
Appeal Decision

Site visit made on 11 April 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/Y3940/W/16/3165970

**West View, The Crossroads Milton Lilbourne North C266 to New Mill
Railway Bridge, Littleworth, Wiltshire SN9 5LF**

- 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 Mrs S D Harrison against the decision of Wiltshire Council.
 - The application Ref 16/10058/FUL, dated 14 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is the demolition of existing dwelling and erection of 2 no. dwellings with access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal is consistent with the current development plan policies relating to the location of new housing development and whether the proposal would represent sustainable development in the context of the development plan and the National Planning Policy Framework (the Framework).

Reasons

3. The Settlement Strategy of Wiltshire Core Strategy (WCS) Core Policy 1 identifies the settlements where sustainable development will take place. Core Policy 2 seeks to deliver development in Wiltshire in the most sustainable manner. WCS Policy 18 relates to the Pewsey Community Area and identifies Milton Lilbourne as a Small Village.
 4. WCS Core Policy 1 states that development at Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Core Policy 2 provides support for such development. In this regard I have noted the comments of the Parish Council dated 6 July 2016 and acknowledge that the wording of the policies do not require a proposal to meet the needs of the particular settlement in which it would be located. Nevertheless, I have no substantive evidence that the proposal would meet identified housing needs of settlements, as required by Core Policies 1 and 2.
 5. Moreover, Core Policy 2 states that outside of the defined limits, development will not be permitted other than in circumstances as permitted by other policies
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- within the Plan, including Core Policy 48. None of the identified exceptions of that policy apply to the appeal proposal.
6. At the Small Villages WCS Core Policy 2 limits development to that of infill within the existing built area. There are no defined settlement boundaries for Small Villages but for the purposes of this policy, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. A proposal constituting infill development is also required to satisfy the criteria of Core Policy 2.
 7. The appeal site currently comprises a detached bungalow known as 'West View' within a garden area that is much wider than it is deep. It is bounded to the north and south respectively by the dwellings known as 'Sycamore House' and 'Hill View'.
 8. The Council say that the plot in question is sizeable and as such is not a small gap. Reference is made to a previously withdrawn application (15/08150/FUL) for three large dwellings which the Council say highlights that the site could easily accommodate more than one dwelling. I do not have the details of that application but I agree that the overall width of the plot is such that it would likely be capable of accommodating more than one additional dwelling.
 9. However, as recognised by the Inspector in the appeal decision¹ referred to by the appellant, there is a tension in the definition of infill development between "generally only one dwelling" and "not more than a few". I agree with the Inspector's position on this matter that the latter must on any common sense reading allow for more than one. Therefore, being able to accommodate two additional dwellings on the site would in my view fall within the scope of "not more than a few" dwellings and as such would not preclude it from being infill development.
 10. However, to be infill development the site would need to be within the built area of the Small Village, which in this case is Milton Lilbourne. The Council say that the site is on the edge of Littleworth which it considers to be a separate settlement to Milton Lilbourne. In this regard, Milton Lilbourne Village is signposted to the south from the crossroads on Burbage Road, whilst Littleworth is signposted to the north, in the direction of the appeal site. Nevertheless, whilst the heart of the village of Milton Lilbourne is clearly located to the south of Burbage Road, the roadside village sign for Milton Lilbourne is positioned alongside the appeal site. If this is used as a marker for the start of the village, then the appeal site straddles both settlements. However, due to the proximity of the West View dwelling to Sycamore House, it appears physically and visually connected to the cluster of dwellings of Littleworth.
 11. I accept that the manicured garden of the appeal site has a clear domestic appearance but this is not readily discernible from the road frontage, which is dominated by an established hedgerow. I have noted the comments of the Council's Landscape Architect but in my view, the appeal site frontage, in combination with the narrow width of the carriageway and the mature trees and hedges on the eastern side of the road, retains a clear rural character. The visual association is therefore of the countryside rather than the residential properties of the village, as suggested by the appellant.

¹ Appeal Ref: APP/Y3940/W/16/3154507

12. Even though there is in part a linear character to the development on this western side of the road, the existing gap between the dwellings at West View and Hill View to the south creates what appears to be a clear physical separation between the settlements such that they are not continuous. Consequently Hill View is physically distinct from Littleworth and visually appears to be the start of the built element of the Milton Lilbourne. Retention of this gap therefore maintains the separate identity of the settlements and prevents their coalescence.
13. The appellant has referred to a planning permission² for the replacement of West View with a detached dwelling house as a fallback position and material consideration. Whilst the approved dwelling appears to have the same design and siting as that currently proposed for Plot 1, it does nonetheless remain an approval for only one dwelling on the site, thereby largely retaining the existing gap and the physical and visual connection to Littleworth rather than Milton Lilbourne. The size of this gap is also more substantial than that which exists between dwellings to the south of the site in Milton Lilbourne.
14. The proposal would not therefore amount to infill development within the existing built area of the Small Village of Milton Lilbourne. I accept that in granting planning permission³ for a detached dwelling on land adjacent to Littleworth Lodge (to the north of the appeal site) under Policy HC24 of Kennet District Local Plan, that the Council will have treated that site as falling within the built up area of Milton Lilbourne. Nevertheless, I find that the Council has correctly applied Core Policy 2 in this case. Moreover, Policy HC24 no longer forms part of the development plan. Although the criteria is similar to that of Core Policy 2, it does not seek to resist an elongation of the village. In this regard, the proposal for two very large detached houses across the site would elongate Milton Lilbourne to the point of effective coalescence with Littleworth and in doing so would consolidate an existing sporadic loose knit area of development. Although I do not consider that the size of the dwellings would be materially out of character with the area, the proposal would not respect the existing form of the settlement. For these reasons, the proposal also fails to satisfy the criteria of Core Policy 2 for infill development.
15. Paragraph 55 of the Framework advises that, to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities and avoid new isolated homes unless there are special circumstances. From my site visit, it appeared that Littleworth offers no services or facilities. Milton Lilbourne appeared only to have a church, village hall and playing fields, thereby reflecting its Small Village designation within the Settlement Strategy. Moreover, the appeal site is separated from those facilities with little or no connecting footpaths and limited street lighting. In terms of public transport, the Council has explained that there is only one direct service a day operating to Pewsey, which provides the nearest shops and facilities. No evidence to the contrary has been provided by the appellant. I am not therefore convinced that the proposal would make any material contribution to the vitality of rural communities.
16. Taking account of all the above matters, I consider that the appeal site is poorly located in terms of its access to even basic services and facilities and occupiers of the proposed dwellings would in practice be very reliant on a

² Planning application ref: 16/01437/FUL

³ Planning application ref: K/51591/F

private car. Consequently, the proposal would not contribute to sustainable travel patterns. This would be contrary to WCS Policies 60 and 61 which seek, amongst other matters, to reduce the need to travel by private car and to encourage the use of sustainable transport alternatives.

17. Therefore, all though I acknowledge that the proposal would modestly increase housing supply, in overall terms the location of the proposed new housing development is inconsistent with social objectives of sustainable development, having regard to the advice at paragraph 7 of the Framework and Core Policies 1, 2, 48 and 60 of the WCS. As such, the proposal would not represent sustainable development and the presumption in favour of the same does not apply.

Other matters

18. I recognise that the site is not within a conservation area and that the Council considers that proposed dwellings are broadly in accordance with the standards of design expected under Core Policy 57 of the WCS in terms of materials, elevational treatment and fenestration. This is very specific and doesn't in my view imply compliance with other criteria of the policy, including that requiring development to relate positively to the existing pattern of development. In any case, the Council's position is clear in that it although it does not raise any individual design based objection, this does not overcome its objection to the development in principle.
19. The appeal site falls within the North Wessex Downs Area of Outstanding Natural Beauty but because the site is related to the built up area of Littleworth, the Council consider that the proposal would not have a significant impact upon its landscape character or scenic quality. I agree and do not find conflict with criteria ix of Core Policy 51 of the WCS in this regard. However, I recognise that the Council say that overall the proposal is judged to protect Wiltshire's landscape in accordance with the requirements of Core Policy 51 of the WCS. This is inconsistent with its findings relating to the criteria of Core Policy 2. Nevertheless, having regard to my findings on the latter, it follows that the proposal would be contrary to criteria ii and iii of Core Policy 51, which require development proposals to protect, conserve and where possible enhance the locally distinctive character of settlements and their landscape settings and the separate identity of settlements.
20. I recognise that the Council do not object on amenity, environmental or highway safety grounds, however, these are neutral matters in the planning balance which do not weigh in favour of the appeal proposal.

Conclusion

21. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR