



Appeal Decision

Site visit made on 25 July 2017

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 1 September 2017

Appeal Ref: APP/Y3940/W/17/3174456

Land opposite Glenmore Farm, (The Ham), Westbury, Wiltshire, BA13 4HQ

- 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 Mr Barrie Tugwell against the decision of Wiltshire Council.
 - The application Ref 17/00644/FUL, dated 22 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is to build a detached house and double garage with new vehicular access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, whether the proposed development accords with development plan Policies on the location of new development, and its effect on the character and appearance of the surrounding area; and **second**, the effect of the proposed development on highway safety.

Reasons

Accordance with development plan policies on the location of new development and effect on character and appearance of surrounding area

3. The appeal site lies just outside the settlement boundary for the market town of Westbury. Core Policy 1 of the Wiltshire Core Strategy (CS) (2015) sets out a settlement strategy for Wiltshire. In this strategy market towns such as Westbury are defined as settlements that have the ability currently to support sustainable patterns of living and which have the potential for significant development. CS Policy 2 says that within the defined limits of development for Westbury there is a presumption in favour of sustainable development. However, outside those limits, identified on the proposals map, new development will not be acceptable unless permitted by other CS Policies. The proposed development is not within the list of types of development permitted beyond settlement boundaries in the CS.
4. The proposal therefore conflicts with the settlement strategy for Wiltshire. The appellant says that numerous large-scale developments have taken place outside the defined boundary limits including a case allowed on appeal. However, no substantial evidence has been given on their planning background or how they relate to the appeal site. In the absence of such information

decisions on applications of a different scale and location to that before me have little bearing on my decision.

5. I now turn to the effect of the proposed development on the character and appearance of the surrounding area. The appeal site lies to the south-west of The Ham, a B class road, and to the north-east of Hawkeridge Road, a country lane. It comprises a fairly substantial parcel of land at the junction between these 2 roads. It is part of a much larger open paddock which is not currently in use.
6. A substantial ribbon of development on the same side of the road as the appeal site runs south-west from the site and Hawkeridge Road alongside The Ham. It is included in the settlement boundary. However, the appeal site relates much more to the surrounding open countryside beyond the settlement boundary especially as Hawkeridge Road provides a clearly defined edged to the built-up area. Thus the proposed development would, appear as a clear incursion into the surrounding countryside to the detriment of its open and attractive appearance. This would be so even with the proposed tree planting on the north eastern boundary of the site. Moreover, far from making the proposal more acceptable the degree of setback of the proposed house from the highway in this location would reinforce the difference between this development and that nearby within the settlement boundary.
7. I appreciate that within some of the open countryside to the north-west of the appeal site there is a 1930s style house at Glenmore Farm and surrounding agricultural type buildings. However, these are notably well set back from the highway and reasonably well screened from it. As such, and given the agricultural context of these buildings, they do not detract from the rural setting in a way that the proposed development would even though it has been designed to reflect the appearance of the house at Glenmore Farm. Rather more intrusive is some open caravan storage in the vicinity of these buildings. However, this area is not seen from the appeal site and does not justify the further intrusion of the proposed development.
8. Well removed to the west of Glenmore Farm is a substantial industrial estate. However, the lie of the land and extensive screening means that it is not readily seen from the appeal site and its rural surroundings. Its presence does not therefore justify the proposed development.
9. It is concluded that the proposed development would not accord with development plan Policies on the location of new development and would harm the character and appearance of the surrounding area. Thus it would conflict with Core Policies 1 and 2 of the CS which, whilst encouraging development in Westbury, seek to ensure that it is within the defined limits of development for the town. There would also be conflict with CS Policies CP51 and CP57 which seek to prevent harm to landscape character and require new development to complement the area.
10. In arriving at this conclusion I appreciate that the appeal site is only just beyond the settlement boundary and broadly speaking is as well located to facilities and services as nearby houses within the boundary. However, arguments that piecemeal development should therefore be permitted just beyond settlement boundaries would, if frequently accepted, be likely to lead to unsustainable patterns of development and further detriment to the character and appearance of the countryside.

Highway Safety

11. The proposed vehicular access to the site would be onto The Ham just to the north of the junction onto that road from Hawkeridge Road. The Council, with reference to the Design Manual for Roads and Bridges (DMRB), requires sightlines of 2.4m x 160m in both directions. This is because the speed limit directly in front of the access and to the north-east along The Ham is 50mph. However, immediately to the south-west of the proposed access the speed limit along The Ham drops to 30mph. Given this, and a sharp right angle bend on The Ham in the other direction from the proposed access I consider it highly unlikely that traffic will be passing the site entrance at anything like 50mph.
12. The visibility splays that would be achieved from the proposed access would be 300m in the south-west direction and 86m in a north-east direction. From what I saw, and given the 30mph speed limit in the immediate vicinity of the site and the sharp bend to the north-east, I am satisfied that this would provide adequate visibility. This would be so for cars exiting the appeal site and also those seeking to turn right into it. In arriving at this conclusion I am mindful that nearby accesses to Glenmore Farm and Hawkeridge Road onto The Ham fall far short of the standards the Council is seeking for the proposal before me and yet no evidence has been provided, by means of accident statistics, to show that these accesses are unacceptably dangerous.
13. It is concluded that the proposed development would not have a harmful effect on highway safety. There would be no conflict with the Framework insofar that it seeks to ensure safe and suitable accesses for sites.

Other matters

Matters raised for proposal

14. It is said by the appellant that the Council cannot show a 5 year supply of housing land. Were that so the Council's policies for the supply of housing would not be considered up-to-date and paragraph 14 of the National Planning Policy Framework (the Framework) would be engaged. In those circumstances there is a presumption in favour of granting permission unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. However, whilst the Council's initial view was that it did not have a 5-year housing land supply this was overtaken by the findings of the Inspector in appeal APP/Y3940/W/16/3150514. This lengthy inquiry closely looked at housing land supply matters and concluded that the Council could demonstrate in excess of a 5 year supply of housing land. I have no reason to come to a different view and the appellant has supplied no contrary evidence.
15. It is said that the proposed development would provide accommodation for the appellant who is a local resident of many years standing. However, whilst I can understand the appellant's wish to live locally planning permission would run with the land and there would be no guarantee that he would continue to be the occupant. Thus little weight can be attached to this consideration. It is also said that the appellant would build the house himself and that the property would therefore be self-build. The Government has encouraged self-build housing by producing the Self-Build and Custom Housebuilding Act 2015. However, the appellant has provided no means by which it would be guaranteed that the house would in fact be self-build. Moreover, whilst such

provision is supported it should not outweigh other planning considerations such as the harm identified in this case. Assertions that there is a considerable lack of land available to self- build in the District are not supported by substantial evidence.

16. The Government encourages bringing vacant and underused land back into beneficial use. However, although the site is currently vacant I see no reason why, given the use of the surrounding rural land, that the site need remain vacant.

Third-party concerns beyond those raised by the Council

17. There is no substantial evidence to support local assertions that the appeal site floods and that the proposed development would be harmful to wildlife. Nothing that I saw supported these concerns. I note concerns that Westbury is overdeveloped and has too much housing. However, it is the Council's Policy to support development in Westbury, albeit within the development boundary.

Planning balance and conclusion

18. I have found no harm on the second issue or on the concerns of third parties where they differ from those raised by the Council. Moreover, for the reasons given above I attach little weight to the matters in support raised by the appellant. However, I have found substantial harm on the first issue and it is this that I find decisive. Seen in the round the proposal would be contrary to the development plan when read as a whole.
19. The proposed development would clearly be of some economic and social benefit. However, that is outweighed by the environmental harm identified in the first issue and thus seen in the round the proposal would not be sustainable development in the terms of the Framework.
20. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR