
Appeal Decision

Site visit made on 27 February 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/Y3940/W/16/3160978

Wood Lane Nursery, Wood Lane, Braydon, Swindon, Wiltshire SN5 0AJ

- 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 Ian Smith against the decision of Wiltshire Council.
 - The application Ref 16/07095/OUT, dated 15 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the demolition of existing buildings and glass houses and the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is made in outline with all matters other than access and layout reserved for subsequent approval.

Main Issues

3. The main issues are:
 - i) whether the site is suitably located for new residential development having regard to the effect of the proposal on the character and appearance of the area, and whether occupiers of the new dwelling would have satisfactory access to services and facilities, and
 - ii) whether in the light of the Council being unable to demonstrate a 5 year supply of housing land, any harm would significantly and demonstrably outweigh the benefits of the proposal.

Reasons

Suitability of the site

4. The site lies outside of any designated development limit in the Wiltshire Core Strategy (CS). CS Policy 1 sets out the settlement strategy for the county, identifying settlements where most development will be directed. CS Policy 2 provides that outside of such limits, development will not be permitted other than in circumstances which do not apply here. The proposal would therefore conflict with these policies.
 5. However, the Council concedes that it cannot demonstrate a 5 year supply of deliverable housing land, together with an appropriate buffer. In such
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circumstances paragraph 49 of the National Planning Policy Framework (the Framework) says that relevant policies for the supply of housing should not be considered up-to-date. The CS policies for the supply of housing land must be considered as being out of date. I shall refer to this further below.

6. Turning to the character and appearance, the site lies in the midst of an irregular ribbon of mainly residential buildings strung along Wood Lane, for the most part on the same side of the road as the appeal site. Dwellings of a variety of sizes and designs are scattered along the lane, and in some cases interspersed with fields or trees. The proposal would harmfully intensify the scattered group, creating a more consolidated line of dwellings, which would dilute the semi-rural character of the area. This would conflict with the Framework which recognises the intrinsic character and beauty of the countryside as part of one of its core planning principles.
7. The site presently has a somewhat unkempt appearance. There are buildings, including a small brick buildings and a larger glasshouse, which are clearly associated with the nursery use of the site. There are also vehicles and other items kept on the land, and their connection with the authorised use of the site is less clear. However, the site benefits from tree screening, on the roadside frontage and on the eastern boundary where there is a small block of woodland. The buildings on the site are located on its eastern side where the screening is at its most effective, particularly when in leaf, whereas the proposed dwelling would lie directly opposite the access.
8. Layout is not a reserved matter, so the disposition of the house, garage and turning and parking areas is shown on the submitted plans. They would occupy much of the width of the site, and would be more open to view than the current buildings. The buildings would have a substantial visual presence, and together with enclosures and other domestic paraphernalia, would have an obvious residential character. This would contribute to the harmful visual impact, and would conflict with CS Policies 51 and 57, which respectively deal with landscape and high quality design and place shaping.
9. I understand that the site has been subject to a number of unauthorised uses since the horticultural use of the site went into decline. Whilst the residential development of the site would be likely to put an end to such unauthorised activity, it is not a good argument to justify granting planning permission. The Council has planning powers to deal with authorised uses or to require proper maintenance of land, and it has already indicated that the site has been subject to enforcement enquiry. To attribute substantial weight to the spectre of future unauthorised uses and the resultant poor appearance of the site or un-neighbourliness would be likely to encourage others to neglect or misuse their land in an attempt to gain planning permission in circumstances where it might otherwise be refused.
10. There are no services or facilities within ready walking or cycling distance of the appeal site, and there are no public transport services which can be reached on foot. Wood Lane is unlit and lacks footways, and this would discourage walking, especially during the dark or when wet. I therefore consider that the occupiers of the proposed dwelling would be heavily reliant on travel by private car, and that the proposal would not offer adequate accessibility to the services and facilities that they would require.

11. Whilst the site is not physically isolated, because there are buildings nearby and to the rear of the site, it is isolated from nearby centres where occupiers could find employment, meet their everyday needs and access entertainment, recreation and other services. I therefore consider that the proposal would be contrary to CS Policy 60, which deals with sustainable transport, and aims to reduce the need to travel particularly by private car, and to support and encourage the sustainable, safe and efficient movement of people and goods, and with CS Policy 61 which requires that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.
12. Paragraph 55 of the Framework indicates that new homes should be avoided in such locations except where there are special circumstances. The appellant accepts that the proposal does not fit any of the circumstances given as examples in paragraph 55, but rightly points out that such examples are not exhaustive. The appellant maintains that the site is not viable as a horticultural unit, but no evidence has been provided to that effect, nor has any marketing been done to show that there is no interest in the site. As I have explained above, the proposal would result in clear harm, and the circumstances put forward in favour of the development fall well short of amounting to the special circumstances of the type referred to in paragraph 55.

Other matters

13. I have taken into account the support offered by some local residents, and I readily understand their desire to see the end of unauthorised and unneighbourly activities on the site. However, this is not a case where the use of the site is a lawfully established "bad neighbour" use; the lawful use of the site is for agriculture and horticulture, which is entirely appropriate for the area, and for the reasons I have explained above, to grant permission for otherwise harmful development would not amount to good planning.

Planning balance

14. Paragraph 14 of the Framework says that in circumstances where 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 that development should be restricted.
15. The proposal would add a further dwelling to the county's housing stock. This would provide a social benefit, although that benefit would not be substantial, firstly because a single dwelling would make a very modest impact on the supply of housing, but secondly because the unrefuted evidence from the Council is that the extent of housing undersupply is very small and that it arises from the failure to make progress on the allocation of sufficient housing in the Chippenham urban area, rather than rural areas such as this.
16. There would also be some modest economic benefits flowing from the construction and occupation of the dwelling, through employment, purchase of materials, the payment of Council Tax and the New Homes Bonus. Cumulatively, these benefits are no more than modest, and in my judgement the harm that I have identified above fails to satisfy the environmental dimension of sustainable development, and demonstrably and significantly outweighs the benefits. I therefore find that, when looked at in the round, the

proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Conclusion

17. For the reasons given the proposal is unacceptable and the appeal should fail.

JP Roberts

INSPECTOR