
Appeal Decision

Site visit made on 9 January 2018

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 24 January 2018

Appeal Ref: APP/Y3940/W/17/3181550

Land at London Lane, Minety SN16 9QY

- 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 & Mrs Park against the decision of Wiltshire Council.
 - The application Ref 17/00752/OUT, dated 27 March 2017, was refused by notice dated 5 June 2017.
 - The development proposed is erection of up to two dwellings and associated parking, gardens and other infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is for outline planning permission, with approval sought at this stage for access only. I have determined the proposal on this basis, with layout, appearance, scale and landscaping being matters reserved for future consideration.

Main Issues

3. Since issuing its decision, the Council has confirmed that it no longer wishes to pursue the third reason for refusal and that the submitted Reptile Survey Report and Method Statement satisfies concerns in relation to protected species. Accordingly, I consider the main issues in this appeal to be: the effect of the proposed development on the character and appearance of the area; the effect on highway safety; and whether or not the site would be in a suitable location, having regard to its proximity to a range of services and facilities.

Reasons

Character and appearance

4. The appeal site is situated along London Lane, a narrow unmade route on the south eastern outskirts of the village of Minety, classified as a 'Small Village' for the purposes of the Council's settlement hierarchy. Minety no longer has any defined settlement limits, and Core Policy 2 of the Wiltshire Core Strategy, 2015 (the CS) sets out that at 'Small Villages' development will be limited to infill within the existing built area; and that in order to ensure the character and form of built settlements is protected, and new development does not elongate the village, or consolidate an existing sporadic loose-knit areas of development related to the settlement.

5. Core Policy 48 of the CS seeks to support rural communities outside the existing built areas of Small Villages, with the objective of, amongst other things, protecting the countryside and maintaining its local distinctiveness. Saved Policy H4 seeks to restrict new dwellings in the open countryside, which are permitted in certain circumstances. Mindful that no proposals map has been provided, it is not being argued that the appeal proposal would meet any of the criteria of this policy.
6. The built area of Minety is most readily defined by the streets' regular built frontage, along which typical village amenities and facilities are concentrated. Although the appeal site is not expressly isolated, development along London Lane is characterised by a more low-key informality and spacing, with dwellings occupying increasingly large plots. As development along London Lane becomes more sporadic towards the south and east, it gradually dissipates to the surrounding rural context.
7. The appeal site is a flat, rectangular parcel of land on the east side of London Lane, characteristically open and lain to rough grass. While there is a scattering of development in the vicinity, and six houses have been recently approved at the Vale of the White Horse site, the green, undeveloped nature of the plot, and the pond and fields beyond it, mean it does not have the characteristics of an infill site. Rather, notwithstanding its relative proximity to the built area of the village and other houses along London Lane, there is a strong connection between the appeal site and the surrounding open countryside.
8. The outline proposal to introduce two detached dwellings onto the appeal site would fundamentally erode its open and verdant characteristics. There has been a reduction in the proposed number of units from four to two, and the indicative layout shows a generous provision of garden space. Nevertheless, the effect of the proposal would be to consolidate built development along London Lane causing the sporadic line of dwellings to encroach from the built area of the settlement into the countryside. Moreover, the provision of a 4.5m wide access road would be out of character with the informal arrangement that typifies London Lane and would further consolidate the urbanising impact of the proposal to the detriment of the character and appearance of the area.
9. While new development in Small Villages is not expressly precluded, in this case the proposal would harmfully consolidate built form along London Lane, eroding what is an important transitional area between the urban edge of the village and the open countryside. The proposal would therefore cause harm to the character and appearance of the area. Conflict would arise with Core Policy 2, insofar as it seeks to ensure new development respects the existing character and form of the settlement, and does not consolidate an existing sporadic loose knit areas of development related to the settlement. The proposal would also fail to accord with Core Policies 48 and 57 of the CS, insofar as they seek to protect the countryside and maintain its local distinctiveness, and require new development takes account of the characteristics of the site and local context. The proposal would also run contrary to the core planning principles and policies within the National Planning Policy Framework (the Framework), namely those that seek to take account of the character of different areas.

Highway Safety

10. Station Road is part of the B4040, and a key route through the village of Minety, with a 30mph speed restriction, carrying traffic between Malmesbury and Cricklade. At the time of my site visit, late morning on a weekday, there was a regular flow of traffic in both directions. There is a high hedgerow defining the Station Road-side boundary of Number 2 London Lane, planted off a shallow grassed verge. This hedge, though tall, was not overgrown and appeared well cut back. The combination of the hedgerow and the curve in Station Road severely limited visibility looking towards the east on exiting London Lane, requiring vehicles to 'nose out' onto the highway. It follows that it would be equally difficult for drivers to see cars exiting London Lane.
11. Notwithstanding that London Lane serves a handful of properties, and that there may be no recent personal injury accident data, to my mind, the existing access presents a risk to highway safety as a result of poor visibility. Even with just two additional dwellings, the Transport Statement forecasts 10 daily trip rates, a material and not insignificant increase in the number of vehicles exiting London Lane onto Station Road.
12. The appellant contends that the high hedge is in ownership of the Highway Authority and that an improved visibility splay at the junction with the B4040 could be achieved, subject to necessary agreements. However, it is currently unclear whether this is in fact the case, whether the hedge would require wholesale removal, and whether the visibility would be adequate even if this could be achieved. This casts doubt over whether the provision set out at paragraph 3.2.2 of the submitted Unilateral Undertaking, which contains no third-party signature, could be achieved or enforced.
13. As it stands, therefore, and given the site-specific circumstances, I consider that the proposal would fail to achieve a suitable connection to the highway that would be safe for all road users, and that the residual cumulative impact of the proposal on highway safety would be severe. The proposal would therefore conflict with Core Policy 60 and 61 of the CS insofar as they encourage safe transport and require it to be demonstrated that a proposal is capable of being served by safe access to the highway network. There would also be conflict with paragraph 32 of the Framework, which requires safe and suitable access be achieved for all people.

Location

14. Core Policies 60 and 61 of the CS seek to reduce the need to travel by private car, including by planning developments in accessible locations, or where communities can access their needs without always needing a car. Core Policy 2 of the CS also seeks to deliver a 'sustainable pattern of development' and supports development at Small Villages which seek to meet the housing needs of settlements, or provide employment, services and facilities.
15. I have been provided with little evidence as to how these local services and facilities, or those larger nearby settlements, might benefit from the appeal scheme. That said, I cannot agree with the Council's interpretation that, in locational terms, the appeal proposal is expressly 'remote' from services. Nor do I consider that the location is 'isolated' in respect of paragraph 55 of the Framework. Rather, Minety does have a two bus services and various local facilities including a primary school, church, sports pavilion and public houses located within easy walking distance of the appeal site.

16. Future occupiers of the proposed development would inevitably opt to travel regularly by private vehicle in order to access a broader range of services, facilities and employment opportunities than those in Minety itself. However, given the range of basic provision within the village itself, I consider that future occupiers would have an opportunity to access at least some of their day-to-day needs without always relying on a car. For the purposes of Core Policies 2, 60, 6, I therefore do not find any conflict with regards to the location of the development. My finding on this matter, however, does not alter or overcome the harm found in relation to the character and appearance of the area or highway safety.

Planning balance

17. Even though the Council can currently demonstrate a 5-year supply of housing land, there is no maximum level. The proposal would provide two open-market dwellings, which would make a beneficial contribution to the supply of housing. Notwithstanding the lack of limited local services and facilities in Minety, what local provisions there are could be enhanced or maintained through the delivery of two additional homes in the village. The proposal would therefore make a modest social and economic contribution to maintaining the vitality of the rural community, which counts in its favour. There would also be some additional economic benefit in employment during construction, which could be undertaken by mid-scale local builders.
18. The lack of any formal objection from the landscape officer, Parish Council, or nearby public house, or to the principle of developing the site itself, does not justify or mitigate the impact of the proposal. Nor does the absence of harm in respect of neighbours' living conditions, or the potential provision of surfacing improvements to London Lane.
19. On the other hand, I have found that the proposal would result in serious environmental harms in respect of the character and appearance of the area and highway safety. In weighing up these matters, I find that the overall benefits would not outweigh the totality of the adverse impacts and the proposal would not achieve 'sustainable development' for the purposes of the Framework.

Other matters

20. My attention has been drawn to the development of six dwellings, recently permitted at the Vale of the White Horse Public House site. I do not have the full details of the circumstances that led to this permission, though I note it is materially different in terms of the number of units and the provision of affordable housing. I therefore do not consider that this permitted scheme, which has not yet been implemented, provides a useful parallel. Nor is the apparent lack of planning permissions for new development in the village justification for the appeal proposal, which I have considered on its own merits.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR