
Appeal Decision

Site visit made on 18 August 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2020

Appeal Ref: APP/U3935/W/20/3252950

Eden Field, Kingsdown Lane, Blunsdon SN25 5DL

- 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 Ms C Sturgess against the decision of Swindon Borough Council.
 - The application Ref S/19/1490/RACH, dated 7 October 2019, was refused by notice dated 25 November 2019.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is in an appropriate location with regard to the development strategy for the area.

Reasons

3. The appeal site is located on land associated with Eden Field to the rear of an existing dwelling and adjacent to a waste transfer commercial operation. Access is gained from Kingsdown Lane, which comprises a series of detached dwellings which front the highway. Policy SD2 of the Swindon Borough Local Plan 2015 (SBLP) establishes the development strategy for the area. It also identifies a number of allocated strategic sites required to deliver sustainable growth over the plan period. Policy NC5 of the SBLP provides further detail on the allocated strategic site at Kingsdown, which is for mixed use development and includes the appeal site within its boundary. Pursuant to Policy NC5 of the SBLP, an outline planning application (S/OUT/17/1821) has been submitted to the Council and is currently being determined. Any subsequent outline planning permission granted, and any future reserved matters submission(s) therein, would be subject to design codes and/or framework plans. This would be in order to secure the comprehensive and coherent development of the site, pursuant to Policy SD3 of the SBLP.
4. The proposal would deliver a single dwelling within the allocated strategic site. Given that the outline planning application is yet to be determined, and reserved matters submission(s) are also yet to be forthcoming, there are no established design codes or framework plans with which to guide the comprehensive and coherent development of the allocation pursuant to Policy SD3 of the SBLP.

5. Although the principle of individual development within the allocated strategic site is acknowledged, the proposal is premature insofar as it cannot ensure coherence with the wider development of the site because the details are not yet sufficiently known. Consequently, the proposal would appear as piecemeal development that would be harmful to the full and proper realisation of the wider site. Similar conclusions were drawn by another Inspector when dealing with an appeal¹ on comparable grounds at a site nearby, where it was deemed that a single dwelling would not be coordinated, planned and managed as part of the wider allocated strategic site in general. The appellant contends that the Inspector was more focussed in his assessment, relating to infrastructure delivery under Policy SD1 of the SBLP, but as I have reasoned the Inspector was comprehensive in his assessment and this is self-evident when reviewing the decision.
6. The appellant questions whether the appeal site is within the outline planning application boundary, supplying a plan which suggests it is outside of it. Notwithstanding, the Council's evidence confirms that revised proposals from the developer will ensure the outline planning application boundary is consistent with the allocated strategic site boundary. The appellant also contends whether it is reasonable to delay other proposals until the outline planning application is determined. In my view, the determination timescales to date are not unusual for a development of this scale, and even if they were it is not reasonable to prejudice the full and proper realisation of the allocated strategic site on the basis of timescales alone. The outline planning application represents a tangible moment in time whereby there is a prospect of the site coming forward for development and this should be appropriately considered. Consequently, my findings on the proposal's conflict with the development strategy remain.
7. It is not contended that the proposal would otherwise fail to accord with the prevailing character and appearance of the area, or that it would fail to preserve the living conditions of neighbouring occupiers. However, this does not overcome the fact that the proposal would be premature and that its design should be predicated on the emerging context of the allocated strategic site – which is not yet known. Indeed, the allocated strategic site will need to account for existing development within its boundaries, but this does not absolve the proposal from needing to accord with any forthcoming design codes and/or frameworks.
8. Therefore, I conclude that the proposal represents piecemeal development that would not align with the comprehensive or coherent delivery of the allocated strategic site. Consequently, it is not in an appropriate location with regard to the development strategy for the area. The proposal would be contrary to Policies SD1, SD2, SD3 and NC5 of the SBLP, which apply these principles.

Other Matters

9. The Council acknowledge that the area does not have a sufficient housing land supply to meet demand, and this is something evidenced by the appellant in an appeal decision. It is accepted that the proposal would help address the shortfall and deliver associated benefits comprising a contribution to housing land supply.

¹ APP/U3935/W/17/3188926

10. The appellant refers to a number of sites that they contend have been granted planning permission on the basis of their contribution to housing land supply in the context current undersupply. However, they lie outside the allocated strategic site boundary and are therefore not comparable to the proposal.
11. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the most important policies for determining the application are out of date (including where local planning authorities cannot demonstrate a 5 year supply of deliverable housing sites), 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. The Council has confirmed that it is unable to demonstrate a 5 year supply of deliverable housing sites and Paragraph 11 of the Framework is therefore engaged.
12. The benefits associated with the development of a single dwelling are very limited by scale, whether in the context of housing land supply contributions or other socio-economic factors, as the case may be. The strategic site can deliver a substantial amount of housing by comparison and disrupting this delivery would generate significant adverse effects. Consequently, the adverse effects of the development significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. Correspondingly, there are no material considerations that suggest a decision should not be taken in accordance with the development plan, with which the proposal is in conflict.
13. The absence of objection from the allocated strategic site developer in and of itself is not indicative of the proposal's acceptability, which has been assessed based on the evidence submitted and in accordance with the development plan and other material planning considerations.

Conclusion

14. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR