
Appeal Decision

Site visit made on 9 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/Y3940/W/19/3238851

Lower Road, Homington, Salisbury (Grid Ref: Easting 412347, Northing 126001)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Robert Bradley against the decision of Wiltshire Council.
 - The application Ref 19/02406/PIP, dated 8 March 2019, was refused by notice dated 10 April 2019.
 - The development proposed is residential development of one dwelling.
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Decision

1. The appeal is dismissed.

Background

2. The appeal proposal is for a Permission in Principle. In accordance with the Planning Practice Guidance (the Guidance) and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order), this is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage).
3. Paragraph 012 of the Guidance states that the scope of permission in principle is limited to location, land-use and the amount of development and that other matters should be considered at the technical details consent stage¹. It confirms that local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.
4. The Guidance also confirms that, following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed, and that other statutory requirements may apply at this stage, such as those relating to protected species or listed buildings².
5. For the avoidance of doubt, the appeal proposal is at the first stage. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling on the appeal site. I have determined the appeal

¹ Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

² Paragraph: 003 Reference ID: 58-003-20190615 Revision date: 15 06 2018

on that basis, having regard to the requirements of the above referenced Order and the Guidance.

Main Issue

6. Having regard to the aforementioned advice in the Guidance, and notwithstanding the Council's second and third refusal reasons, in my mind, the main issue is whether the principle of the appeal proposal is acceptable, having regard to whether the proposed development would provide a suitable location for housing, taking into consideration local and national policy regarding the accessibility of services and facilities and the character and appearance of the area.

Reasons

7. The appeal site comprises an undeveloped, roughly rectangular-shaped, grassed area, located between Homington Road and Lower Road in the village of Homington. There are protected trees around the site boundaries and a mature hedge, in an elevated position above the roadside verge, defines the Lower Road site frontage. There is no existing vehicular access to the site. To the west of the site, is an undeveloped field, which separates the site from the Grade II* listed Church of St Mary the Virgin. To the east is a treed area of land. This separates the site from the three-way road junction of Lower Road, Homington Road and Barbers Lane, which comprises a central vehicular access point to the village, and wraps around a grassed 'island' seating area.
8. To the north of the appeal site are listed residential properties on the opposite side of Lower Road. To the south is open countryside, comprising fields on rising land. The site lies within the Homington Conservation Area (HCA), and, both the village and surrounding countryside are within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the CCWWDAONB).
9. The Council's strategy with respect to the location of new development is set out in Policies CP1, CP2 and CP23 of the Wiltshire Core Strategy 2015 (WCS). Policy CP1 identifies four tiers of settlements within which sustainable development will take place, comprising Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. Policy CP2 confirms that within the defined limits of development there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Policy also allows for infill development within the existing built area of Small Villages, where it seeks to meet housing needs of settlements, subject to meeting certain criteria in respect of its location and impact on the character and form of the settlement.
10. These policies are broadly consistent with the National Planning Policy Framework (the Framework) aims of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality or rural communities.
11. Policy CP23 sets out the spatial strategy for the Southern Wiltshire Community Area and identifies the Local Service Centres, Large Villages and Small Villages within this area. It confirms that Coombe Bissett, which lies approximately 1 km to the west of Homington, is a Large Village, and that Homington is not listed as one of the Small Villages. This is confirmed in WCS 'Appendix F: List of

- settlement boundaries removed' where Homington is listed within the settlements not identified in the settlement hierarchy that formerly had a boundary.
12. The Council has provided an in-depth assessment to support its assertion that the proposal does not constitute infill development in accordance with the criteria within Policy CP2, on the basis of Homington being considered to be a 'Small Village'. In this respect, I find that the Council has wrongly applied Policy CP2, since Homington is not listed as a Small Village.
 13. Accordingly, in planning policy terms, the site is located within the countryside. Policy CP2 confirms that development will not be permitted outside the defined limits of development, other than in the circumstances identified in Paragraph 4.25 of the WCS, and that the limits for development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.
 14. The appellant has not put forward any evidence that the proposed dwelling satisfies the special justifications set out in WCS Paragraph 4.25, which include rural exception sites and dwellings required to meet the employment needs of rural areas. Neither party has drawn my attention to any proposed settlement boundary changes in respect of Homington within emerging development plan policies.
 15. The appellant asserts that, although not within the Council's defined settlement boundary or a 'Small Village', the appeal site lies within a built-up area and within the identified settlement of Homington, and as such it is not within open countryside. The appellant refers to the Braintree caselaw³ in support of the argument that the site is not in an 'isolated' countryside location and refers to Paragraph 78 of the Framework, which gives support to new rural housing where it will enhance or maintain the vitality of rural communities and support local services, including services in a nearby village.
 16. The Braintree caselaw concluded that the definition of 'settlement' within the context of paragraph 79 of the Framework is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker. Whilst in close physical proximity to the existing built-up residential part of the village, the appeal site location is not well-related to services, facilities and employment opportunities. Whilst there is a church in Homington, the nearest local facilities and services are located in the designated 'Large Village' of Coombe Bissett, which lies approximately 1 km west of Homington.
 17. Following my site inspection, I find that the occupants of Homington would realistically expect to travel by private car to access day-to-day facilities and services, given the lack of such facilities within the village. The distance to closest elementary facilities in Coombe Bissett, and the nature of the route to them via Homington Road, which is lacking in footpaths and street lighting and has a national speed limit, is not conducive to easy accessibility by means of walking or cycling. Although there are bus stops on Barber's Lane close to the appeal site, serving Coombe Bissett, Salisbury and Shaftesbury, the appellant has confirmed that the services are approximately every 1.5 hours and do not

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

include Sundays. As such, I consider that future occupiers of the proposed dwelling, which could potentially include the elderly, children and those with mobility issues, would be heavily reliant on the use of the private motor vehicle to gain access to the most basic of services. I am therefore not persuaded by the appellant's arguments in respect of the accessibility of the appeal site and the impact the proposal would have on the vitality of the rural community.

18. The appellant asserts that visually and spatially, the proposal would respect the character and appearance of the area, having regard to the amount of visual containment due to mature landscaping, and the central location of the site amongst a cluster of residential development which forms the overall linear arrangement of built form from west to east.
19. During my site inspection, I found that the appeal site, together with land to the east and west, comprises a visually prominent, undeveloped and soft landscaped area adjacent to the road intersection. Whilst not formally designated as open space, it makes a positive contribution to the middle of the village and provides a clear break between the more densely built-up residential areas to the west and east, and between the built development to the north and the open countryside to the south. This green area is centrally located within the village, and encompasses the feature green 'island' at the main road intersection of the village. Accordingly, it acts as a verdant focal point and significantly enhances this part of the village. The proposal would introduce sporadic built development into this landscaped gap, leading to its harmful erosion, by virtue of the built form of the dwelling and its associated access and parking and the domestic paraphernalia associated with the occupation of the property.
20. The appellant has drawn my attention to a number of approved residential developments in Homington Road and Barber's Lane, which, it is asserted, indicates previous support for limited residential infill development within the built-up area of the village and a form of development that was in principle in accordance with local character and appearance. The appellant contends that the appeal scheme would replicate and consolidate the overall pattern of development that is an intrinsic part of Homington. However, I find that none of these cases are similar to the appeal proposal in respect of the site circumstances and location. Amongst other things, they are situated within the western and eastern, more densely developed parts of the village. Also, they are not recent developments and were determined within the context of previous development plan policies. In any case, I must consider the appeal scheme on its individual planning merits and within the context of the appeal proposal in relation to the immediate site surroundings. The historic residential infill developments referred to by the appellant do not alter my findings on the main issue.
21. For the above reasons, I conclude, within the scope of the matters that can be considered under an application for Permission in Principle according to the Guidance, that the proposed development would not provide a suitable location for housing, having regard to local and national policy regarding the accessibility of services and facilities and the character and appearance of the area. The proposal would therefore be contrary to Policies CP1, CP2, CP23 and CP48 of the Wiltshire Core Strategy. These policies, amongst other things, set out the Council's approach in relation to the settlement hierarchy, to ensure that new developments are situated in sustainable locations and represent a

sustainable pattern of development, as well as seeking to ensure that new homes in the countryside are only permitted if there is special justification in order to protect the countryside's intrinsic character. These policies are consistent with the sustainable development and housing aims of the Framework.

Other matters

22. The appellant asserts that the Council is unable to demonstrate a five-year supply of deliverable housing sites in respect of the South Wiltshire Housing Market Area (HMA). This is not disputed by the Council.
23. Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets and AONBs, provides a clear reason for refusing the development proposed, or the 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 specific policies in the Framework indicate that development should be restricted.
24. Notwithstanding that the site lies within the HCA and CCWDAONB and is within the setting of several listed buildings, I have applied the 'tilted balance' having regard to the scope of matters to be considered under this Permission in Principle application. The proposed additional dwelling would make a small contribution to the supply of housing, having regard to Paragraph 59 of the Framework which refers to boosting significantly the supply of homes. There would also be economic benefits from the construction and occupation of the new house. Whilst these matters weigh in favour of the proposal, when assessed against the policies in the Framework taken as a whole, the harm I have identified in respect of the main issue would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.
25. I acknowledge that other concerns have been raised in the Council's refusal reasons and Officer Report, and by other interested parties, with respect to matters including: impacts on the designated assets of the HCA, Grade II* listed Church of St Mary the Virgin and other nearby listed buildings; archaeological impacts; and effect on protected trees. I also recognise that the appellant has sought to address a number of these matters in the Statement of Case, including the submission of a Heritage Statement, Archaeological Assessment and Tree Survey. However, since I have found the proposal to be unacceptable in respect of the main issue for the aforementioned reasons, it is not necessary for me to consider these matters further.
26. Whilst I am conscious of the statutory duties placed upon the decision-maker in respect of the consideration of the impacts on heritage assets, it is clear from the Guidance, that detailed consideration of these matters occurs at the second, technical details, stage, not at the first, permission in principle stage.

Conclusion

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

S Leonard

INSPECTOR