively elongate the village in an easterly direction. Unlike the recently approved development plot immediately to the north, the appeal proposal would also not amount to the consolidation of any loose-knit pattern of development evident in the area. By contrast the Council believes that development at this location would project beyond any established built envelope thereby creating an unrelated form of development unconnected with any sense of infilling.
8. At my site visit, I was able to observe that the appeal site is indeed on the eastern extremities of the village and is surrounded on two sides by farmland, although land immediately to the south appears to have a degree of domesticity. However, the site in my view has a greater affinity with the open land to the east rather than having the characteristic of an infill plot. Whilst former agricultural buildings are located to the south, it seems to me that these buildings now converted to housing, together with those properties fronting Anvils Lane to the north offer an acceptable outer edge to the village. I do not accept that similarities can reasonably be drawn with the building plot to the north, which was deemed correctly in my view, to be infilling within the existing built up area and in the manner intended by Core Policy 2. Rather it would extend the built up area into the open countryside. Consequently it would fail to respect the character and form of the settlement, a key requirement of Policy CP2.
9. A theme running through the Framework and included in its core planning principles, is the need to actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable. Whilst the Council has expressed the view that the appeal site is poorly served by public transport, no evidence has been put forward to demonstrate that the village is poorly served. On the contrary, I observed during my site visit that regular bus services are available to both Chippenham and Malmesbury. However, this is insufficient 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 the quantified need for it and would be in direct conflict with the core planning principle of paragraph 17 of the Framework that planning should be genuinely plan led.

¹ APP/Y3940/W/15/3005870

10. I therefore conclude that the very serious adverse impacts of the proposal on the character and appearance of the area in addition to the conflict with Core Policy 2 would significantly and demonstrably outweigh the benefits, including the provisions of the Framework and specifically paragraph 47. Accordingly the development would not amount to sustainable development. This is a decisive and compelling reason in addition to non-compliance with Core Policy 2 on which to dismiss this appeal. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant.

Other matters

11. Local residents have raised a number of additional issues in relation to this appeal. They consider that the access road serving the site is inadequate to accommodate the proposed development and other housing that has been built in recent years. At my site visit I observed that this part of Seagry Road is narrow with few passing places. However, I do not consider that one additional dwelling could not be safely accommodated on the local highway network. In addition, whilst visibility when discharging onto this highway to the west is restricted, this is typical of what is found locally and having regard to the nature of the highway and likely traffic speeds, an additional dwelling at this location would not cause unacceptable highway safety conditions. It is noted that the Council has not objected on highway grounds.
12. The appeal site is presently overlooked by existing properties to the west. However, as an interested party has observed, a right to a view is not a material planning consideration. Furthermore, there are opportunities available to neighbouring property owners to introduce additional screening at their properties whilst a planning condition requiring some planting and other screening to take place would also prevent unacceptable levels of privacy. I am therefore not convinced that harm to the living conditions of occupiers of nearby properties would inevitably occur.
13. I also note the contention that the appellant's rights of access from Seagry Road are limited. However, private rights fall outside the scope of land use planning and cannot form part of my consideration of this appeal.

Conclusion

14. For the reasons given above, and considering all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR